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## NATURAL RESOURCES BOARD

### BRIEF OF ACTION

A special meeting of the Natural Resources Board was held on Tuesday, February 26, 2013 in Room G09, State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 1:00 p.m. for action on items 1 and 2. The meeting adjourned at 4:15 p.m.

### ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

William Bruins – present via conference call

Christine Thomas – present Jane Wiley – present

Terry Hilgenberg – present David Clausen – present

Greg Kazmierski – present Preston Cole – present

1.B. Approval of agenda for February 26-27, 2013

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

2. Action Items

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

2.B. Land Management, Recreation, Fisheries, and Wildlife

2.B.1 Remand of Dane County Circuit Court Case No. 12-CV-3188 for Natural Resources Board decision whether to undertake further rulemaking regarding using dogs to hunt wolves

**Mr. Kazmierski MOVED approval, seconded by Mr. Bruins of the department's recommendation to proceed with further rule-making on hunting wolves with dogs through the permanent rule process, but not the emergency rule process because additional emergency rules are not necessary to implement 2011 Act 169, for the reasons in the record before the Board.**

**Dr. Clausen** commented that he sat in on the trial. He heard Judge Anderson say that he did not think there was any way this could be accomplished without violent confrontations between the dogs and the wolves. He is a veterinarian, a hunter, and knows something about animal behavior. He tends to agree with that. There is going to be interactions. Experts have testified to that. His personal opinion is that this is dog fighting. The problem that he has is the statute says there is going to be dog hunting. The Board received a memo from Secretary Stepp telling us why all these things will not work. The Board has heard from people here saying the restrictions will not work and so on. He tends to agree with that. He believes a lot of the rules the department has in place for this from a practical standpoint, they may be in the books, but these rules are not enforceable. He sits in a position of not being able to find a rule that this Board could adopt and people could accept that would prevent these confrontations. He is between a rock and a hard place. He does not like being in that position. He does not know what kind of further rulemaking that the Board could go ahead and do that would solve this issue. He asked that his minority opinion be included in the permanent record.

**The motion carried unanimously.**

- 8. Information Items
- 8.A. Air, Waste, Water, and Enforcement
- 8.A.1. Update on implementation of Wisconsin's electronics recycling law and E-Cycle Wisconsin results

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

- 8.B. Land Management, Recreation, Fisheries, and Wildlife
- 8.B.1. Report on the Wisconsin CWD Response Plan and discussion of revisions that may be needed

**Dr. Clausen** stated that one of the things he had asked in a letter he sent to the department about three weeks ago were the ranges in prevalence on the landscape that may be present in correlation to deer density. This analysis was done in 2012 in conjunction with determining the surveillance goal. He then requested an after-the-fact analysis for the NW WI CWD surveillance area. He knew that the department has collected over 1,000 CWD samples and he would like the department to share data with the Citizen Advisory Team that includes the outcome of analysis as to what the department's conclusions are, next steps, etc.

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

- 8.B.2. Update on FY 11-13 Capital Development Funding to Enhance Public Access and Use of DNR Lands

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

- 8.B.3. Developing a 10 year Fisheries and Wildlife Management Plan

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

- 8.C. Budget
- 8.C.1. Update on Governor's FY 13-15 Biennial Budget

**INFORMATIONAL ITEM – NO ACTION WAS TAKEN**

**Dr. Clausen MOVED, seconded by Dr. Thomas to adjourn the meeting. The motion carried unanimously.**

The regular meeting of the Natural Resources Board was held on Wednesday, February 27, 2013 in Room G09, State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-7. The meeting adjourned at 2:15 p.m.

**ORDER OF BUSINESS**

- 1. Organizational Matters
- 1.A. Calling the roll
  - William Bruins – absent
  - Christine Thomas – present
  - Terry Hilgenberg – present
  - Greg Kazmierski – present
  - David Clausen – present
  - Jane Wiley – present
  - Preston Cole – present

- 1.B. Approval of minutes from January 23, 2013

**Dr. Thomas MOVED approval, seconded by Mr. Hilgenberg. The motion carried 6 – 0. Mr. Bruins was absent.**

2. Ratification of Acts of the Department Secretary  
2.A. Real Estate Transactions

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

3. Action Items

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

- 3.A.1 Request adoption of Board Order RR-04-11, proposed revisions to chs. NR 700 to 754 regarding the investigation and cleanup of Brownfield's and other contaminated properties

**Chair Cole** asked how easy or difficult the requests would be to act on that was submitted by Ms. Olah, Citizens for Safe Water Around Badger, which are as follows: 1) Consider an independent statewide analysis of site closures to assess the state's progress in restoring soils and land that are without limitation on future use. 2) For the DNR to issue guidelines that will encourage responsible parties to comply with the cumulative risk assessment framework issued by EPA in 2003 and corresponding EPA guidelines expected later this year which also will address chemical mixtures.

**Mr. Gordon** stated the information is readily available in their tracking system.

**Ms. Wiley** asked whether this will be done.

**Secretary Stepp** stated the department would do so, if that is what the Board is asking.

**Ms. Wiley** stated yes.

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

- 3.A.2 Request authorization for public hearing for Board Order OE-46-10, proposed changes to Ch. NR 150 Wis. Adm. Code, pertaining to the Department's environmental analysis and review procedures

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

- 3.A.3 ~~Request approval of the recommendations contained within the Department's report on the state's mercury air emissions rule, Chapter NR 446, Wis. Adm. Code~~ **DELETED**

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

- 3.B.1 Request adoption of Emergency Board Order FH-23-12(E) relating to lake trout harvest limits as required by the State-Tribal Lake Superior Agreement

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

- 3.B.2 Request authorization for public hearings for Board Order FR-24-11, revisions to Chapter NR 1, Wis. Adm. Code, related to regenerating harvested areas of state owned and managed lands

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

- 3.B.3 Ratification of department decision to issue a Stewardship grant that will prohibit at least two nature-based outdoor activity (NBOA) on non-department land: River Revitalization Foundation, City of Milwaukee, Milwaukee County

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

- 3.B.4 Ratification of department decision to issue a Stewardship grant that will prohibit one nature-based outdoor activity (NBOA) on non-department land: City of Eau Claire, Eau Claire County

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

- 3.B.5 Ratification of department decision to issue a Stewardship grant that will prohibit two nature-based outdoor activity (NBOA) on non-department land: City of Muskego, Waukesha County

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

- 3.B.6 Ratification of department decision to issue a Stewardship grant that will prohibit at least two nature-based outdoor activity (NBOA) on non-department land: Town of Wilson, Sheboygan County

**Dr. Thomas** requested a briefing on Stewardship scoring criteria and the grant process at a future Board meeting.

Discussion followed on whether this item should be tabled to allow for public appearances since both pre-registered speakers had to cancel due to weather conditions.

**Dr. Thomas MOVED to table, seconded by Mr. Kazmierski. The motion carried unanimously**

- 3.B.7 Land acquisition – Buena Vista Wildlife Area – Portage County

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

- 3.B.8 Land Donation and Project Boundary Modification – Western Prairie Habitat Restoration Area – Saint Croix County

**Dr. Clausen MOVED approval and to acknowledge the donation, seconded by Ms. Wiley. The motion carried unanimously.**

- 3.C. Scope Statements

- 3.C.1 Request approval of the statement of scope for Board Order FH-26-12, relating to Ch. NR 25, lake trout harvest limits and other issues as required by the State-Tribal Lake Superior Agreement

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

- 3.C.2 Request approval of the statement of scope for Board Order FH-25-12, proposed rules affecting ch. NR 25 related to trap net placement locations and commercial fishing activity in the Restricted Use Area of Lake Superior

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

**Chair Cole** requested a motion to go into Executive Session under the authority of s.19.36(1) Wisconsin Statutes for purposes of discussing personnel matters.

**Dr. Thomas MOVED, seconded by Mr. Kazmierski. The motion carried unanimously by a roll call vote.**

<b>William Bruins – absent</b>	<b>Preston Cole – yes</b>
<b>Christine Thomas – yes</b>	<b>Jane Wiley – yes</b>
<b>Terry Hilgenberg – yes</b>	<b>David Clausen – yes</b>
<b>Greg Kazmierski – yes</b>	

**Chair Cole** reconvened the meeting at 11:35 a.m. He reported that during the Executive Session no action was taken.

4. Citizen Participation – 1:00 p.m.
- 4.A. Citizen Participation

The Board heard testimony from 1 person regarding The Sauk Prairie Recreation Area and the Badger Reuse Plan and then heard testimony from 40 people regarding the MacKenzie Environmental Education Center (MEEC). Six people that pre-registered to testify on MEEC were not able to attend the meeting.

**Chair Cole** thanked those in attendance for their respectfulness that many of them showed for this Board and this process. The Board heard a little bit about a lesson in civics. There certainly has been a lot of discussion today about our differences. He listed some items where there is agreement on MEEC: 1) Both the DNR and the WI Wildlife Foundation (WWF) want to maximize the use for MacKenzie for future generations. That goes without saying. George Meyer (WWF) represents a number of hunting and fishing groups. The DNR too wants the need for increased recruitment and retention, and certainly around skills training. There is no question that this is important for the DNR and this Board. It should be important for the folks in this room that we yearn for low cost, high impact programming for our youth; that environmental education is important and a cornerstone for DNR and certainly for WWF. One only had to be here earlier in the day to see what the DNR staff put before the Board and what the Board voted on in terms of environmental education for youth in this state. There is no question it is important for both organizations. We both agree, we are not giving up on MEEC. This Board is not going to give up on MEEC. The DNR is not going to give up on MEEC nor will WWF. That is the lesson in civics. If we focus on where we agree, maybe, solutions can come to bear. He then asked for the view point of Board Members.

**Mr. Kazmierski** stated he could not help but get a little bit angry here. The department was accused of all kinds of different things with this. He had asked Bill Cosh, Agency Spokesperson, send to him every press release. In no press release or statement of the department was the misinformation that the Board was hearing today put out by the department. He read through each one of them. He is not totally sure what kind of misinformation campaign went out there to waste a lot of these people's time to come here today. He is disappointed about that. It did not need to go to that point. He is sure they will get good people coming forward on being able to continue the programs out there and add on to them. That is what the whole point of this was.

**Mr. Hilgenberg** stated we have all been encouraged by the commitment of people to environmental education. We all agree with that. Since his short tenure on this Board, it has been very evident to him that the department has committed to that. He sees that not changing in this program. He would certainly hope the department takes that home. The educational part of our programing will foster great benefits for the department and the citizens of WI in showing better and greater appreciate of what WI has to offer all our citizens. He has a great deal of trust in the department that they will value this facility and continue to value this facility and do what is in the best interest of all of the citizens of WI. Being up 35 miles west of Lambeau Field, he does not

have any kids that go to this facility. He is sure MEEC is a wonderful one. Their kids have the opportunity to go to the Navarino Wildlife Center. This facility is totally run by volunteers. He did not believe the department spends any money on that facility but they get 2,000 kids and not 16,000 kids each year. Again, this is important. He trusts that the department will do the right thing to maximize the environmental education for all of our citizens as well as to be able to expand the use of what he hears is a fantastic facility in a population center that can be utilized by a lot of folks. The charge is there for department.

**Ms. Wiley** stated that one of the things that Mr. Thiede assured the Board he would do and knows he is doing is getting ideas for the RFP (request for proposal). The speakers today have done a good job of giving the Board ideas on what should be included. She took some notes as well, which she presented to the Board as follows: 1) Educators need to be in the evaluation program for the RFP. 2) That the department should not terminate the relationship with WWF before the RFP's have been reviewed and before the contract has been awarded. Perhaps the lease should be continued until everything is in place and to not simply drop it. 3) Within the RFP, is there a plan for the animals and whether in fact they will be continued to be cared for and how they are cared for at MEEC or how many new facilities can in fact be found for the animals? 4) The need for a public hearing and need for a management plan that the public sees and is very transparent. 5) Define what kind of shooting range is going to be there. Her guess is there has been some miscommunication on this in terms of what size shooting range it is going to be. She did not think the plan within the department was ever to have a full-size shooting range with skeet, trap, sporting clays, and so forth. That is something again within the department needs to be refined and made more transparent. 6) The words "outdoor skills" perhaps is not necessarily what one wants now. The way outdoor skills have been identified within the discussion today is that it is hunting, fishing, and trapping skills. Obviously, outdoor skills are much wider than that. This is one of those perceptions and miscommunications. 7) Put the planning process first. 8) Add adult education. 9) Continue department management because of the DNR stamp of approval that goes on things that are in fact approved and part of DNR.

These are the things that she picked out of this as broadening the scope of what the program should be and also including citizen participation.

**Dr. Thomas** echoed what Mr. Hilgenberg and Ms. Wiley said. People are here today because they think something is happening that they were not involved in. Mr. Meyer gave the Board a little public administration lesson today of whose role is what. She has always even tried to police the Board in that score to try to stay out the Secretary's business and to stay in our own business. We can argue about whether we should have a master plan on this property or not. Going back through all the Secretary's that ever were, there has not been a master plan on this property. That is not really a change in direction historically. All of that is neither here nor there. What we are hearing from citizens is that they would like to see environmental education continue in a form like it is now, meaning overnight programs and all the excitement that comes with staying overnight. Harley MacKenzie, incidentally, she was so tickled to see the MacKenzie descendants; Harley MacKenzie was one of the people who worked early on with others to have environmental education required in the schools of Wisconsin. We were the first state to have that. He was one of the key players. She does not think that anyone here wants to change that direction. Firstly, she believes that everyone is concerned about the animals. She cannot imagine that the department would do anything to hurt them. Secondly, she does not feel the department would do anything to change that direction without some major public involvement process. Thirdly, people are worried about what is going to happen to the school program in the transition if there is an RFP and a short timeline. She sees these as the key issues. She personally does not think she wants to muck in the business of the Secretary but she believes the Secretary has heard what the people are concerned about: public involvement, the animals, what is going to happen with the schools next year, and environmental education.

**Dr. Clausen** stated the people have pretty much said it all.

**Secretary Stepp** thanked the Board for their thoughtful and insightful comments. We always take those to heart and they appreciate your guidance. That is why you are here. It is a very important role that you play. To the members of the public, it takes a lot to take time out of your day from your work and family schedules and to show up. We all know the world is run by those who show up. She appreciates that you did that. She also wanted to assure you, she is a mom with kids in the public school system. She understands how hard it is to get kids engaged in things outside of their PlayStations and their games. To get them outside and to understand that important connection between the theories of things and the reality of things and how important that environmental education piece is to all of you as it is to the department. That is unwavering. She wanted to assure them of that and their commitment to that part of the program. The exciting thing they are taking about today and a few people touched on it, is that for the first time for this facility, we are going to have an opportunity for all kinds of people to give us their plans and to say this is what we think we can bring in. Whether that is in partnership with other organizations like the Federation to whom she gives the bottom of her heart thanks for allowing them to continue this important facility in the state. She encouraged WWF to be part of the process moving forward. She wants 4<sup>th</sup> graders 40 years from now to be talking about their recent field trips to MacKenzie and what it means to them. She thanked everyone again for their commitment, spirit, and compassion for environmental education. Know that you have been heard.

**Dr. Thomas** asked Secretary Stepp whether her address was a commitment to address these issues.

**Secretary Stepp** responded yes. They will address those issues.

5. **Board Members' Matters**

5.A. **Appointment of five (5) members of the Sporting Heritage Council**

**Chair Cole** stated that he had assigned Dr. Thomas and Mr. Kazmierski to a working group to review the candidates. He asked for their report.

**Mr. Kazmierski** reported that they had a very difficult time narrowing the list down to the final group. After going through an extensive review of some very good candidates, the working group recommended the following be appointed by the Board to the Sporting Heritage Council:

- **Deer, Ralph Fritsch** –Wisconsin Wildlife Federation
- **Bear, Andy Pantzlaff** –Wisconsin Bear Hunters Association
- **Furbearer, Scott Zimmerman** –Wisconsin Trappers Association
- **Angling, Benjamin Gruber** – Kids and Mentors Outdoors
- **Game Birds, Mark LaBarbera** –Friends of the Poynette Game Farm

**Mr. Kazmierski** **MOVED to approve the Board appointments to the Sporting Heritage Council, seconded by Dr. Clausen. The motion carried unanimously.**

**Chair Cole** requested the Board report on any Board Members Matters.

**Mr. Kazmierski** revisited the discussion on CWD from yesterday's meeting. He did not feel it was appropriate to bring this up at that time. The scientists from Prevent were back. This was the group that had been working on the vaccine study. They met with Safari Club International chapter presidents. He had tagged along. There were some very promising results that they had a vaccine. They are currently working on live trials in Wyoming on elk. They will be coming to Wisconsin again and would like to have Wisconsin be the place for where they work on these live trails on white trails. He recalled the state has this perfect place for them to do that that we bought that is double fenced. They will be in contact. It was good to hear that they were making tremendous progress on the CWD vaccine.

**Mr. Hilgenberg** wished everyone a safe trip home.

**Dr. Thomas** responded to Mr. Kazmierski. She felt compelled to say that she is a scientist. She also understands the value of these CWD vaccine trials. She also has some concerns because of Murphy's Law - anything that can go wrong, will go wrong and also because all this time we have quarantined this place so we hope at some point these prions are not active. We do not know now whether there are active prions there or whether there are none. If we do this, are we introducing active prions into the environment in a place where they have become inactive? We need to be sure we have public involvement so that everyone is on board if we do this so that when the fence goes down and one more of those dots shows up on the map that we did not cause this to happen after we spent a lot of money for it not to happen. She is not opposed but putting a cautionary message out there.

**Chair Cole** thanked fellow Board Members for their listening skills over the last couple of days.

6. Special Committees' Reports  
None

7. Department Secretary's Matters

7.A. Retirement Resolutions

7.A.1 David Algrem

7.A.2 Mark De Baker

7.A.3 Charlie Kilian

7.A.4 Daniel J. McCutchin

7.A.5 Richard J. Wilcox

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

7.B. Donations

7.B.1 The Paul E. Stry Foundation will donate \$20,000 to be used to support the management of state natural areas in the La Crosse area

**Mr. Hilgenberg MOVED approval and to acknowledge the donation, seconded by Mr. Kazmierski. The motion carried unanimously.**

7.B.2 Green Bay Packers will donate \$16,000 to be used to partially fund the "First Downs for Trees" program

**Dr. Thomas MOVED approval and to acknowledge the donation, seconded by Mr. Hilgenberg. The motion carried unanimously.**

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

\*\*\*The meeting adjourned at 3:50 p.m.\*\*\*

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