

SINCE THE POSTING OF THIS AGENDA, THE FOLLOWING HAS CHANGED:

2.C. MOVED to 3.A. (09/20/19)

2.E. MOVED to 3.B. (09/20/19)

4.F. REMOVED (09/23/19)

4.G. REMOVED (09/16/19)

View Wisconsin Natural Resources Board agendas, meeting calendar, webcasts, biographies and public participation info online at:

<http://dnr.wi.gov/about/nrb/overview.html>

Public Participation Deadline: NRB Liaison receipt of your request to testify and/or written comment is 11:00 a.m. on Friday, September 20, 2019.

WISCONSIN NATURAL RESOURCES BOARD

A M E N D E D A G E N D A (rev. 9/23/19)

For meeting at:
Fox Hills Resort
250 W. Church Street
Mishicot, Wisconsin 54228

Tuesday, September 24, 2019
Wednesday, September 25, 2019

NOTICE IS HEREBY GIVEN that on Tuesday, September 24, 2019, the Wisconsin Natural Resources Board will tour and/or receive presentations at the following locations (**NOTE: The public must pre-register with Board Liaison to attend scheduled tours. Registration information is located on the last page of the agenda. Exact tour schedule is subject to change**): **1)** At approximately 11:30 a.m., the Board will arrive at Kinn's Sport Fishing, 60 Steele Street, Algoma, WI 54201 for a lunch presentation on an overview of charter fishing. **2)** At approximately noon, the Board will take a boat trip to observe sport fishing and have discussions on how sport fishing relates to fisheries of the Great Lakes. **3)** At approximately 2:55 p.m., the Board will arrive at Pagels Ponderosa, N4893 County C, Kewaunee, for the following presentations: overview of NR 151 and the new Silurian Bedrock Performance Standard, brief history of Pagels Ponderosa, overview of Peninsula Pride Farms; and a tour of the Manure Separation/Treatment System. The Tuesday tours will end at approximately 4:05 p.m.

NOTICE IS HEREBY GIVEN that at approximately 5:30 p.m. on Tuesday, September 24, 2019, the Wisconsin Natural Resources Board will have an informal dinner meeting with the Lake Michigan Commercial Fishing Board (LMCFB) at Fox Hills Resort in the Fox Fire Room, 250 West Church Street, Mishicot 54228. Agenda: 1) meet and greet; and 2) information sharing on commercial fishing and Lake Michigan. Agenda items are information only; no action will be taken.

NOTICE IS FURTHER GIVEN that the Wisconsin Natural Resources Board meeting will convene at 8:30 a.m. on Wednesday, September 25, 2019, in the Southern/Northern Pines Room at Fox Hills Resort, 250 West Church Street, Mishicot 54228. The Board will act on items 1-4 and 7-8 as listed on the Agenda.

NOTICE IS FURTHER GIVEN that at approximately 11:45 a.m. on Wednesday, September 25, 2019 at Fox Hills Resort in the Chapel Room, 250 West Church Street, Mishicot 54228, the Wisconsin Natural Resources Board may convene in closed session under the authority of s.19.85(1)(g), Wis. Stats., to confer with legal counsel regarding current litigation involving: 1) the Sauk Prairie Recreation Area Master Plan; 2) the Upper Wolf River State Fishery Area Master Plan; 3) Kohler Co. and Kohler-Andrae State Park; and 4) a proposed site specific phosphorus criterion for Lac Courte Oreilles in Sawyer County.

NOTICE IS FURTHER GIVEN that matters concerning natural resource issues or the Department's program responsibilities or operations specified in the Wisconsin Statutes, which arise after publication of this agenda may be added to the agenda and publicly noticed no less than two hours before the scheduled board meeting, if the Board Chair determines that the matter is urgent.

ORDER OF BUSINESS

1. ORGANIZATIONAL MATTERS

- A. Calling the roll
- B. Approval of agenda for September 24-25, 2019

2. CONSENT

- A. Approval of brief of action from August 13-14, 2019
- B. Approval of brief of action from August 27, 2019 special meeting
- ~~C. The Friends of High Cliff State Park will donate \$135,937 to be used to support a new ADA-accessible playground in High Cliff State Park
Citizen Testimony and Written Comment Welcome
(DNR Secretary Cole) **MOVED TO 3.A.**~~
- D. The Andrew F. Bell and Edith M. Bell Charitable Trust will donate \$18,090.25 to be used to support projects managed by the Natural Heritage Conservation Program
Citizen Testimony and Written Comment Welcome
(DNR Secretary Cole)
- ~~E. Request that the Board authorize a preliminary public hearing and comment period for the Statement of Scope for Board Order WT 19-19, proposed rules affecting chapters NR 151 and 243, related to targeted performance standards and prohibitions to abate pollution of groundwater by nitrate in sensitive areas
Written Comment Welcome
(Brian Weigel, Runoff Management Deputy Director) **MOVED TO 3.B.**~~

3. DISCUSSION AND POSSIBLE ACTION CONCERNING ITEMS REMOVED FROM THE CONSENT AGENDA

- A. (2.C.) The Friends of High Cliff State Park will donate \$135,937 to be used to support a new ADA-accessible playground in High Cliff State Park
Citizen Testimony and Written Comment Welcome
(DNR Secretary Cole) **MOVED FROM 2.C.**
- B. (2.E.) Request that the Board authorize a preliminary public hearing and comment period for the Statement of Scope for Board Order WT-19-19, proposed rules affecting chapters NR 151 and 243, related to targeted performance standards and prohibitions to abate pollution of groundwater by nitrate in sensitive areas

Written Comment Welcome

(Brian Weigel, Runoff Management Deputy Director) **MOVED FROM 2.E.**

4. ACTION ITEMS

ADOPTION (Citizen Testimony and Written Comment Welcome)

A. Request adoption of Board Order AM-24-12b, proposed rules affecting chapters NR 406 and NR 407 related to increasing the operational efficiency of and simplifying the air permit process

(Kristin Hart, Permits & Stationary Source Modeling Section Chief)

B. Request adoption of Board Order FH-23-19, proposed rules affecting chapter NR 20 to 26 related to minor changes to fishing regulations on inland, outlying and boundary waters

(Meredith Penthorn, Fisheries Management Policy Specialist)

C. Request adoption of Emergency Board Order WM-18-19(E), proposed rules affecting chapter NR 10 related to ruffed grouse management

(Kent Van Horn, Bird and Habitat Section Chief)

SCOPE STATEMENTS (Citizen Testimony and Written Comment Welcome)

D. Request that the Board approve the Statement of Scope for Board Order WT-09-19 and conditionally approve the public hearing notice and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse, for proposed rules affecting chapter NR 216, Wis. Adm. Code, related to storm water discharge permits

(Mary Anne Lowndes, Runoff Management Section Chief)

E. Request that the Board approve the Statement of Scope for Board Order WM-01-19 and conditionally approve the public hearing notice and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse, for proposed rules affecting chapter NR 10 related to black bear management

(Scott Karel, Wildlife Management Regulation Policy Specialist)

MISCELLANEOUS (Citizen Testimony and Written Comment Welcome)

~~F. Request approval of the Wisconsin Inland Trout Management Plan~~

~~(Joanna Griffin, Trout Coordinator) **REMOVED** [to be added to future meeting agenda]~~

~~G. Request approval of the Winnebago Walleye Management Plan~~

~~(Adam Nickel, Fisheries Biologist) **REMOVED** [to be added to future meeting agenda]~~

H. Renaming Peshtigo River State Forest to Governor Earl Peshtigo River State Forest in honor of former Governor Anthony Earl

(James Lemke, Real Estate Operations Section Chief)

5. OPEN FORUM (Testimony that pertains to topics not on the meeting agenda) – at approximately 10:15 a.m. following break. Remote testimony also will be available from the DNR Service Center, 3911 Fish Hatchery Road, Fitchburg. Please refer to page 5 of agenda for required pre-registration information and protocol.

6. INFORMATION ITEMS (Written Comment Welcome)
 - A. Introduction and status update on Per- and polyfluoroalkyl substances (PFAS) contamination in Wisconsin
(Jim Zellmer, Environmental Management Deputy Division Administrator)
 - B. Recreational Property Law Enforcement Informational Update – 2019 Recreation Season
(Todd Schaller, Chief Conservation Warden, and Ben Bergey, Parks and Recreation Bureau Director)
 - C. Informational briefing to share comments received on the Northeast Sands Draft Regional Plan
(Diane Brusoe, Property Planning Section Chief)
 - D. CWD Sub-Committee report-out and direction to the department on potential rulemaking scope statements
(Greg Kazmierski, Sub-Committee Chair)
7. DEPARTMENT SECRETARY’S MATTERS
 - A. RETIREMENT RECOGNITION - Action
 1. Mark Braasch, Forestry, 28 years
 2. Colin Duffy, Air Management, 40 years
 3. Kurt Dreger, Parks & Recreation, 38 years
 4. Colin R. Nowaczyk, Forestry, 34 years
 - B. DEPARTMENT SECRETARY’S MATTERS – Informational
 1. Acts of the Department Secretary – Real Estate Transactions
 2. Department Secretary’s Matters
 3. Planning Status Update
8. BOARD MEMBERS’ MATTERS

The public is welcome to attend a Wisconsin Natural Resources Board (NRB) meeting. The NRB also provides opportunities for citizens to testify and to submit written comment about issues that come before the NRB. See complete information on public participation at Board meetings at <http://dnr.wi.gov/about/nrb/public.html>.

Board Meetings are now webcast live. To watch, go to <http://dnr.wi.gov/about/nrb/agenda.html> and click **Webcasts in the **Related Links** column on the right. Then click on **this month's meeting**. After each meeting, the webcast will be permanently available on demand.**

The following meeting resources also are available: Agenda Item Packets (also known as green sheet packages are linked to the corresponding item on the website/html meeting agenda at <https://dnr.wi.gov/about/nrb/> -- click on the blue "View agendas" button then scroll down.), supporting documents, and public comment. Media Site recordings and the Brief of Action are used as the legal record of Board Meetings.

Remote testimony protocol: *In addition to testifying at the Board meeting, remote testimony on item 3. – Open Forum is offered at DNR Service Center, 3911 Fish Hatchery Road, Fitchburg for the September meeting. Official meeting location of the Board will be at Fox Hills Resort, 250 W. Church Street, Mishicot. You must be pre-registered to testify. Those that do not pre-register will not have the opportunity to testify.*

The time that item 3. – Open Forum may be before the Board is approximately 10:15 a.m. or immediately following morning break. If you arrive late at either location, you may lose your opportunity to testify. Each speaker will have three minutes to give their testimony.

Future meeting Open Forum remote presentation opportunities will be held at:

October 23: DNR Service Center, 107 Sutliff Ave, Rhinelander

December 11: DNR Service Center, 2984 Shawano Avenue, Green Bay

The following is from the Board's meeting guidelines: Only one speaker per organization.

Testimony that threatens, intimidates, or includes disparaging comments about Board Members, department staff, and other members of the public will not be allowed. Those that do so may be removed from the meeting or remote location. Written comment is always welcome.

Please contact Laurie Ross, NRB Liaison, at 608-267-7420 or by email at laurie.ross@wisconsin.gov with NRB related questions, to request information, to submit written comments, to register to attend a Board tour, and to register to testify at a meeting or listening session.

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The NRB and Department of Natural Resources are committed to serving people with disabilities. Please contact the NRB Liaison to request NRB information in an alternative format.