## Wisconsin Conservation Congress
### Environmental Committee
#### Meeting Minutes

<table>
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<th>ORDER OF BUSINESS</th>
<th>09/22/2018</th>
<th>9:30 A.M.</th>
<th>Mead Wildlife Area Visitor Center</th>
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### I. ORGANIZATIONAL MATTERS
#### A. CALL TO ORDER
- Meeting called to order by Chair Chris Underwood at 9:35 A.M.

#### B. ROLL CALL
- **ATTENDEES**
  - Robert Erdman, Douglas Kurtzweil, Jacob Anderson, Claude Bovi, Dave Blunk, Ronn Krueger, Thomas Johnston, Lester Ryder, Chris Underwood, Scott Pitta, Fred Wollenburg, Thomas Christman, Cassandra Erickson, Ryan Schutte, Mary Ellen O'Brien, Deb Dix (DNR), Adam Freihoefer (DNR), Jason Granberg (DNR), Kari Lee-Zimmerman (DNR)
- **EXCUSED**
  - Marc Schultz, Earl Stahl, Juliee De la terre
- **UNEXCUSED**
  - Robert Erdman, Madison Houchin
- **GUESTS**
  - Charlotte Nicholes (New Richmond), Isaac Mehlig, (Waupaca), Betty Grotorphorst (Bellville), Margaret Smith (River Falls)

#### C. AGENDA APPROVAL/REPAIR
- **DISCUSSION** None
- **ACTION** None

#### D. REVIEW COMMITTEE MISSION STATEMENT
- **DISCUSSION** The Environmental Committee Mission Statement was read to the committee by Mary Ellen O'Brien:

  The mission of the Environmental Study Committee of the Wisconsin Conservation Congress is to review citizen resolutions, rules, policies, regulations, and legislation affecting the air, land, and waters of the state of Wisconsin. The committee’s purpose is to ensure that the ecosystems of Wisconsin are fully protected with every effort taken to support Wisconsin’s native flora and fauna and educate the citizenry. The committee will work with DNR staff and the citizens of the state to effectively protect the health and integrity of Wisconsin’s natural ecosystems, utilizing the best available knowledge, technical resources and keeping a balance for all interested stakeholders.

  Lester Ryder asked what "keeping a balance for all interested stakeholders" means in the last sentence of the mission statement and noted that sometimes resolutions do not seem to be consistent with the mission statement. He also noted that the mission statement does not mention cost. Ronn Krueger and Kari Lee-Zimmerman noted that balance refers to items called out in the mission statement (rules, laws and other actions affecting our resources, and actions to protect these resources on behalf of the public, user groups, economic interests, and resources).

- **ACTION** None

#### E. PUBLIC COMMENTS
- **DISCUSSION** Chris received written comments from Larry Meyer in support of Citizen Resolution 530218, Christina Ciano in support of Resolution 131418, Tom Johnson in support of Resolution 160618, and Juliee De le Terre in support of Resolution 530118. Margaret Smith attended the committee meeting to provide input in support of Resolution 131418.

- **ACTION** Public comments were read to the committee by Chris. See citizen resolution discussions for more information.

### II. INFORMATION & ACTION ITEMS
#### A. Citizen Resolutions

1. **110218, 131518** (Allocation of invasive species control fund for Phragmites australis).
   - **Brooke Alexander, Dane County**
   - **DISCUSSION**
     - Chris noted that Ms. Alexander had submitted two resolutions, one in Columbia County and one in Dane County. He let her know only one resolution can be submitted. Ms. Alexander also submitted written comments. Chris read the resolution and Ms. Alexander’s written comments to the committee.

In preparation for the committee meeting, Jason Gransberg, DNR Invasive Plant Specialist and Project
Coordinator, submitted a copy of DNR's Phragmites statewide control plan.

Discussion included reviewing the stated purpose of the resolution (establishing a collaborative approach to controlling the spread of Phragmites australis in counties where it already exists in high densities and in front line counties where it is spreading) and the language in the be it resolved paragraph of the resolution that calls for creation of an invasive species control fund and joint allocation of money to such a fund. It also states that the fund would be used for hiring an invasive species manager and restoration company to maintain terrestrial invasive species including but not limited to Phragmites australis.

There was concern that the language in the be it resolved paragraph was broader than the apparent intent of the resolution because it refers to invasive species including but not limited to Phragmites. Kari and Chris noted that resolutions are typically fine tuned before they move to the next step. Concerns were raised about the ability or willingness of local municipalities to pay for such a program and whether they would have the necessary equipment for managing invasives. There was additional discussion on current practices for managing Phragmites on highway rights-of-way, how this gets paid for, and whether there are any current funding sources for management.

Jason Granberg provided an overview of ongoing Phragmites management in Wisconsin. The spread of Phragmites is well documented under DNR's distribution mapping program. Control on state highways is done by the Wisconsin Department of Transportation (WisDOT). The main management technique is herbicide application. Other methods include prescribed burns and mowing. The U.S. Environmental Protection Agency has allocated some funding for controlling Phragmites in the Lake Michigan basin, and the Bay Lake Regional Planning Commission has received nearly $1 million for Phragmites management. Pittman Robertson (wildlife funds) are also available in some circumstances involving state owned wildlife management areas. Jason stated that the current management program has been successful and that additional funding and participation by local municipalities would augment the work being done by WisDOT by expanding Phragmites control to other than state highway rights-of-way.

After further discussion, it was decided that the resolution would not be rejected due to concerns noted above about the wording. Rather, this wording can be modified through the informal resolution refinement process.

**ACTION**  
A motion to advance Resolution 11208 was made by Lester Ryder, seconded by Dave Blunk, and passed by voice vote with one person opposed.

**PERSON(S) RESPONSIBLE**

**DEADLINE**

2. **131418 (Get the lead out)**  
   
   **DISCUSSION**  
   See Attachment 2. In preparation for the committee meeting, Ms. Ciano sent an e-mail to Chris with video links on the destructive effects of lead poisoning in wildlife. She also provided a written statement Chris read the resolution and Ms. Ciano's written statement to the committee.

   Discussion included information on the very small quantities of lead that can cause wildlife death; for example, one lead pellet can kill a loon. It was noted that Massachusetts and California have banned lead fishing tackle above a certain weight. There were comments on the higher cost of using non-lead ammunition. A concern about banning lead ammunition for target shooting was also raised. It was pointed out that similar resolutions have been introduced in the past and these have not been successful primarily because they proposed too broad a band covering both fishing gear and ammunition.

   Because this public concern is raised on a frequent basis, it was suggested that the success of passing could be strengthened if the resolution could be divided into two distinct topics, fishing gear and ammunition. This would allow developing a two part question for presentation at the spring public hearing (do you support banning lead fishing gear? and do you support banning lead ammunition?). There was a concern about banning lead ammunition for target shooting and it was suggested that the resolution be modified to exclude a ban on target shooting. It was also suggested that the resolution specify the amount of lead that would be allowed in fishing tackle, similar to what Massachusetts has done. It was noted that Massachusetts legislation also includes a 3-year time frame for phasing out lead ammunition.

   Deb Dix (DNR) provided some background information on the status of lead fishing tackle and ammunition regulation in Wisconsin. Use of lead fishing tackle is currently prohibited in three lakes (Escanaba, Nebich, and Pallette). This ban was part of a pilot study authorized by the Natural Resources Board in 2014. The ban was for lead material of a certain size and there have been no formal studies to measure toxicity levels. Enforcement is
difficult.

In 2009-2010, the DNR wildlife program had some federal money to test and demonstrate the benefits of using copper bullets instead of lead and the program was beginning to advocate for alternatives to lead ammunition. This initiative was dropped in 2012-2013 due to concern about influencing/impacting the ammunition industry.

Margaret Smith, River Falls, was in attendance to support Resolution 131418. Ms. Smith is a member of the North American Non-Lead Partnership and the Wisconsin Trumpeter Swan Society. She provided handouts on the effects of lead poisoning in Trumpeter swans. She also provided an informational sheet on partnerships in Oregon and Arizona promoting voluntary measures to increase use of non-lead fishing tackle and ammunition. Ms. Smith noted that it is important to build grass roots support with sportsmen and fishermen leading the effort.

After further discussion and the extent of the proposed modifications to this resolution, there was general consensus that the best course of action would be to reject the resolution as written and to propose alternative language to address the committee's concerns. Specifically, committee officers will develop alternative resolution wording that would address separate questions for banning lead ammunition, excluding target shooting, and for banning lead fishing tackle weighing one ounce or less. It was agreed that the resolution language should mention phase in, but not a specific time frame. It was also noted that the introductory information and statements in the resolution should be reviewed for accuracy and appropriateness.

Committee officers led by Chris will be responsible for developing alternative resolution language, discussing the changes with the resolution author, and presenting a draft replacement resolution to the committee and DNR for review.

**ACTION**

A motion to advance this resolution as written was made by Fred Wollenburg and seconded by Tom Johnston. This motion was rejected. A motion was then made by Dave Blunk and seconded by Lester Ryder to modify the resolution as discussed by the committee. This motion passed unanimously by voice vote.

**PERSON(S) RESPONSIBLE**

Committee officers

**DEADLINE**

As soon as practicable.

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3. **530218 (Increase setback of fields from streams to at least 20 feet)**

**DISCUSSION**

See Attachment 3. In preparation for the committee meeting, Larry Meyer sent a supporting statement to Chris along with excerpts from Wisconsin Administrative Code Chapter NR 151 (Runoff Management) and Wisconsin Administrative Code Chapter ATCP 50 (Agriculture, Trade, and Consumer Protection's Soil and Water Resource Management Program). Chris read the resolution and Mr. Meyer's comments to the committee.

Mr. Meyer noted the main concern with stream proximity to fields is runoff and associated phosphate levels. Mr. Meyer noted that he had authored a pass resolution that would invoke penalties for tilling land within 5 feet of any top channel of surface water. This resolution was presented at the 2018 spring hearing and was passed. However, no further legislative action was taken and one of the reasons given was that support from farm organizations was not demonstrated.

There was a brief discussion that include comments on the importance of setback distances from waterways, and the extent of water quality impairment due to phosphorus and suspended solids.

**ACTION**

A motion to advance was made by Ryan Schutte, seconded by Doug Kurtzweil and passed by voice vote.

**PERSON(S) RESPONSIBLE**

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4. **070118, 230418, 250418, 540518 (Moratorium on CAFOs)**

**DISCUSSION**

See Attachment 4. Resolution authors: Allen Peek, Burnett County (070118), Betty Grotorphorst, Green County (230418), Sally Leong, Iowa County (250418), and Dela Ends, Rock County (540518). CAFO is the acronym for Concentrated Animal Feeding Operations.

Chris read Resolution 530218 to the committee. He also passed around a news release provided by Claude Bovi concerning a manure spill in St. Croix County. Betty Grotorphorst, author of Resolution 23418, summarized concerns with CAFOs. The number of CAFOs has doubled since the listing authority under the Department of Agriculture, Trade and Consumer Protection was removed in 2004. The primary concern with CAFOs is manure storage and handling. Water usage and the need for high capacity wells is another concern; 20-25 gallons of
water per day are consumed by one cow. Air quality is another issue due to the smell from these facilities. Land values decrease in the vicinity of CAFOs and high volumes of truck traffic causes deterioration of local roads. Manure spills are also a concern for surface and ground water quality. DNR monitoring of licenses and WPDES (non-point source pollution program) permits is not good. Permitting and construction of CAFOs needs to slow down so newer safeguards and technology can be examined.

There was a question on what the fine is for a manure spill in Wisconsin. Deb Dix (DNR) stated that spill and other issues with CAFOs go through the Department of Justice to determine any forfeitures. A recent violation for a small CAFO resulted in a $25,000 fine. One of the problems is that it takes a couple of years for violations to be heard and prosecuted. Due to staff reductions, DNR isn’t able to respond quickly to potential problems. Another issue is that many CAFOs are farms that have grown from their original size and they do not have the infrastructure to handle the additional animals and animal waste.

There was a question on what constitutes a CAFO; is it just limited to cattle operations? Deb Dix stated that there can also be hog, chicken and turkey CAFOs depending on the size of the operation. The definition of CAFO depends on the number of animals involved.

There was discussion on the extent to which local units of government can regulate CAFOs. Deb Dix stated that if CAFOs do not meet county zoning, DNR would not approve them. Not all counties have zoning ordinances that could regulate CAFOs.

It was noted that moratoriums typically have time frames. That would give local governments time to implement zoning ordinances and other regulations. It was also noted that jurisdiction for regulating CAFOs has been up in the air. There has been some movement to transfer regulation to the Department of Agriculture, Trade, and Consumer Protection, but that would be complicated because of the Clean Water Act issues that are involved with CAFO operations and regulated by DNR.

There was a concern that no action was called for in the resolution, just a moratorium. After further discussion, there was consensus that there is merit in giving the public an opportunity to weigh in on the proposed moratorium.

**ACTION**
A motion to advance Resolution 540518 was made by Dave Blunk, seconded by Doug Kurtzweil, and passed by voice vote. One person opposed it.

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### 5. 160618 (Perform groundwater study at Brule State Fish Hatchery)

**DISCUSSION**
See Attachment 5. Chris read resolution 160616 to the committee. He also read a written comment received from resolution author, Tom Johnson.

Adam Freihofer (DNR) provided background information on concerns with the Brule hatchery. The Brule hatchery is old and needs to be updated. A groundwater study is part of a larger plan to renovate the hatchery. The concern is that the outside water source for the hatchery from the Brule River, a tributary to Lake Superior, could be subject to Viral Hemorrhagic Septicemia (VHS) that has been detected in the Great Lakes. The possibility of using an artisan water supply for the hatchery is being looked at as a way to eliminate the concern about VHS. A groundwater study would help determine whether there is sufficient water and whether it is good quality. The Brule hatchery does not have facilities for recirculating water and an upgrade to provide this capability would cost up to 14-18 million dollars. The groundwater study would be one component of the overall study to determine the extend of upgrades at this hatchery.

There was discussion on the importance of the Brule hatchery and general consensus that a groundwater study would be beneficial.

**ACTION**
A motion to advance Resolution 160618 was made by Lester Ryder, seconded by Dave Blunk, and passed by voice vote.

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### 6. 530118, 630618 (Require agricultural plastic manufacturers to provide collection bins)

**DISCUSSION**

See Attachment 6. Resolution 530118 was submitted by Raymond Stanek, Richland County, and Resolution 630618 was submitted by Tom Wilson, Vernon County. A written comment supporting these resolutions was sent to Chris by Juliee de la Terre, Richland County along with information from DNR and EPA on environmental contamination caused by burning plastic such as release of Dioxin. Chris read the resolution and Ms. De la terre's comments to the committee.

Deb Dix (DNR) also provided information to the committee regarding a 2015 survey on agricultural and other plastics conducted by the University of Wisconsin, River Falls. The survey identified a steady supply of waste agricultural and boat wrap plastic in Wisconsin and interest in recycling this waste plastic. The survey concluded that additional research on the feasibility of developing systems and facilities to recycle such waste is needed.

Concerns and questions were raised about the resolution's requirement that plastic manufacturers would be required (through legislation) to provide collection bins for used plastic from farming operations. Some committee members thought this could result in an economic burden for farmers. There was also a question about how DNR would regulate this requirement.

Deb Dix stated that regulation would likely be through changes to Wisconsin Administrative Code Chapter 287 on solid waste recycling. Deb also noted that one of the biggest deterrents to reuse/recycling of agricultural plastic is contamination. There is little incentive to reuse the plastic because it would need to be cleaned, which could also result in undesirable environmental effects.

After further discussion, there was general committee consensus that although recycling agricultural plastic would have merit from an environmental standpoint, there are too many potential problems with legislating and regulating the use of bins or dumpsters to collect waste plastic. For example, how and by whom would a program be developed for delivering and collecting recycle bins, ensuring that only clean plastic be placed in them, and paying for transport and disposal.

**ACTION**

A motion was made by Fred Wollenburg to reject Resolutions 530118 and 630618, seconded by Dave Blank, and rejected by voice vote.

**PERSON(S) RESPONSIBLE**

**DEADLINE**

### 7. 120318, 230318, 250318, 420318, 540718, 630518 (Responsive mining for clean water)

**DISCUSSION**

See Attachment 7. Resolution 120318 was submitted by Richard Jahnke (Crawford County), Resolution 230318 was submitted by Pat Skogen (Green County), Resolution 250318 was submitted by Sally Leong (Iowa County), Resolution 420318 was submitted by Ned Grazke (Monroe County), Resolution 540718 was submitted by Matt Scheaffer (Rock County), and Resolution 630518 was submitted by Tom Wilson (Vernon County).

Chris read Resolution 120318 to the committee. The resolution expresses concern that the mining industry has failed to provide evidence that mining in sulfide ore bodies can be accomplished without polluting water resources. It requests that DNR work with the Natural Resources Board and the legislature to develop public policy regarding mining in sulfide ore bodies to ensure that proposed mining methods and technologies have been applied successfully to current and historic mining projects to prevent pollution of water resources.

There was discussion about current laws governing mining operations. Deb Dix (DNR) noted that Wisconsin Act 134 passed by the legislature in 2017 eliminated the past mining moratorium on the issuance of permits for sulfide ore mining without changing environmental standards in the state. Adam Frehoeter (DNR) explained that the current standard for evaluating whether mining operations can be permitted is whether the mining operation can demonstrate that appropriate technology is in place to meet environmental laws and regulations. Mines are inspected by DNR.

Concerns were expressed about how this standard is applied to different types and sizes of mining operations. Some types of mines have greater potential for environmental impacts than others. It was mentioned that some mining operations such as the Back 40 mine have found ways to circumvent the standards. It was noted that although there have been past resolutions concerning sulfide ore mines that have not been successful, there is merit in keeping this issue before the public.
Further discussion suggested that the language in this resolution be reviewed and edited to make it clear that the resolution's intent is to develop policies for sulfide ore mines and not all mines.

ACTION
A motion to advance Resolution 120315 was made by Cassandra Erickson, seconded by Scott Pitta, and passed by voice vote.

PERSON(S) RESPONSIBLE

DEADLINE

B. Department Information Items and Updates

[PRESENTER]

DISCUSSION
None.

ACTION

PERSON(S) RESPONSIBLE

DEADLINE

C. [DESCRIPTION OF TOPIC] [PRESENTER]

DISCUSSION

ACTION

PERSON(S) RESPONSIBLE

DEADLINE

III. MEMBERS MATTERS

Scott Pitta stated his concern about CWD - there is currently no way to test whether CWD prions from sick deer are getting into water or dairy milk supplies.

Doug Kurtzweil noted that salt licks and plants are another source of CWD prions.

Ronn Krueger mentioned an upcoming public meeting on fencing and other CWD containment measures.

Ronn Krueger reminded committee members that they need to notify Chris within five days whether or not they will be attending the environmental committee meeting.

IV. ADJOURNMENT

MEETING ADJOURNED
2:00 P.M. - Motion to adjourn by Dave Blunk, seconded by Ronn Krueger, passed.

SUBMITTED BY
Mary Ellen O'Brien, Secretary

DATE
10/03/2018