NATURAL RESOURCES BOARD

MINUTES

The regular meeting of the Natural Resources Board was held on Wednesday, October 26, 2005 at Treehaven, W2540 Pickerel Creek Ave., Tomahawk Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-7. The meeting adjourned at 4:15 p.m.

Wednesday, October 26, 2005
ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

Gerald O'Brien	Steve Willett
Herb Behnke	Dan Poulson
Jonathan Ela	Christine Thomas
John Welter	

All members were present.

1.B. Approval of minutes from September 28, 2005

Mr. Behnke MOVED, seconded by Mr. Ela approval of the minutes from September 28, 2005. The motion passed unanimously by all members.

1.C. Approval of agenda for October 26, 2005
Secretary Hassett requested that Item 8.A.1. be moved to lunchtime open session.

Mr. Ela MOVED, seconded by Mr. Poulson approval of the agenda as amended for October 26, 2005. The motion carried unanimously by all members.

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

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

3. Action Items

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

3.A.1. Adoption of Board Order LE-24-05, revisions to NR 64, pertaining to ATV Trail Pass and registration policy.
Karl Brooks, Deputy Chief Warden, Bureau of Law Enforcement stated that the 2003 Act 251 created a new law that requires all out of state ATVs (not registered in Wisconsin) to display a nonresident trail pass. The new law is listed under s. 23.33 (2j) Wis. Stats.
Prior to operating an ATV in Wisconsin, current law requires all ATVs to be registered in Wisconsin unless exempted.
Some states do not register ATVs (specifically Illinois and Michigan.) This places a burden on those nonresidents. Unaware, riders arrive in Wisconsin and are faced with the WI registration requirement and are unable to immediately rectify the problem. This rule, proposing a registration exception, is necessary because the 2003 Wisconsin Act 251 mandating the display of a nonresident trail pass did not address nonresident concerns whose home state did not have an ATV registration program. As well, the legislation did not specify on which part of the ATV the trail pass should be prominently displayed. This rule proposes the nonresident trail pass to be permanently affixed to the forward half of the machine in a manner that is visible at all times.

Mr. Behnke MOVED, seconded by Mr. Welter adoption of Board Order LE-24-05, revisions to NR 64, pertaining to ATV Trail Pass and registration policy. The motion carried unanimously by all members.

3.A.2. Adoption of Board Order LE-25-05, revisions to NR 64, pertaining to ATV noise measuring procedures
Officer Brooks stated that 2003 Act 251 created a new law regarding ATV noise emissions. The new law, 23.33 (6m) prohibits a person or manufacturer from selling, renting or operating an ATV if the noise level from the ATV exceeds 96 decibels on the A scale in a manner prescribed under rules promulgated by the department.

Pursuant to the legislation, the Department proposed a rule that uses an existing noise-measuring standard (SAE J1287) that is approved by the Society of Automotive Engineers. This standard is consistently used by governing agencies that regulate noise laws.

Dr. Thomas noted that there was a request from a member of the public that there be a noise exemption for racing circumstances, and asked for clarification about the exemption for racing being outside the scope of this rule.
Officer Brooks stated that the exemption request was for racing ATVs. It was outside the scope of the order for this rule so it was not considered. The Department doesn't have statutory authority to exempt racers.
Mr. Behnke asked for the specifics of the between the noise level of a snowmobile versus ATVs.
Officer Brooks stated that the noise level is different because the test is different, but the noise level that one would hear is approximately the same. The snowmobile test is from a distance of 157.5" away from the machine and a decibel level of 86. The ATV test is 20" away with a decibel level of 96.
Dr. Thomas asked why the Board could not offer an amendment to exempt racing.
Officer Brooks stated he doesn't know the basis for the Department's legal opinion, perhaps that the statute is narrowly written and it would be voiding the statute if we were to grant exemptions. He stated he would look into that again.
Mr. Behnke asked if we could defer the rule and send it out to public hearing with this proposed amendment.
Officer Brooks stated he would find the answer to the question and come back to the Board.
Mr. Ela asked what the argument is for exempting racing.
Officer Brooks stated that the racing ATVs may have more horsepower with a different exhaust. However, the social issue of noise may outweigh that.
Dr. Thomas withdrew her concern about the exemption.

Mr. Ela MOVED, seconded by Mr. Welter adoption of Board Order LE-25-05, revisions to NR 64, pertaining to ATV noise measuring procedures.

Mr. Willett asked for Officer Brook to still follow up on the racing issue.
Officer Brooks stated that states that do not have a decibel limit are usually self-regulated by the racing clubs at 99 decibels and may lower it to 96 decibels.

The motion carried unanimously by all members.

3.A.3. Request authorization for public hearing on Board Order WT-44-05, revisions to NR 102 pertaining to Outstanding and Exceptional Resource Waters designation petition.
Russ Rasmussen, Director, Watershed Management Bureau stated that Outstanding and Exceptional Resource Waters (O/ERW) are listed in s. NR 102.10 and NR 102.11, respectively, and are waters which are characterized as being valuable or unique from various standpoints including fisheries, hydrology, geology, and recreation. The initial listing of O/ERW segments was established in 1988, and updates to the list were made in 1989, 1993, and 1998.
This revision to Outstanding and Exceptional Resource Waters listed in NR 102.10 and NR 102.11 was prompted by August 2004 petition received by the Department from various conservation organizations. The petition requested that the Department designate 100 water segments as Outstanding or Exceptional. Department staff have evaluated available information pertaining to the segments in question, and recommend that 30 segments be added to the existing list of Outstanding Resource Waters in NR 102.10, and 12 segments be added as Exceptional Resource Waters in NR 102.11. The proposed changes to the list of O/ERWs addresses the request of the petitioners. Various groups may be affected by the proposed revisions. Conservation groups believe that water quality will be more appropriately protected in O/ERW waters and that there will be a positive impact on the tourism economy. In response to Act 118, developers and shoreland property owners may be required to submit applications for permits to engage in activities where they occur in the area of an O/ERW. Further, Act 310 identifies O/ERWs as "Groundwater Protection Areas" which may include additional restrictions for those seeking approval to install high capacity wells.
Mr. Welter asked if the recommendations are based solely on DNR data. Would you accept data from other resources such as academic resources?
Mr. Rasmussen stated that he would accept it from academic sources, it's just not available or we couldn't find it.
Mr. Behnke asked about including all trout streams as ORW and ERW and why they are not included.
He also asked about the Wolf River as not being an ORW on the reservation. Why is that segment not included?
Bob Masnado, Water Quality Standards Section Chief, Watershed Management Bureau stated that many communities would not be able to grow because the ORW standards, therefore those streams were given the ERW designation instead.
Mr. Willett asked if the Department is going to contact the municipalities individually about these changes.

Mr. Rasmussen stated yes once the Board approves the hearings.
Mr. Poulson asked about the deep wells and do municipalities have to conform to the same standards as irrigation wells.
Mr. Rasmussen stated that he thinks they do.

Mr. Behnke MOVED, seconded by Mr. Willett approval of Request authorization for public hearing on Board Order WT-44-05, revisions to NR 102 pertaining to Outstanding and Exceptional Resource Waters designation petition.

Mr. Welter asked if all the reasons for non-inclusion will be spelled out at the public hearing and requested that the Department make sure that information is available to the public.

The motion carried unanimously by all members.

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

3.B.1. Adoption of Board Order FH-23-05, revisions to NR 24 pertaining to closure of commercial clam shelling season in the Mississippi River

Ron Benjamin, Regional Fisheries Team Leader, West Central Region stated that the Department requests adoption of Order FH-23-05, closure of the commercial clam shelling season on the Mississippi River. Wisconsin's commercially harvestable native freshwater mussel stocks are in significant decline, especially in waters infested with zebra mussels. Surveys done since 1998 in river reaches where mussels were historically harvested have demonstrated extreme reductions in population densities and near absence of recruitment. These recent stock reductions compound reductions documented since 1980 from commercial over-harvest and mussel kills. Commercial demand has weakened since 1997, and the few commercial harvesters who have been active have been unable to find a market and subsequently could not sell their take. Although demand has weakened, resumption of commercial harvest will accelerate ongoing stock declines. During 2004, Minnesota closed its commercial mussel harvest season. It is expected that Iowa would close its commercial mussel harvest season in response to a Wisconsin closure. Illinois has an open season for commercial clamming on the Mississippi River (excluding washboard mussels), but there has been no commercial shelling activity in Illinois waters of the Mississippi River in the past five years.

Mr. Willett MOVED, seconded by Mr. Behnke adoption of Board Order FH-23-05, revisions to NR 24 pertaining to closure of commercial clam shelling season in the Mississippi River. The motion carried unanimously by all members.

3.B.2. Adoption of Board Order ER-26-05, revisions to NR 58, establishing the Landowner Incentive Program.

Jenny Bardeen, Landowner Incentive Program Specialist, Endangered Resources Bureau stated The Natural Resources Board authorized the Department to hold a public hearing for the proposed revisions to the Endangered Resources Small Grants Program administrative rule, ch. NR 58, Wis. Adm. Code, on June 22. Through the revisions, the Department proposes to establish the Landowner Incentive Grant Program. This program will provide technical and financial assistance to private landowners with federally listed, state listed, or other at-risk species and rare or declining natural communities on their land. It is funded through a grant from the U.S. Fish and Wildlife Service and will directly benefit private landowners by providing them with a new opportunity to manage natural communities on their land.
The revisions include renaming ch. NR 58, Wis. Adm. Code, as "Endangered Resources Grant Programs" to encompass the Landowner Incentive Program and the Endangered Resources Small Grants Program. Three subchapters will also be created to include: General Provisions, Endangered Resources Small Grants Program and Landowner Incentive Program.
The public hearing to establish the Landowner Incentive Program with these revisions was held on August 23 at the DNR's South Central Region Headquarters in Fitchburg. The Department analyzed the comments made at the hearing and during the public comment period and changed the rule accordingly. The Department is requesting adoption of the Endangered Resources Grant Programs, ER-26-05.
Mr. Willett asked if there needed to be an endangered species already present on the property to qualify for the program.
Ms. Bardeen stated that a species would have to be within ½ mile of the property.
Mr. Poulson asked how the money is given to the landowners and what is the time commitment to the program.
Ms. Bardeen stated that it is a reimbursement program and there is a 10 year minimum commitment to the program.

Mr. Willett MOVED, seconded by Mr. Poulson adoption of Board Order ER-26-05, revisions to NR 58, establishing the Landowner Incentive Program. The motion carried unanimously by all members.

3.B.3. Adoption of Emergency Order FR-43-05(E) and request authorization for public hearing of FR-42-05, revisions to NR 47.92 pertaining to Logging Certification Scholarships.

Jeff Barkley, County Forest Specialist, Forest Management Bureau stated that the 2005 Wis. Act 25 (05-07 budget) directed the DNR to promulgate rules that establish criteria for a scholarship grant program to assist individuals who are seeking master logger certification through the Wisconsin Professional Loggers Association (WPLA). The Master Logger Certification program is a performance-based program copyrighted and sanctioned by the American Loggers Council that establishes national standards of performance for the logging profession. Wisconsin's Master Logger program has been in existence for approximately two years. It is currently being administered through the Wisconsin Professional Loggers Association (WPLA) and Act 25 continues to provide for that arrangement.

The proposed rules would establish the purpose, applicability, definitions, application and grant procedure, general provisions, accountability and audit procedures, and termination provisions of the program. Scholarships would pay up to 50% of the cost towards an individual's application fee. It would offset part of the program cost of processing applicants for Wisconsin Master Logger consideration. The funding would be applied as a credit towards an individual's application fee which includes: costs incurred during the audit process, training related to the audit process, information and outreach to prospective applicants, and record-keeping and administrative costs directly related to the program.

Mr. Ela stated that while the program sounds beneficial he has concerns about expending public money for a privately controlled program.

Mr. Barkley stated that the Master Logger Advisory Board helps develop standards and curriculum for that program. The Department in the past has participated on that board, as well as, the Professional Loggers Board.

Mr. Welter asked why this is an emergency.

Mr. Barkley stated to ensure that the money can be distributed fiscal year 2006.

Mr. Willett stated he also has concern about the emergency of this rule. We are spending the public's money without their input through public hearings.

Mr. Welter asked if we are being forced by the timing in the legislature.

Mr. Barkley stated that the hearings are tentatively scheduled for January.

Mr. Hassett stated he respects the Board's position on the nature of a true emergency rule. He stated that he turns down many rules that are not true emergencies. He thinks this is an emergency because we are at risk of losing this money and during these tight budget times that justifies an emergency.

Mr. Behnke MOVED, seconded by Dr. Thomas adoption of Emergency Order FR-43-05(E) revisions to NR 47.92 pertaining to Logging Certification Scholarships. A roll call vote was taken and the motion carried unanimously by all members.

Mr. Welter MOVED, seconded by Mr. Willett approval of request authorization for public hearing of FR-42-05, revisions to NR 47.92 pertaining to Logging Certification Scholarships. The motion carried unanimously by all members.

3.B.4. Approval of the Northern Highland-American Legion State Forest Master Plan and Environmental Impact Statement.

Tim Mulhern, Deputy Administrator, Division of Forestry, stated that the Department requests approval of a master plan revision for the Northern Highland - American Legion State Forest under NR 44 which requires the revision of property master plans and Wisconsin Stats. s. 28.04 which requires the development of plans for state forests to assure the practice of sustainable forestry.

The Master Plan spells out how the land will be managed, used and developed; how it will look; and what benefits it will provide. The plan provides a vision and framework for the use, development and management and acquisition of the forest well into the future with an emphasis on the next 15 years.

The development of the NHAL master plan has been guided by a commitment to sustainable forestry. Planning for the largest state property is relatively complex given the varying opinions, viewpoints, and values people and organizations bring to the issues. The department worked actively with federal, state and local governments, tribes, non-governmental organizations, citizens and business over several years to revise the plan.

The master plan maintains and expands protection of critical ecological communities, habitats and species; maintains existing forest types with a slight increase in the pine type and a slight decrease in the aspen type; supports regional and local economies by providing resources and jobs related to the forest products industry and tourism industry; establishes a number of scenic management areas to protect roadways and lakes; expands natural areas; increases the number of primitive camp sites and hiking and biking trails; maintains quantity and quality of

snowmobile trails; increases project boundary by 65,000 acres; and calls for a careful assessment of potential areas suitable to sustainable support ATV use.
Dennis Leith, NHAL Superintendent discussed the issues and conflicts of the plan. The majority of the issues have been resolved but a few remain without consensus. Issues include; the use and designation of trails for the purpose of ATVs; the future management of the pine and aspen cover types; the amount of passively managed areas and old growth areas.
Mr. O'Brien expressed his appreciation on behalf of the Board for all the hard work by Mr. Leith and the Department put into this master plan.
Mr. Behnke asked how the Department will determine who will serve on the ATV stakeholder group and who makes the determination of who serves on the committee
Mr. Leith stated that many people would like to serve on that stakeholder group. We are looking at positions, not people because we would like to have a balanced group.
Mr. Mulhern stated that we would like about 15-20 people in the group. The Department will make the final determination of who will serve.
Dr. Thomas asked why after 8 years of development process and concluding that there will be no ATVs in the state forest why this issue is remaining open.
Mr. Leith stated that it is a placeholder in the plan to have an opportunity to work with the ATV groups and then come back to the Board with a proposal.
Mr. Mulhern added that the Department feels its niche with ATVs on the state forest would be for connector trails. The loop trail proposal was a compromise to allow some ATV use in the forest, but there was such a loud outcry against it, we decided to step back and reassess it.
Mr. Behnke asked what would happen if the Board didn't authorize an 18 month study on ATV use.
Mr. Leith stated that he thinks the Department needs to address the ATV issue. ATVs are very popular and we need to determine if we can provide ATV trails in the State Forest.
Mr. O'Brien asked about the legislation requiring the Department to have ATV trails.
Mr. Leith stated that the state statutes say the Department will encourage and support ATV trails. It's a difficult issue because it's necessary to get local support as well.
Mr. O'Brien asked if the 18 months a deadline or a goal.
Mr. Mulhern stated that it is a goal.
Mr. Ela asked about the ATV loop and if it will be a consideration in the future.
Mr. Mulhern stated that the opposition was strong enough that we don't need to address the loop option again.
Mr. Ela asked about the Vilas County ATV opposition and whether future ATV trails would only be in Iron and Oneida Counties.
Mr. Willett asked about exhibit D of the environmental impact statement and the last observed column. It states that the Bald Eagle was last observed in 1997, how accurate is this list.
Ron Eckstein, Wildlife Biologist, Northern Region stated the data hasn't been updated.
Mr. Mulhern stated that he thinks that this data is from the National Heritage Inventory Database and it hasn't been updated by Endangered Resources.
Mr. Ela asked about State Natural Area (SNA) active management strategy.
Mr. Mulhern stated that the proposal would increase SNAs to 22,000 acres and of that 20,000 would be passively managed and about 3,000 would be actively managed.

Public Appearances

1. **Joe Hovel**, Partners in Forestry Coop stated he approves of the boundary expansion in the NHAL. He is concerned about development in the forest. He supports the master plan proposal. It's a win-win situation. The forest production and tourism industry win.

2. **Jerry Woolpy**, Minocqua, representing himself stated because of the ecological uniqueness the NHAL, it needs to be managed as a single unit and the boundaries expanded where possible. He opposes the proposal of ATV use in the forest because they are not compatible with forestry, hiking, biking, birding, fishing, skiing, horseback riding, etc.

3. **Sue Drum**, Presque Isle, representing herself distributed photos of ATV damage in the Tri-County Trail Area in Bayfield County and Parrish Highlands in Langlade County. She opposes ATV use in the NHAL forest.

4. **Peter Zenti**, Hazelhurst, Lakeland's Own Bike Organization and Oneida County Biking and Hiking Trails Council Inc. stated he is concerned about the health of our citizens and supports the continuation of biking and hiking trails in the NHAL, in particular the Raven Trail. He distributed two resolutions asking to keep the Raven Trail open for mountain biking.

Mr. Ela asked Mr. Leith if the Raven Trail was being redesigned rather than closed.
Mr. Leith stated that is correct.

5. **Norm Poulton**, Tomahawk, Environmental Concerned Citizens of the Lakeland Area supports master plan and expanding the boundaries. He opposes ATV use in NHAL and in Wisconsin in general. The ATVs have a huge impact on the environment and the general population's opportunity to enjoy quiet and solitude.

6. **Bryan Pierce**, Eagle River, Northwoods Land Trust stated his organization supports the boundary expansion and is willing to partner with the Department and local landowners interested in voluntary conservation easements.
Mr. Welter asked if there is public access component to the conservation easements
Mr. Pierce stated that a few do, most are lakeshore easements with scenic and fishery habitat benefits.

7. **Sulo Wainio**, Winchester, Vilas County Alliance of ATV Clubs stated that he would like a fair and unbiased view for use in the NHAL. He thinks the 18 month is unfair due to the fact that it took 8 years to come up with this plan. He prefers a trail system rather than a loop trail. He asked for consideration to be a member of the stakeholder group.
Mr. Ela asked about the ATV users who go off the trail and how to solve that problem.
Mr. Wainio stated that the club system and the state has developed a Ride Smart program as well as the Ambassador Program. People do respect and change their behavior.

8. **Bill Schumann**, Manitowish Waters, Blue Ribbon Coalition which represents all recreation, including motorized. He stated he is speaking for the ATV people. He thinks 18 months isn't enough time to have to plan, organize, and submit for approval, with all the details involved in developing a trail.

9. **Don Erickson**, Birchwood, representing himself opposes ATV use on the NHAL forest. He thinks that most ATV riders are responsible, but the small group of illegal riders are ruining it for the responsible trail riders. He asked for 5 inch numbers on the front and back of ATVs, fund for restitution of trail damage, and provide compensation for construction of alternate trail to replace non-motorized trails turned over to ATVs. He described some illegal ATVs incidences on Tuscobia trail.
Mr. Behnke asked about the damage to the Tuscobia trail.
Mr. Erickson stated it is a sustainable trail so there isn't much damage.

10. **Randy Harden**, Sheboygan, Wisconsin ATV Association stated that his group's goal is to work with the legislature, DNR, Dept. of Tourism, power sport and affiliated businesses, and various other land managers to provide a clear picture of current ATV registration programs needs. We need to build sustainable trails.
Mr. Behnke discussed the conflict that occurred in the Kettle Moraine Forest conflict between mountain bikers and hikers. The mountain bikers agreed to pay for the maintenance of the trail. Are ATVs looking at doing the same thing?
Mr. Harden stated that to a degree we do that now.
Dr. Thomas asked how his organization would feel about sponsoring legislation that would introduce $2000 fine and confiscation of ATV for those who go off the trail.
Mr. Harden stated that discussion has begun and many times it is local ATV riders who are trespassing.

11. **Joseph Lebouten** for Robert Simeone, Land O'Lakes, Sylvania Forestry stated that his concern is whether or not there will be large tracks of land available for sustainable forests and public access. He supports the boundary expansion. He is concerned about fragmentation of the land. He believes forestry is a much more economically sustainable use of the land.

12. **June Schmaal**, Arbor Vitae, representing herself thanked Mr. Leith and his staff for all the hard work on the forest master plan. She is pleased to see the abandonment of the proposed ATV trail. She is opposed to the use of ATV in the NHAL forest.

13. **Mark Haag**, Boulder Junction, representing himself stated he supports the expansion of the forest, increase in pine growth, and he opposes the use of ATV in the NHAL forest. He would like the north woods to stay quiet.

14. **Mike Musiedlak**, St. Germaine, Northwoods ATV Association stated he has been involved since the beginning. He is discouraged because there has been no compromise. He stated that ATV users want trails, not to ride through swamps and wetlands. His organization wants just a trail to go through the forest to connecting trails. He is

looking for compromises, not access to the entire forest.

15. **Dan Wisniewski**, Madison, representing himself stated he used to be the Secretary of the Board of Commissioners of Public Lands (BCPL). BCPL owns about 2,500 acres within the NHAL region. He supports the expansion of the NHAL. He encouraged the Department to seek out partners to protect land from development. Many landowners want to protect their land rather than sell it to developers.
Mr. Welter about ATV use on BCPL lands.
Mr. Wisniewski stated there were many problems. There wasn't anything we could do about the problem because of the easy access of all those lands via logging roads. We would find our signs tossed in the woods. We tried signing and blocking trails, but it didn't help.

16. **Ken Adamovich**, Land O'Lakes, Wisconsin Professional Loggers Association stated he has some concerns about the NHAL plan. There is a timber supply crisis. Many lands are becoming inaccessible. Mill closures and shutdowns are regular. There has been a loss of 5,000 jobs in the paper industry. He wants conservation harvest to continue in State Natural Areas.
Mr. Willett stated that this master plan doesn't shut down land to timber harvests.
Mr. Adamovich stated that before this master plan there has been a reduction in harvest and now this master plan is cutting back on that.

17. **Gordon King**, Merrill, representing himself stated that he wants to declare feral cats unprotected. He stated that feral pigs are also declared unprotected, so the same should be done with feral cats.

Mr. Willett MOVED, seconded by Mr. Behnke approval of the Northern Highland-American Legion State Forest Master Plan and Environmental Impact Statement. The motion carried unanimously by all members.

Mr. Willett MOVED, seconded by Mr. Welter approval of the expansion of the Northern Highland-American Legion State Forest boundaries. The motion carried unanimously by all members.

3.B.5. Approval of Governor Knowles State Forest and Crex Meadows Wildlife Area Boundary Expansion
Steve Miller, Director, Facilities and Lands Bureau introduced the item and gave a brief history of the issue.
Dan Schuller, Land Leader, Northern Region stated the NRB requested that the Department conduct a Feasibility Study and Environmental Analysis to evaluate the practicality of connecting the Governor Knowles State Forest and the Crex Meadows State Wildlife Area by expanding both properties. The proposed project would create a common boundary offering many advantages for management and public use of the property.
Mr. Miller stated that while there is good support from the general pubic for this project on the merits of the ecological and property management aspects, the expansion was opposed by the local town governments. The opposition was based upon the level of pre 1992 payment in lieu of tax (PILT) payments made to the towns for Department owned land in the towns. Based on the concerns with PILT, the Feasibility Study concluded the project was not feasible at this time. At its August meeting the Board asked the Department to discuss the project with local citizens and town officials again and to bring the Study to the October meeting for Board action. In doing this additional outreach staff found citizen and town views to be similar what they reported in the feasibility study. After careful and thoughtful review of the merits of the proposal and the public comments, including the views of the towns on the pre 1992 PILT payments, the Department concluded that the property expansion should be recommended for Board approval. The issues pertaining to the pre 1992 PILT payments are not applicable to new land purchases under this proposal and have no bearing on the merits of this property expansion. The Governor Knowles State Forest and the Crex Meadows Wildlife Area are widely known and heavily used state properties. This proposed property expansion will allow them to be better managed and better protected for current and future generation.

Public Appearances

1. **John Sauerberg**, Grantsburg, representing himself stated that he supports the expansion. It will be good for the local economy and it protects the land and ecology in the area. It is a good plan and the vast majority of local residents are in favor of it.

2. **Jerry McNally**, Grantsburg, Friends of Crex stated that he supports the expansion. It protects the land for future generation.

Dr. Thomas MOVED, seconded by Mr. Willett approval of Governor Knowles State Forest and Crex Meadows Wildlife Area Boundary Expansion The motion carried unanimously by all members.

3.B.6. Request authorization for public hearing for Board Order WM-51-04, revisions to NR 12, 16, and 17 relating hound training.

Kurt Thiede, Wildlife Biologist, Wildlife Management Bureau stated that the Department is requesting authorization to hold public hearings on WM-51-04, a rule package pertaining to Chapters NR 12, 16, and 17, Wis. Adm. Code, relating to hound dog training and trials which utilize captive wild animals. This rule specifically addresses and regulates the practices of training hunting dogs to pursue rabbit, fox, and coyote in large acreage enclosures. The rule also provides rule relating to the use of bobcat, bear, and raccoons in a more controlled training environment which ensures human safety and prevents the opportunity for the unintentional escape of captive wild animals into the wild to reduce the risk of disease and parasite introduction.

Mr. Ela asked if the statute requires the Department to implement these rules.

Mr. Thiede stated that is correct. Right now these enclosures are operating without rules. Under the existing hound dog training rules, it authorizes use of three species: bobcat, bear, and raccoon so there are no rules to how these animals are used. This rule creates regulations for using rabbit, fox, and coyote because of some 2003 legislation that allows these animals to be used without regulation. These rules will regulate humane care of these animals.

Mr. Willett asked for clarification about the bobcat rule.

Mr. Thiede stated the rule does allow bobcat, but bobcats can't be allowed to roam freely in the enclosure and then dogs added to the enclosure. They will be treated the same as how bear and raccoons are currently treated. They are not free cast, the must stay in a cage and dogs aren't able to come into contact with the bobcats.

Mr. Ela asked if mortality has been studied in Wisconsin or other states.

Mr. Thiede stated that we do not have data. We hope to be able to track that once there are regulations.

Mr. Welter asked about the grandfathering of existing operations.

Mr. Thiede stated that existing operations would be required to comply with all regulations besides the 60 acres.

Mr. Welter asked if an economy will be created for people to travel to Wisconsin to train their hounds in these captive wildlife enclosures.

Mr. Thiede stated Wisconsin is not the Mecca and we do not want to become a Mecca. This activity is very popular in Missouri and in other southern states.

Mr. Welter asked if the fees will pay for the administrative costs of running these enclosures.

Mr. Thiede stated that there are no costs associated with the enclosures permits. There would need to be legislation passed to develop a fee.

Dr. Thomas asked about how it was decided that an animal could be pursued for 16 out of 24 hours.

Mr. Thiede stated that currently there are no training periods whatsoever. Different options were discussed such as having different rest periods throughout the day. It could be changed to 12 hours.

Dr. Thomas asked if we are going to do studies about animal responses in these situations.

Mr. Thiede stated that would be a good idea.

Mr. Ela asked about the fiscal note and the low cost of $2,000 increase annually. It seems it would be more expensive to perform these inspections.

Mr. Thiede stated that the cost was based on how much it costs for a warden to inspect a deer enclosure.

Mr. Ela asked what animal enrichment is and what a refuge is.

Mr. Thiede stated that the pursuit is seen as enrichment. An example of a refuge area is considered down trees or leaning trees that an animal could run up or some other area not accessible to the dogs.

Mr. Ela suggested that the Department get ahead of the publicity to make it clear that it was not the idea of the Department or the Board.

Mr. Behnke MOVED, seconded by Mr. Willett approve request authorization for public hearing for Board Order WM-51-04, revisions to NR 12, 16, and 17 relating hound training. The motion passed by a vote of 4-2 (Dr. Thomas and Mr. Ela voted no and Mr. Welter abstained.)

3.B.7. Land Easement Acquisition, North Branch Milwaukee River Farm Heritage and Wildlife Area, Ozaukee and Sheboygan Counties.

Mr. Behnke MOVED, seconded by Mr. Welter approval of Land Easement Acquisition, North Branch Milwaukee River Farm Heritage and Wildlife Area, Ozaukee and Sheboygan Counties. The motion carried unanimously by all members.

3.B.8. Land Acquisition, Bailey's Harbor Boreal Forest Natural Area, Door County.

Mr. Behnke asked what would happen if we didn't buy this land.

Richard Steffes, Real Estate Director stated that this group could sell it to whoever they want to.
Mr. Ela stated he had the same question and spoke to a member of the Board of the Ridges Sanctuary, which owns the property, and learned that they have an opportunity to purchase another property across Hwy. 57. Selling this will help them meet their financial goals to purchase that property.

Mr. Ela MOVED, seconded by Mr. Welter approval of Land Acquisition, Bailey's Harbor Boreal Forest Natural Area, Door County. The motion carried unanimously by all members.

3.B.9. Land Acquisition, Statewide Public Access, Washington County.

Mr. Behnke MOVED, seconded by Mr. Poulson approval of Land Acquisition, Statewide Public Access, Washington County.

Mr. Ela asked why we aren't asking the County to contribute money.
Mr. Steffes stated that the Department has an established project for public access. He didn't ask the county to contribute because it's affordable and there is local support among lake owners on that lake.

The motion carried unanimously by all members.

3.B.10. Land Acquisition and Project Boundary Modification, Little Wolf River Fishery Area, Portage County
Mr. Welter asked about modification of the boundary and the possibility of further expansion.
Mr. Steffes stated that to do major boundary changes we should do a feasibility study and have local input.
Mr. Welter suggested that the fisheries staff look at projects like this and consider modifying the boundaries.

Mr. Welter MOVED, seconded by Mr. Willett approval of Land Acquisition and Project Boundary Modification, Little Wolf River Fishery Area, Portage County. The motion carried unanimously by all members.

3.B.11. Land Acquisition, Council Grounds State Park, Lincoln County.

Mr. Poulson MOVED, seconded by Mr. Ela approval of Land Acquisition, Council Grounds State Park, Lincoln County. The motion carried unanimously by all members.

3.B.12. Easement Acquisition and Partial Donation, Mt. Vernon Creek Fishery Area, Dane County.

Mr. Welter MOVED, seconded by Mr. Ela approval of Easement Acquisition and Partial Donation, Mt. Vernon Creek Fishery Area, Dane County. The motion carried unanimously by all members.

3.B.13. Land Donation, Glacial Habitat Restoration Area, Winnebago & Fond du Lac Counties.
Mr. Ela noted that his wife had been very involved in this transaction on behalf of the Nature Conservancy, but that since neither she nor the organization will receive any material advantage from the donation he did not deem it necessary to excuse himself from the vote.

Mr. Willett MOVED, seconded by Dr. Thomas approval of Land Donation, Glacial Habitat Restoration Area, Winnebago & Fond du Lac Counties. The motion carried unanimously by all members.

3.B.14. Easement Donation, Ahnapee State Recreational Trail, Door County.

Mr. Willett MOVED, seconded by Mr. Poulson approval of Easement Donation, Ahnapee State Recreational Trail, Door County. The motion carried unanimously by all members.

3.B.15. Land Acquisition, Lakes Coulee Wildlife Area, Trempealeau County

Mr. Welter MOVED, seconded by Dr. Thomas approval of Land Acquisition, Lakes Coulee Wildlife Area, Trempealeau County and modification to project boundaries.

Mr. Poulson asked about the Board arbitrarily changing boundaries without citizen input.

Mr. Steffes stated that a number of years ago there was an audit by the legislative audit bureau. He thinks there was some guidance given by them. If a project is increasing by more than 10 percent, then local officials should be informed.

4. Citizen Participation
4.A. Citizen Recognition
4.A.1. The Newport Wilderness Society will donate $180,000 towards construction of the entrance station/office/nature center at Newport State Park.
Secretary Hassett presented a certificate of appreciation to Dr. William Scheckler for The Newport Wilderness Society's generous donation.

Mr. Ela MOVED, seconded by Mr. Welter approval of the Newport Wilderness Society donation of $180,000 towards construction of the entrance station/office/nature center at Newport State Park.

Dr. Scheckler gave a short history of the Newport State Park. He presented a Newport Wilderness Society patch to Chairman O'Brien.

The motion carried unanimously by all members.

4.B. Citizen Participation
None.
5. Board Members' Matters
5.A. Landfill Owner Financial Responsibility Resolution
Al Shea stated that at its March 2005 meeting, the NRB passed a resolution directing the Department to develop by February 2006, a draft rule package on owner financial responsibility for landfills. On August 8, 2005, Secretary Hassett requested reconsideration of this resolution, pending the outcome of discussions by the Governor's Task force on Waste Materials Recovery and Disposal. The Department is requesting the date for the draft rule package be changed from February 2006 to March 2007. The resolution reads

WHEREAS, on March 23, 2005, the Natural Resources Board passed a resolution directing the Department of Natural Resources to develop draft rules relating to landfill owner financial responsibility and organic waste stability to be presented at the February 2006 Board meeting;
WHEREAS, the Governor has convened a Task Force to study and make recommendations on waste materials recovery and disposal in Wisconsin which will include the economics of land-filling and recycling including the full environmental costs and benefits and how those are reflected in the costs of waste management activities, among other issues;
WHEREAS, the Governor's Task Force will develop its recommendations by December 2006;
WHEREAS, the Department believes that developing a draft rule package on land fill owner financial responsibility before the Governor's Task Force has completed its deliberations is premature;
NOW, THEREFORE BE IT RESOLVED, by the Natural Resources Board, that the Department of Natural Resources is directed to bring a draft rule package on landfill owner financial responsibility to the Natural Resources Board at its March 2007 meeting and to provide updates on discussions and proposed rule development to the Board in December 2005 and March, August, and December 2006.
Approved this 26th day of October 2005 by the Natural Resources Board at its meeting in Tomahawk, Wisconsin.

Mr. Ela stated that he doesn't think the resolution is comprehensive enough. He thinks that in addition to the financial responsibility that there was a broad package of recycling, disposal material policy. This resolution is only pulling out one part of that and doesn't encompass everything the Department wants to do.

Mr. Welter MOVED, seconded by Dr. Thomas to *table* Landfill Owner Financial Responsibility Resolution to the December meeting. The motion carried unanimously by all members.

Mr. Poulson requested to research boundary expansion policy for land transactions and setting limits on our jurisdiction.
Dr. Thomas requested that the staff pursue the ATV issue and the rogue ATVers who do not stay on the trails and have no regard for the environment. She asked the Department to work with the legislature and ATV clubs to develop severe penalties for these violations.
Mr. Welter added that there are damaged areas that need to be rehabilitated: areas such as wetlands. He suggested a taskforce to address how to handle these problems as a big picture and perhaps develop a restitution program.

6. Special Committees' Reports
None.
7. Department Secretary's Matters
7.A. Retirement Resolutions
7.A.1. Linda K. Vogen
7.A.2. John H. Weber
7.A.3. Brian Marinello
7.A.4. Steve J. Fauerbach
7.A.5. Charlie T. Ricksecker
7.A.6. Jennie L. Larson
7.A.7. Janet C. Kernen

Mr. Poulson MOVED, seconded by Mr. Willett approval of the retirement resolutions. The motion carried unanimously by all members.

7.B. Donations
7.B.1. The Friends of High Cliff State Park will donate $5,520 for the purpose of hiring an educator at High Cliff State Park.

Mr. Behnke MOVED, seconded by Mr. Willett approval of the $5,520 donation from the Friends of High Cliff State Park for the purpose of hiring an educator at High Cliff State Park.

7.B.2. The Lake Koshkonong Recreation Association will donate $12,000 to continue operations of the Bark River Hatchery.

Mr. Willett MOVED, seconded by Mr. Welter approval of the $12,000 donation from the Lake Koshkonong Recreation Association to continue operations of the Bark River Hatchery.

7.B.3. The Walleyes for Tomorrow will donate $9,800 to support the Milwaukee River Walleye Restoration Project.

Mr. Behnke MOVED, seconded by Mr. Ela approval of the $9,800 donation from The Walleyes for Tomorrow to support the Milwaukee River Walleye Restoration Project.

7.B.4. The Willow River OWLs will donate $14,600 to pay the salary of the 2005-2006 limited term volunteer coordinator and a work study position.

Mr. Welter MOVED, seconded by Mr. Willett approval of the $14,600 from The Willow River OWLs to pay the salary of the 2005-2006 limited term volunteer coordinator and a work study position.

8. Information Items
8.A. Air, Waste, and Water/Enforcement
8.A.1. Report on the Watertown Tire Fire
Al Shea, Administrator, Air and Waste Division gave an update on the Watertown Tire Fire that happened on July 19, 2005 at Watertown Tire Recycling (WTR). The owner has been referred to the Department of Justice on October 12, 2005. The violations referred include the plan of operation having 6,500 tons of tires, rather than 2,000 tons outlined in his plan of operation and the width of the fire lanes. We are also seeking reimbursement for costs that occurred during and after the fire. The local residents are concerned about the facility reopening and that seems to be a local government decision, not a DNR decision.
Mr. Ela asked if the owner would have to get all new permits if he decides to try to re-open.
Mr. Shea stated that has been made clear to him orally and in writing he would be required to have new permits.
Mr. O'Brien stated that some neighbors were upset because they didn't think the DNR was doing enough to regulate WTR and enforce the laws that they were violating. Was the Department working with WTR to correct the problems?
Mr. Shea stated that between December 2004-and the day of the fire, there were at least six inspections and a couple of other meetings. There was an inspector there to discuss a letter at the time the fire started.

8.B. Land Management, Recreation, and Fisheries/Wildlife
8.B.1. Report on Deer Baiting and Feeding

Tom Hauge, Director, Wildlife Management Bureau stated that at the request of the Natural Resources Board, the department will present the board with information regarding the impacts of feeding on the state's elk herd. The department has also requested that University of Wisconsin professor in Wildlife Ecology, Dr. Timothy Van Deelen, present his initial research findings on the effects of baiting on hunter success rates and ultimately on herd control. Finally, the department will present current information on the potential impacts of baiting and feeding on the environment, the health and size of the state's deer herd, enforcement statistics, and preliminary information on public reaction to the Board resolution on a moratorium on baiting and feeding 10 days prior to and during the 9-day November deer gun season.
Laine Stowell, Elk Biologist, Northern Region gave an update on the elk herd and how baiting and feeding of deer is affecting the elk herd. He discussed elk mortality and diseases affecting elk such as liver fluke and brain worms. He stated that deer feeding concentrates elk.
Mr. Ela asked if the disease problems are confounded by the greater concentration of elk.
Mr. Stowell stated yes. He explained how liver flukes are spread and how elk concentration spreads the parasite.
Dr. Timothy Van Deelen, UW–Madison discussed research about baiting and feeding of deer. The three research questions are: does bait/feeding increase behavior associated with disease risk? Do baiting bans reduce the harvest rates of WI hunters? And has bait/feeding increased the growth rates and carrying capacity of WI deer? He explained the research and results. The researchers concluded that bait/feeding encourage behaviors associated with disease risk, bait/feeding likely increases growth rates and carrying capacity for northern deer, and baiting has little effect on the harvest.
Mr. Willett asked if we could come to a further conclusion that it may not have an affect on hunting, but it does affect disease among deer.
Dr. Van Deelen stated that yes, he believes so because fecal ingestion is a top candidate for suspected mechanism of transmission of CWD.
Mr. Willett asked if nose to nose contact and prions in the ground are still candidates for transmission of CWD.
Dr. Van Deelen stated yes.
Mr. O'Brien asked if the research shows if baiting changes habits of the deer.
Dr. Van Deelen stated that is not being studied and we don't have radio collared deer.
Mr. Behnke asked about car-deer collision in comparison to where feeding was and was not.
Dr. Van Deelen stated not that he knows of and it would be a difficult experiment to conduct.
Mr. Hauge gave a legislative update and a summary of the biological, environmental, and social impacts.
Mr. Behnke asked if any legal action could be taken against people who are feeding elk and say they are feeding deer.
Officer Mike Bartz, Regional Enforcement Leader, Northern Region that officers don't have a vehicle to do that at this time. He and Mr. Stowell wrote a letter to those people who are feeding deer (elk) explaining the problem.
Mr. Ela asked if the Board could pass a rule prohibiting deer feeding where elk have access to it.
Mr. Behnke suggested that the Board draft a resolution to send to the legislature to call to their attention our commitment to protect the elk.
Mr. Willett suggested that the Department take a crack at what they want the legislature to do and let the Secretary take the lead on that.
Mr. O'Brien asked the Department to give its legal opinion on banning feeding where elk have access to the feed.
Officer Bartz gave a deer hunting violation update for 2004 and noted that illegal use of bait was the number one violation.
Mr. Hauge gave an update from the public hearings about the baiting and feeding ban 10 days prior to and through the 9 day gun season.

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The meeting adjourned at 4:15