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NATURAL RESOURCES BOARD

BRIEF OF ACTION

The regular meeting of the Natural Resources Board was held on Wednesday, January 28, 2015 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 1-3 and 6-7. The meeting adjourned at 12:37 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

William Bruins – present Gary Zimmer – present
Christine Thomas – present Jane Wiley – present
Terry Hilgenberg – present Preston Cole – present
Greg Kazmierski – present

1.B. Approval of agenda for January 28, 2015

Mr. Zimmer MOVED approval of the January 28, 2015 agenda, seconded by Mr. Kazmierski. The motion carried unanimously.

1.C. Approval of Brief of Action from December 10, 2014

Mr. Kazmierski MOVED approval of the December 10, 2014 Brief of Action, seconded by Mr. Bruins. The motion carried unanimously.

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

Ms. Wiley MOVED approval, seconded by Mr. Zimmer of the Real Estate Transactions. The motion carried unanimously.

3. Action Items

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

3.A.1. Request adoption of Board Order WT-13-12, proposed rules affecting chapters NR 200, 201, 203, and 205 related to the Wisconsin Pollutant Discharge Elimination System (WPDES) permits PowerPoint

Mr. Hilgenberg MOVED approval, seconded by Dr. Thomas of the department's recommendations. The motion carried unanimously.

- 3.A.2. Request approval of department recommendation to initiate a strategic analysis of the industrial sand mining industry in Wisconsin PowerPoint

Discussion followed on Midwest Environmental Advocate's expectations and whether they are synonymous with the department's [process set in code which the department will follow].

Chair Cole requested a 365 day turn-around back to the Board for a final draft. He asked the department to go far and wide in reaching out to the public. He noted that Midwest Environmental Advocates have been straight forward in their expectations. If staff anticipates going beyond a 365 day turnaround, then staff will need to bring an updated timeline before the Board.

Discussion followed on what a public scoping statement does, whether the department has a website that lists what the department is doing [yes, website is: <http://dnr.wi.gov/> and type "sand mining" in the search.], whether staff are comfortable with the timeline set by the Board Chair [yes], whether the human health side of the analysis will be taken up by another agency [the department will work with other agencies], and whether comments submitted by neighbors to the facilities will be included in this process [yes].

Chair Cole asked that better tools and guidance for the local level be included in the analysis.

Mr. Zimmer MOVED approval, seconded by Mr. Hilgenberg of the department's recommendations. The motion carried unanimously.

- 3.B. Land Management, Recreation, Fisheries, and Wildlife
3.B.1. Request approval of department recommendations to issue a Stewardship grant that will prohibit at least one nature-based outdoor activity (NBOA) on non-department land: City of Osceola, Polk County

Public Appearances:

1. **Joel West**, Village of Osceola Administrator, representing the Village of Osceola. He spoke in support of the department's recommendations. In response to a Board request, he then described how the trail system is used for tourism. (Handout)

Ms. Wiley MOVED approval, seconded by Dr. Thomas of the department's recommendations. The motion carried unanimously.

3.B.2. Request approval of the Fisheries Management Bureau's 2015 Fish and Wildlife Spring Hearing questions related to Board Order FH-14-14

Discussion followed on the enormous size of the packet and whether the department received enough information from the public [yes, did background work to get right mix].

Mr. Kazmierski MOVED approval, seconded by Ms. Wiley of the department's recommendations. The motion carried unanimously.

3.B.3. Request approval of the Wildlife Management Bureau's 2015 Fish and Wildlife Spring Hearing questions related to Board Order WM-01-15

Discussion followed on background of item 10 (Wolf River) and that it was approved for purchase a few years ago by the Board.

Dr. Thomas MOVED approval, seconded by Mr. Zimmer of the department's recommendations. The motion carried unanimously.

3.B.4. Congress Matters: Wisconsin Conservation Congress (WCC) 2015 Spring Hearing Advisory Questions

Mr. Zimmer requested that a note be considered and attached to question 10 which deals with the silicon mining update. The Board earlier today approved initiation of a Strategic Analysis of the industrial sand mining industry.

Note to be added to question 10 is as follows:

At its January 2015 meeting, the Natural Resources Board approved a recommendation from the Department of Natural Resources to initiate a strategic analysis of the industrial sand mining industry in Wisconsin. This will entail an update to the 2012 report with more current information.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

3.B.5. Request approval of bear quotas for the 2015 season

Discussion followed on whether more permits could be issued in zones C and D since current numbers seem conservative, whether there is any merit to divide zone C into two different management zones, and that the department is encouraged to make something happen [warrants taking a look within the management plan process].

Dr. Thomas noted the UW-Stevens Point bear study shows that females are surviving on private land. She hinted that the department may need to look at

managing differently on private lands [the department is beginning to look into this].

Discussion followed that wildlife in general will move where the food is most prevalent and habitat is best for their environment.

Mr. Hilgenberg requested that the department add the harvest results to the green sheet package in future years.

Mr. Zimmer MOVED approval, seconded by Mr. Kazmierski of the department's recommendations. The motion carried unanimously.

3.B.6. Request approval of Brule River State Forest Master Plan amendment
PowerPoint

Discussion followed on whether the 978 acreage goal in the amendment is a cap [no], and that staff has done a great job in outreach and educating the public.

Mr. Hilgenberg MOVED approval, seconded by Mr. Kazmierski of the department's recommendations. The motion carried unanimously.

3.C. Scope Statements

3.C.1. Request approval of the Statement of Scope for emergency Board Order FH-17-14(E) and Board Order FH-18-14 and conditionally approve the public hearing notice and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse, for proposed rules affecting chapters NR 20 and 23 related to modifications in walleye harvest management in Ceded Territory waters

Mr. Kazmierski MOVED approval, seconded by Mr. Bruins of the department's recommendations. The motion carried unanimously.

3.C.2. Request approval of the Statement of Scope for Board Order AM-15-14 and conditionally approve the public hearing notice and the notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse, for proposed rules affecting chs. NR 400, 404, 405, and 420 related to maintaining consistency with U.S. EPA air pollution control regulations and the repeal of obsolete rules

Discussion followed as to whether the list of greenhouse gases that have warming potentials are identified by the department [EPA has the list and the department is required to reflect that].

Ms. Wiley MOVED approval, seconded by Mr. Kazmierski of the department's recommendations. The motion carried unanimously.

~~3.C.3. Request approval of the Statement of Scope for Emergency Board Order OE-20-14(E) and Board Order OE-21-14, and grant conditional approval of the notice of~~

~~public hearing and the notice of submittal of proposed rules to the Legislative Council Rules Clearing House, regarding proposed changes to Ch. NR 150, Wis. Adm. Code, related to the department's environmental analysis and review procedures~~

Chair Cole moved the meeting to agenda item 5.B.1. and noted that the meeting will return to agenda item 4.B.1. – Citizen Recognition at 11:00 a.m.

5. Information Items

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

None

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

5.B.1. Update on development and implementation of the Deer Management Assistance Program (DMAP) and County Deer Management Advisory Councils (CDAC)

Discussion followed on whether the department has applied the same levels to public lands as they have with private and whether they will be applied according to contiguous acreage, whether DMAP cooperators are mostly looking to control, reduce, or increase the population [majority want to increase], the types of tools landowners have to increase the population, and whether the department has an approach to working with cities in metro units.

Mr. Kazmierski commended Bob Nack, Big Game Section Chief, and staff for their effort on this huge undertaking. He stated that along the way, it is understandable to have messaging and other problems. To clear things up for the media, he noted that it is not unusual for Board Members to have meetings with staff and administration. Every single Board Member does that. It is part of their job to listen to the public and get feedback. One writer said “what does Kaz really want?” To that he replied that Kaz wants exactly the same thing the rest of this Board and administration wants: a deer management program that is successful, that the stakeholders have bought into the program, and it is in the best interest of managing the deer herd and social interest for years to come.

Discussion followed on municipalities controlling herd expansion and partnering.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

5.B.2. Wisconsin Youth Conservation Congress initiative update

Discussion followed on the wonderful job Congress and staff are doing, a possible partnership with UW-Stevens Point, opportunities at the MacKenzie Center, and age groups targeted for this initiative.

Mr. Hilgenberg requested that Board Members be included in the communications mailing list distributions.

Discussion continued on working with Department of Public Instruction (DPI) and the FFA program.

Matt Moroney, Deputy Secretary, thanked WCC and staff for all they are doing in working with youth. Opportunities are endless. Last week he talked with the Aquaculture Association and they shared an interest as well. This is all about partnerships.

Chair Cole stated that this is impressive. The work being done is important for all of us. WCC continues to lead in areas that have been vacant for so long. Hats off to the statutory folks (WCC) and the work they do.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

6. Department Secretary's Matters
- 6.A. Retirement Resolutions
- 6.A.1. Suzanne Bangert
- 6.A.2. William Carlson
- 6.A.3. Roderick Glaman
- 6.A.4. Diane Hansen
- 6.A.5. Kris Khatri
- 6.A.6. Tom Mугan
- 6.A.7. Judi Nigbor
- 6.A.8. Randy Stark
- 6.A.9. Jill Schartner
- 6.A.10. Peter Wisdom
- 6.A.11. William (Bill) Yearman

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

- 6.B. Donations
- 6.B.1 The Natural Resources Foundation of Wisconsin (NRF) will donate \$33,358.86 from the Lower Wisconsin State Riverway Fund to support wildlife habitat restoration and management activities along the Lower Wisconsin Riverway

Public Appearances:

1. **Ruth Oppedahl**, NRF Executive Director and **Caitlin (Kate) Williamson**, NRF Grants Administrator. They spoke on their support of this donation, background of the fund, and Paul Brandt's legacy.

Mr. Zimmer stated he was very fortunate to work with Paul Brandt for many years. He was a wonderful person and it is sad to see him have a shorter life. It was a pleasure to work with him.

Mr. Zimmer MOVED approval of the department's recommends and to acknowledge the donation, seconded by Dr. Thomas. The motion carried unanimously.

- 6.B.2. The Rocky Mountain Elk Foundation will donate \$30,846.87 to create, enhance, and maintain elk forage habitat on the Clam Lake Elk range

Deputy Secretary Moroney stated that this is another great partnership story and that all is going well for a successful relocation.

Dr. Thomas MOVED approval of the department's recommends and to acknowledge the donation, seconded by Mr. Hilgenberg. The motion carried unanimously.

7. Board Members' Matters

- A. Review of Natural Resources Board Member questions for the 2015 Spring Fish and Wildlife Hearings

Mr. Hilgenberg submitted and read his advisory question related to tree stands.

NATURAL RESOURCES BOARD ADVISORY QUESTION

1. Do you favor a three year trial period during which the unattended, overnight placement of portable stands and blinds would be allowed on department owned and managed lands located north of State Hwy. 64? Stand placement would be limited to the traditional firearm and the muzzleloader only seasons and an evaluation would be conducted before new rules are authorized.

1. YES _____ NO _____

Chair Cole requested staff to read the background into the record.

Kurt Thiede, Land Administrator, read the following:

Question 1. Establish a three year trial period during which the unattended, overnight placement of portable stands and blinds would be allowed on department owned and managed lands north of State Hwy. 64 during the traditional firearm and the muzzleloader seasons.

Currently the overnight, unattended placement of tree stands and ground blinds for hunting is not allowed on department managed lands. This regulation is designed to prevent the "staking out" or making advance claims to hunting locations in favor of a first-come-first served practice. However the overnight placement of stands is allowed on many other

public lands which are not managed by department and also may be practical on department lands.

This proposal suggests a trial period of three years when the overnight placement of tree stands on DNR managed lands north of State Hwy. 64 would be allowed during the traditional 9-day firearm and the muzzleloader-only seasons. This would provide experience to hunters who would be able to balance and compare the convenience of not having to carry and place a tree stand or blind for each hunt, especially for an aging demographic of hunters, with a philosophy of trying to reduce competition on public lands. Some hunters have observed that competition for hunting locations in areas north of Hwy. 64 is already reduced compared to times when people felt that deer were more abundant.

Under this proposal, tree stands could only be placed beginning 48 hours before the first day of the traditional 9-day firearm season and must be removed on the day after the muzzleloader-only season. The proposal requires that all unattended tree stands be marked with the owner's department customer identification number or name and address. It would be illegal to cause damage to a tree, but careful pruning of limbs less than 1 inch in diameter would not be considered causing damage to the tree the stand is placed in. This would not permit cutting trees, brush and other vegetation for shooting lanes.

This proposal would clarify that any person may use a stand that is not occupied and being used by the owner and that stand placement does not reserve a location for exclusive use by any individual. However, the owner of the blind or stand would retain the authority to remove and relocate their stand at any time. It would be illegal to relocate a blind or stand that was lawfully placed by another.

The department would survey hunter's opinions and evaluate concerns that are identified during the trial period before authorizing new rules.

Discussion followed on policy for tree stands in national and county forests, turkey blinds at Horicon, user conflicts [department to contact WCFA and Forest Service for their experiences], a positive past experience of using a tree stand in a national forest, and hunter ethics.

Mr. Hilgenberg stated he has a second question related to bear hunting and Zone C but it is not ready for submittal at this time.

Chair Cole stated the meeting will return to this item once his question is ready to get it on the record.

Mr. Bruins requested an information item before the full Board on point source permits for discharge with focus on land spreading WPDES permits. Information item should include a comparison on agriculture land spreading and human waste and a presentation from Department of Agriculture, Trade, and Consumer Protection (DATCP).

Mr. Bruins requested an information item before the full Board on the habitat management initiative. He stated that farmers do not intend to do damage. They need to have more tools in place.

Mr. Kazmierski requested the department to create a plan to review surveys and questionnaires before they go out.

Discussion followed on the science of asking questions to obtain valuable feedback and structural issues that could affect responses.

Mr. Zimmer requested an information item by the April 8, 2015 Board meeting on the evaluation of conflicts occurring due to signing on lands that were purchased with Stewardship funds, especially related to land trusts, such lands are to be open to hunting with dogs but have posted restrictions that dogs must be on leash. Signage must be clear to users.

Ms. Wiley requested an information item by April 8, 2015 on the status of portage development and changes on the Wisconsin River since 9/11 (e.g. Federal Energy Regulatory Commission (FERC) requirements/restrictions, who regulates, and what DNR can do to create safe and easy passage).

Discussion followed on FERC looking at ways to expand renewable energy sources and that dams have the potential to increase energy.

Chair Cole returned to the meeting to agenda item 4.B.1.

4. Citizen Participation

A. Citizen Appearances - None

B. Citizen Recognition

1. Presentation of the American Fisheries Society (AFS) 2014 Sport Fish Restoration Outstanding Project Award for Research and Surveys
Ken Kurzawski from Texas Parks and Wildlife and AFS member presented the award to the department's research team that developed and evaluated watershed models for predicting stream fishery potential. The team was led by fisheries scientist John Lyons and included Matt Diebel and Matt Mitro. **(Handout)**

The award recipients received a round of applause.

INFORMATIONAL ITEM – NO ACTION WAS TAKEN

Chair Cole moved the meeting to agenda item 7.B.

7. Board Members' Matters
 - B. Election of Officers

Chair Cole opened nominations for officers.

Dr. Thomas MOVED, seconded by Mr. Zimmer to continue with the current slate of officers for the Natural Resources Board.

Dr. Thomas MOVED, seconded by Mr. Zimmer that nominations for officer be closed. The motion to re-elect Preston Cole as Board Chair, Terry Hilgenberg as Vice-Chair, and Greg Kazmierski as Secretary carried unanimously.

Chair Cole returned the meeting to agenda item 7.A.

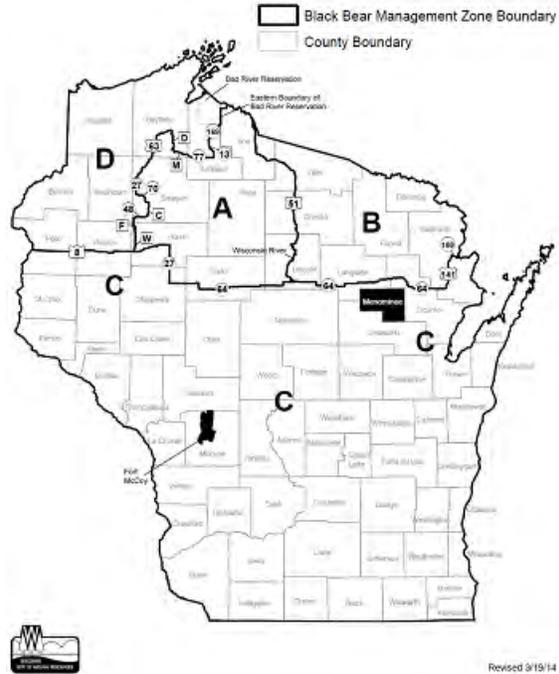
7. Board Members' Matters
 - A. Review of Natural Resources Board Member questions for the 2015 Spring Fish and Wildlife Hearings

Mr. Hilgenberg submitted and read his advisory question and background related bear management zone C.

NATURAL RESOURCES BOARD ADVISORY QUESTION

Bear management zone C was created at a time when there were very few bears in the zone. Today, the bear population continues to grow and expand in zone C. Zone C encompasses most of the southern two-thirds of the state and the management interests for bear may vary throughout that single zone. In some areas, there may be tolerance for a relatively abundant bear population. In other areas, a lower number of bears may be desirable.

Subdividing the current bear zone C may allow for different management objectives for bears in different areas of southern Wisconsin.



Should the department subdivide bear management zone C in order to provide management flexibility?

Yes _____ **No** _____

Discussion followed on where the relocated elk herd will be located [Jackson County, bear management zone C] and whether there will be competing factors.

Chair Cole requested a motion to go into closed session under the authority of s.19.85(1)(g) Wisconsin Statutes for purposes of discussing litigation matters and under the authority of s.19.85(1)(e) Wisconsin Statutes, for the purpose of discussing potential real estate transactions.

Mr. Hilgenberg MOVED, seconded by Mr. Kazmierski that the Board convene into closed session under the authority of s.19.85(1)(e) Wisconsin Statutes, for the purpose of discussing potential real estate transactions and under the authority of s.19.85(1)(g) Wisconsin Statutes for purposes of discussing litigation matters. The motion was carried by a roll call vote.

William Bruins – yes
Christine Thomas – yes
Terry Hilgenberg – yes
Greg Kazmierski – yes

Gary Zimmer – yes
Jane Wiley – yes
Preston Cole – yes

Chair Cole reconvened the meeting at 12:35 p.m. Chair Cole reported that during the closed session no action was taken.

Chair Cole then asked Kurt Thiede to the podium.

Mr. Thiede stated that the department was looking for a new image for the Endangered Resources (ER) license plate. The department is under the gun to meet deadlines and announced today that for the next week the public can submit to the department their photos and stories on eagles as an endangered resources success story. He thanked Bill Cosh, Office of Communications Director, staff, and especially Trish Nitschke, Public Affairs Manager, for their assistance in getting this out to the public and launched on Facebook.

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

The meeting adjourned at 12:37 p.m.

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