

MARCH 27, 2013

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NATURAL RESOURCES BOARD

MINUTES

The regular meeting of the Natural Resources Board was held on Wednesday, March 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 1:15 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

William Bruins – present	David Clausen – present
Christine Thomas – absent	Jane Wiley – present
Terry Hilgenberg – present	Preston Cole – present
Greg Kazmierski – present	

1.B. Approval of agenda for March 27, 2013

Mr. Kazmierski MOVED approval, seconded by Dr. Clausen. The motion carried 6 – 0 with Dr. Thomas absent.

1.C. Approval of minutes from February 26-27, 2013

Mr. Hilgenberg MOVED approval, seconded by Mr. Kazmierski. The motion carried unanimously.

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

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

3. Action Items

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

3.A.1 Presentation of the 2013 Laboratory of the Year Award

Camille Turcotte, Chief of Environmental Science Services Section, She stated that each year, the DNR's Laboratory Certification and Registration program presents a Registered Laboratory of the Year award. The labs who receive this award maintain an outstanding commitment to producing high quality data, exceed the minimum requirements for compliance, demonstrate a strong commitment to correcting instances of non-compliance, and have exceptional quality systems in place. There were 232 registered labs eligible to win this year so it's quite an honor to be recognized. This year, the winner of the 2013 Registered Laboratory of the Year is Watertown Wastewater Treatment Plant. Their laboratory meets all the requirements of our program and they did not have a single deficiency found at their most recent audit. In addition, they have taken many steps that are well above and beyond the program requirements.

**The winner of the 2013 Registered Lab of the Year Award is:
Watertown Wastewater Treatment Plant**

The following were in attendance to receive the award:

- 1) Paul Lange - Water Systems Manager
- 2) Kevin Freber - Assistant Water Systems Manager
- 3) Kyle Mealy - Lab Manager

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

3.A.2 Request approval of the FY 2014 Laboratory Certification and Registration Program Fee Adjustment

Camille Turcotte, Chief of Environmental Science Services Section. She stated that the Laboratory Certification and Registration program currently registers or certifies 376 laboratories that analyze environmental samples which are reported under covered programs in Wisconsin. Section 299.11 of the Wisconsin Statutes authorizes the Department to collect revenue to administer our program. The Lab Certification program is funded by the fees assessed. NR 149.21 requires that the Natural Resources Board approve our fee adjustment annually. For FY 2014 the proposed fees result in a 4.4% increase to participating laboratories. Over 95% of this fee increase results from 4.2% decrease in the number of relative value units (RVUs), which are the basis for distributing the necessary fee revenue to offset expenditures. The Department anticipates collecting fee revenue of \$556,252 to cover all projected operating expenses for our program. This is nearly identical to fee revenue budgeted for in FY 2013. However, because of the loss of RVUs the cost per RVU proposed for FY 2014 is \$59.00, which is \$2.50 more than the RVU cost last year (\$56.50). This fee increase means that an average municipal lab will pay \$43 more for accreditation. The average commercial lab will pay an additional \$188. The maximum fee increase will be \$250. She requested the Board approve the FY 2014 Laboratory Certification and Registration Program Fee Adjustment.

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

Discussion followed on why the number of labs is decreasing.

The motion carried unanimously.

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

3.B.1 Request adoption of Board Order FH-19-12, regarding proposed rules affecting NR 19, 20, 21, 22, 23, 25, and 26, Wis. Adm. Code related to housekeeping corrections, clarifications, and updates to code for fishing in inland, outlying, and boundary waters, and harvest of turtles

Kate Strom Hiorns, Fisheries Policy Specialist, reviewed legislative changes for fish farms in natural waterbodies act 207, WI-MI boundary waters changes, and the rule timeline. She requested the Board adopt Board Order FH-19-12. **(PowerPoint)**

Mr. Hilgenberg MOVED approval, seconded by Mr. Kazmierski. The motion carried unanimously.

3.B.2 Request adoption of Board Order ER-19-10, proposed rules affecting Ch. NR 18, Wis. Adm. Code, related to the sport of falconry

Erin Crain, Endangered Resources Bureau Director, stated that in general the proposed rule makes changes to the current code to ensure compliance with federal rule, clarifies terms and requirements and increases the number of wild raptors General and Master class permit holders may possess. All written and verbal comments were supportive of the proposed rule. Four minor changes recommended through public comment and pertaining to reporting, leg banding and clarification of possession requirements were included in the final version of the proposed rule. She requested the Board adoption Board Order ER-19-10. **(PowerPoint)**

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

Discussion followed on the number of people involved in Falconry in Wisconsin.

Public Appearances:

1. **Dan Orth**, Madison, representing WI Falconers Association spoke in support of the proposed rule.
2. **Chip Hutler**, Neshkoro, representing self. He spoke in support of the proposed rule.

Ms. Wiley asked Mr. Hutler to let the Board know when WFA's next get-together is.

The motion carried unanimously.

- 3.B.3 Request approval of an amendment to the Black River State Forest Master Plan
Peter Bakken, Property Supervisor, and Amy Mercer, State Forest Planner, gave joint presentation. They stated that the Department is requesting permission to amend the Black River State Forest's master plan to change the designation of the current horse camp into a group camp and to remove the horse use designation from the 17 mile trail system. This proposal is due to extremely low levels of horse camping at the property, plentiful horse riding opportunities in the region, and a strong demand for group camping. Public comments were primarily opposed or concerned over the proposal with half of the commenters stating they have never been to the facility. Those who had been to the property commented trails were poor and needed realigning. Due to the hydrology of the area the Department has limited options to improve the trails and feels there are better locations in the state to invest in equestrian facilities. The Department recommends that the Master Plan be amended to remove the horse designation from the campground and trails and convert the site into a group camp. They requested that the Board approve the amendment to the Black River State Forest Master Plan. **(PowerPoint)**

Discussion followed on the lack of opposition to this change, trail placement, whether there is a fly problem, that the DNR is embracing realities and is making the necessary changes, that the DNR is responsive to the changing needs of the public.

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

- 3.B.4 Ratification of the department's determination that prohibiting the nature-based outdoor activities (NBOA) of hunting is necessary to protect public safety on 0.22 acres in the City of Waterloo, Jefferson County Stewardship grant project
Lavane Hessler, Stewardship Grant Manager, she stated that all projects have gone through intensive review and a public comment period as required by Wis. Admin. Code NR 52. The City of Waterloo, Jefferson County proposes to prohibit hunting on a 0.22 acre parcel located on the Maunesha River. A trailhead would be developed on the parcel serving the City's and County's multi-use trail systems. The nature-based outdoor activities of trapping, fishing, hiking, and cross-country skiing will be allowed. During the public comment period, one comment supporting the project was received. She requested the Board ratify the Department's determination that the prohibition of hunting is necessary for public safety on this parcel.

Public Appearances:

1. **Mo Hansen**, City of Waterloo, representing City of Waterloo was available for questions only.

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

- 3.B.5 Ratification of the department's determination that prohibiting the nature-based outdoor activities (NBOA) of hunting and trapping is necessary to protect public safety on 4.99 acres in the Town of Wilson, Sheboygan County Stewardship grant project *Note: This item was before the Board at the February 27, 2013 meeting. It was tabled and moved to this agenda.*
Lavane Hessler, Stewardship Grant Manager, she stated that all projects have gone through intensive review and a public comment period as required by Wis. Admin. Code NR 52. This item was tabled at the February 27, 2013 meeting. The Town of Wilson, Sheboygan County

proposes to prohibit hunting and trapping on a 4.99 acre parcel which will create Schinker Creek Park. There is no water on this parcel and the nature-based outdoor activities of hiking and cross-country skiing will be available. During the public comment period no comments were received. The Department is recommending that the Board ratify the Department's determination that the prohibition of hunting and trapping is necessary for public safety on this parcel.

Discussion followed as to whether this land is located within city limits and whether the Board should wait for the public appearances prior to voting.

Chair Cole moved the meeting to item 3.B.6. Once the public appearances arrive, he will return the meeting to this item.

3.B.6 Land Acquisition – Scattered Forest Lands – Taylor County

Discussion followed on this transaction and on the negotiations.

Mr. Hilgenberg MOVED to table, seconded by Mr. Kazmierski.

Discussion followed on the many uses on this property included hunting, that the department is at 154% of acquisition goal for scattered forest lands and should be considered and whether this should be categorized as Ice Age Trail, wildlife habitat, or something else.

Public Appearances:

1. **Kevin Thusius**, Cross Plains, representing Ice Age Trail Alliance was not in attendance.

Mr. Hilgenberg MOVED to table, seconded by Mr. Kazmierski. The motion carried on a voice vote of 5 – 1.

Chair Cole returned the meeting to agenda item 3.B.5.

3.B.5 Ratification of the department's determination that prohibiting the nature-based outdoor activities (NBOA) of hunting and trapping is necessary to protect public safety on 4.99 acres in the Town of Wilson, Sheboygan County Stewardship grant project *Note:* This item was before the Board at the February 27, 2013 meeting. It was tabled and moved to this agenda.

Chair Cole asked Mr. Gartman to approach the podium and give his testimony.

Public Appearances:

1. **David Gartman**, Town of Wilson, representing Town of Wilson as Chair. He spoke in support of ratifying the department's determination.

Discussion followed on how much of the perimeter of the property is residential.

2. **Gerald Bertsch**, Town of Wilson, representing self. He was not in attendance. His talking points were in support of ratifying the department's determination.

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

Mr. Kazmierski asked to comment. He referred to Dr. Thomas's concern from February Agenda Item 3.B.6 (facilitating parcelization of farmland by helping the developer by buying the parcels that could not be sold to someone else). The primary function of Stewardship is for nature based outdoor activities (NBOA). Parks really do not qualify under that. He does know that we have certain allotment of money that has to go to government entities in this. He would have to vote against it just for that principal. We probably should not have a lot of people coming to us seeking these grants if they know they are going to close these to NBOA. He requested his comment be included in the Board's record.

Discussion on clarification followed whether the Board is within legal boundaries as far as the Stewardship program is concerned on this project.

Chair Cole and **Ms. Wiley** stated yes.

Mr. Kazmierski stated it is the intent.

Ms. Wiley stated that is purely a philosophic issue. It is not totally to allow for NBOA and we have to be careful. That is the philosophic difference between us.

The motion carried on a voice vote of 5 – 1.

3.C. Scope Statements

3.C.1 Request statement of scope approval for Board Order AM-24-12, proposed rules affecting the construction and operation permit program requirements in chs. NR 406 and 407 respectively and related definitions in ch. NR 400, and hazardous air pollutant control requirements in ch. NR 445

Gail Good, Air Monitoring Section Chief, gave a brief background of the proposed rule.

Mr. Kazmierski MOVED approval, seconded by Mr. Hilgenberg. The motion carried unanimously.

Chair Cole moved the meeting to item 5 – Information items.

5. Information Items

5.A. Air, Waste, Water, and Enforcement

5.A.1 Implementation of new mining regulations

Ann Coakley, Waste and Materials Management Bureau Director, reviewed the Ferrous Mining Law, DNR aw implementation, and required administrative rule modifications. **(PowerPoint)**

Discussion followed on how many people are on DNR's mining staff, whether the DNR has a definition of metallic mining, the stage in the process when a company is required to give up core samples so the public knows the characterization of the ore, that moving forward the DNR should make sure the messaging is correct and backed up by sound science and facts, and whether the law is pretty prescriptive and not a lot of wiggle room for the DNR and Board.

Secretary Stepp stated she feels good about this and that there are competent folks working on it.

Mr. Cole requested that all Board Members receive a briefing in advance of the May meeting since this is a complicated issue.

Mr. Cole then stated that mining is the law of the land. He will keep the Board focused on the modifications.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

5.A.2 Update on 2012 Wisconsin Household Pharmaceutical Waste Collection Study

Barb Bickford, Medical Waste Coordinator, gave an overview as to where unused drugs go, environmental concerns, public health concerns, household collections, the amount of waste in Wisconsin, and an effective and sustainable collection system. **(PowerPoint)**

Discussion followed on drug destruction centers, whether medicines disposed of at a sheriff's department are logged in, whether disposed of medicines are tracked, concerns that a 2%

collection rate is way below failing, concern that 80% of water samples had pharmaceuticals in it, whether use of landfills is an option, that the collection process and use of tractor trailers for storage of disposed of medicines is cumbersome, that this should be a call to action for Wisconsin, whether a better standard or procedure should be facilitated, that water quality is everyone's issue, what needs to happen to improve this process, and the need to raise awareness.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

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

5.B.1 Illegally held wildlife response procedures for staff

Tami Ryan, Wildlife Health Section Chief, reviewed the background, purpose of policy, response and assessment procedures, voluntary vs. involuntary compliance, evaluation and disposition, and special considerations. **(PowerPoint)**

Discussion followed on the orphaned animal campaign, whether there are any outreach or education materials available for grade schools, whether wildlife rehabilitation is a growing field, static, or abating, keep the best interests of animals in mind, and whether wildlife not on the endangered list should be rehabilitated.

Secretary Stepp stated that public sentiment is really strong on rehabilitating. The public is very supportive.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

5.B.2 Overview of MacKenzie Center Request for Proposal (RFP)

Kurt Thiede, Lands Division Administrator, and **Keith Warnke**, Hunting and Shooting Sports Coordinator, gave a brief overview of items of interest in the request for proposal for the MacKenzie Center.

Discussion followed on a training range for beginning shooters and concerns on the Right to Cancel.

Mr. Hilgenberg requested that the department respond to his concern regarding Section 7.0 (Right to Cancel) on page 19 of the RFP: whether this section would preclude good candidates from submitting proposal due to financial considerations because of the scope of this.

Discussion followed on whether an operating plan is required in the RFP.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

6. Special Committees' Reports

None

7. Department Secretary's Matters

Secretary Stepp gave an update on 1) the 16 Cover It Live Chats that have taken place to date. 2) That she appeared at the Joint Committee on Finance's public hearing on the Governor's Budget yesterday and that it went very well. Some of the recurring themes she heard yesterday were regarding stewardship levels. She also received comments alluding to legislatures commitment to making sure the Natural Resources Board and state agencies are respectful of the legislative process and intent that they pass into law. 3) She then reviewed her recent trip to China. She was invited by Environment and Public Health Network for Chinese Students and Scholars (ENCSS), creators of Rivers as Bridges. It followed the culture, conservation and commerce theme. It also was about building relationships in each of the themes.

Chair Cole stated that the department received the Lakeland Times Sunshine Award A+ in transparency and being approachable to media. This is about teamwork, working together, and outreach. It is being noticed. He congratulated staff across the state.

7.A. Retirement Resolutions

7.A.1 Margaret Kalsow

7.A.2 Patrick McKee

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

7.B. Donations

7.B.1 The Northern Kettle Moraine Horse Trail Association will donate \$50,000 in materials and labor to be used to install 21 electrical pedestals at the New Prospect Horse Riders Campground in the Kettle Moraine State Forest – Northern Unit

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

8. Board Members' Matters

Mr. Hilgenberg expressed concerns with stand-alone land projects such as Item 3B6 - Land Acquisition - Scattered Forest Lands - Taylor County. He requested an information item in 6 months on the DNR's land holdings to include 1) flexibility to dispose of properties that are not being utilized for purposes originally acquired or the use is no longer needed by the citizens of WI, and 2) how we manage it.

Mr. Cole asked that he receive an issue statement from Mr. Hilgenberg and Mr. Bruins that frames the issue.

Mr. Kazmierski requested that the department utilize Social media such as the Chat Room (real time chat) during stakeholder meetings, such as with the Deer Trustee Report Action Teams and DNR Wolf Advisory Committee. He encouraged the department to think outside the box.

Dr. Clausen questioned why the WI Conservation Congress (WCC) could not utilize social media/DNR website as a tool for citizens to participate/vote during the April Spring Hearings. DNR could require the use of a DNR Customer #. He had suggested this two years ago. If WCC cannot be forced to do so, he questioned why the public could not participate on NRB/DNR questions on the DNR website or with social media. This is a natural progression to what the department is doing.

Mr. Cole gave a brief summary of the Lean Six Sigma Administrative Rules Team recommendations that will be reviewed at the April Board meeting.

Chair Cole requested a motion to go into Executive under the authority of s.19.85(1)(g) Wisconsin Statutes for purposes of discussing litigation matters.

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

William Bruins – yes

David Clausen – yes

Christine Thomas – absent

Jane Wiley – yes

Terry Hilgenberg – yes

Preston Cole – yes

Greg Kazmierski – yes

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Chair Cole reconvened the meeting at 1:00 p.m. He reported that during the Executive Session no action was taken.

4. Citizen Participation – 1:00 p.m.

4.A. Citizen Participation

Public Appearances

1. **Dennis Taylor**, Lake Geneva, representing Wisconsin Trapshooting Association (WTA)

Topic: Update on a new championship trapshooting facility being constructed in the northern section of Adams County.

He formally thanked the Board, Secretary Stepp, and staff for making this a reality and for their continuing relationship going forward. He gave his appreciation to Scott Gunderson and Keith Warnke for their assistance in funding support. They are also working with Tim Lawhern on training and safety classes at the new facility.

He stated this will be an Olympic bunker and skeet shooting. The closest bunker is in St. Louis, MO. He invited everyone to their grand opening on Tuesday, July 16, 2013 which will take place in Nekoosa. He then displayed a layout of the facility. It will have 208 campsites and 30 trap fields. It will be the 4th largest in the U.S. in a couple of years.

Chair Cole thanked Mr. Taylor for his enthusiasm.

2. **Alison Duff**, Baraboo, representing The Sauk Prairie Conservation Alliance

Topic: DNR Master Planning process for the Sauk Prairie Recreation Area; need for high-quality environmental remediation.

She stated that they implemented two programs: a volunteer ecological restoration program and an education program, to engage community members in service learning activities that meet the values established in the *Badger Reuse Plan*. The focus of their efforts has been an oak savanna-prairie complex on what is now DNR property within 'parcel M.' For future restoration efforts to be successful, remediation of *parcel M* must be achieved to a standard that allows for the prescribed burning, invasive species removal, and plantings that will be required as a part of the ecological restoration process.

Sustainable agriculture was also established as an important future land use for the property, both because of the agricultural legacy of the Badger lands and the important role that agriculture can play in establishing and maintaining a healthy work. These options will be limited if remediation is not completed to a standard that allows for animal grazing within the DNR's landholdings at Badger. They welcome the Master Planning process and are confident that you will uphold Wisconsin's long tradition of conservation leadership with your support of the Values and Criteria of the *Badger Reuse Plan* in the development and management of this historic property.

Discussion followed as to whether there is a plan for water to be piped in from the municipality, whether the issue of grazing has been resolved in that the meat of the animal will be safe to eat, and appreciation that the Alliance is talking to real farmers.

Mr. Kazmierski MOVED, seconded by Mr. Bruins to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 1:15 p.m.

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