

OCTOBER 22, 2008

NATURAL RESOURCES BOARD

MINUTES

The regular meeting of the Natural Resources Board was held on Wednesday, October 22, 2008 at the Eagle River Inn & Resort, 5260 Highway 70 West, Eagle River, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-7. The meeting adjourned at 3:50 p.m.

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

David Clausen – present

Jonathan Ela – present

John Welter – present

Jane Wiley – present

Preston Cole – present

Gary Rohde – present

Christine Thomas – present

Steve Favorite, Vilas county chair welcomed the Board to the northern part of Wisconsin. He appreciated that citizens were able to express their viewpoints before the Board.

Dr. Thomas thanked staff for hosting the Board and for the excellent field trips on Tuesday that showed how local parents and community could do something great for the environment and learn how the natural world works; the shoreline restoration partnership between private owners, businesses, and DNR; and for the briefing with forest partners on travel arrangements in U.S. Forests. She also thanked tribal partners and Ed Harvey of the Wisconsin Conservation Congress for attending.

1.B. Approval of agenda for October 22, 2008

Mr. Welter MOVED, seconded by Dr. Clausen approval of the agenda for October 22, 2008. The motion carried unanimously.

1.C. Approval of minutes from August 13, 2008

Mr. Ela MOVED, seconded by Mr. Rohde approval of the minutes as presented. The motion carried unanimously.

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

Mr. Ela MOVED, seconded by Mr. Welter approval of the real estate transactions. The motion carried unanimously.

Mr. Bruss requested he be allowed to combine the presentations for Agenda items 3.A.1, 3.A.2, and 3.A.3. **The Board** agreed.

3. Action Items

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

3.A.1 Request authorization for public hearing for Board Order AM-19-08, proposed rules affecting Chapters NR 422 and 423 pertaining to Reasonably Available Control Technology (RACT) for VOC sources engaged in solvent cleaning, lithographic and flexible package printing, and certain coating source categories

3.A.2 Request authorization for public hearing for Board Order AM-24-08, proposed rules affecting chs. NR 419 and 484, pertaining to establishing VOC emission control requirements for industrial wastewater collection and treatment operations from major VOC sources in Wisconsin ozone nonattainment areas

3.A.3 Request authorization for public hearing for Board Order AM-20-08, proposed rules affecting Chapter NR 428 pertaining to modifications to address USEPA's concerns relative to SIP approval with the adopted NOx RACT rule and to incorporate minor revisions

Larry Bruss, Regional Pollutant and Mobile Source Section Chief stated the proposed rules for NR 422 and 423 strike a balance between two competing regulatory requirements, the statutory limitation prohibiting the Department from going beyond federal minimum requirements and the anti-backsliding provision of the Clean Air Act. The Department's current policies require consistency with both of these requirements. The Department proposed these rules to meet the requirements of Section 182(b)(2) of the federal Clean Air Act. Section 182(b)(2) requires states with moderate ozone nonattainment areas to update existing volatile organic compound (VOC) Reasonably Available Control Technology (RACT) regulations within 1 year of US Environmental Protection Agency (EPA) issuing updated Control Technology Guidelines (CTG). US EPA issued revised CTGs for four industrial source categories in September 2006 and three more in September 2007. The Department is basing the proposed rules on the revised CTGs. The rule revisions would be incorporated pursuant to s. 285.11(6), Stats.

The proposed rule for NR 419 and NR 484 is necessary for the Department to meet the requirements under Section 182(b)(2) of the federal Clean Air Act. This proposed rule is consistent with existing policy, which is to adopt and enforce all requirements applicable to Wisconsin under the federal Clean Air Act. This rule would require VOC RACT measures that are listed in EPA guidance (including the CTG) as being highly effective towards reducing VOC emissions from any applicable IWCT operations. Almost all of the VOC emissions from Industrial Wastewater Collection and Treatment (IWCT) processes simply evaporate from the waste stream when exposed to the ambient air. Consequently, the VOC RACT requirements stated in the proposed IWCT rule largely consist of implementing technologies and work practice standards that would combine to substantially suppress the exposure of the VOC-laden stream to the ambient air.

The existing rules in ch. NR 428 apply to large combustion sources in the ozone non-attainment counties of southeast Wisconsin. The proposed revisions are not anticipated to alter the sources currently subject to emission requirements. In April and May 2007, the Natural Resources Board adopted rules establishing NO_x emission limits which constitute a Reasonably Available Control Technology (RACT) program for meeting Clean Air Act requirements for major sources in ozone non-attainment areas. These rules were submitted to US EPA for approval as part of Wisconsin's State Implementation Plan (SIP) for ozone control. The US EPA is proposing conditional approval of these rules. The conditional approval requires DNR to make modifications to the NO_x RACT rules in ch. NR 428 prior to final federal approval. In conjunction with revisions required for US EPA approval, a number of revisions are being proposed to address miscellaneous issues identified by the Department and affected sources during implementation of the rules in ch. NR 428.

He requested the Board authorize public hearings on Board Orders AM-19-08, AM-24-08, and AM-20-08. **(POWERPOINT AND HANDOUT)**

Discussion followed on the compliance timeframe, deficiencies other than what was addressed in the March 17, 2008 letter from the U.S. EPA (attached to the PowerPoint), and Governor Doyle's letter to EPA mailed on Monday, October 20, 2008 (not distributed at meeting).

Mr. Cole MOVED, seconded by Ms. Wiley approval of the requests for authorization for public hearing for: 3.A.1 (Board Order AM-19-08, proposed rules affecting Chapters NR 422 and 423 pertaining to Reasonably Available Control Technology (RACT) for VOC sources engaged in solvent cleaning, lithographic and flexible package printing, and certain coating source categories); 3.A.2 (Board Order AM-24-08, proposed rules affecting chs. NR 419 and 484, pertaining to establishing VOC emission control requirements for industrial wastewater collection and treatment operations from major VOC sources in Wisconsin ozone nonattainment areas); and 3.A.3 (Board Order AM-20-08, proposed rules affecting Chapter NR 428 pertaining to modifications to address USEPA's concerns relative to SIP approval with the adopted NOx RACT rule and to incorporate minor revisions). The motion carried unanimously.

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

- 3.B.1 Request adoption of Board Order FR-11-08, revisions to NR 47 related to Urban Forestry Grants
Dick Rideout, Urban Forestry Coordinator stated the rule change accommodates the additional provisions to the urban forestry grant program as authorized by 2007 Wis. Act 13. Act 13 gives the department the authority to provide urban forestry grants to meet communities' needs for repair, removal and replacement of trees following a catastrophic storm event for which the governor has designated a state of emergency.

Currently the Department's urban forestry grant program distributes 50% match grants to local units of government, tribes and 501(c)(3) non-profit conservation organizations (NCOs) for the management of trees and related projects in populated areas.

The passage of *2007 Wisconsin Act 13* gives the department the authority to provide urban forestry grants to meet communities' needs for repair, removal and replacement of trees following a catastrophic storm event for which the Governor has designated a state of emergency. Act 13 allows for a portion of the current urban forestry grant appropriation to be used to fund no-match catastrophic storm grants in an expedited manner for Governor-declared disasters in urban or developed areas of the state.

To accomplish this, the proposed rule will update the existing general provisions section on grantee accountability, grant termination, and enforcement contained within NR 47, subchapter 1. Additionally, NR 47, subchapter XII will be created to administer the urban forestry catastrophic storm grants. NR 47, subchapter XII establishes eligibility, application procedures, eligible costs for payment, the grant selection process and the required supporting documentation for the urban forestry catastrophic grant program. He requested the Board approve Board Order FR-11-08.

Discussion continued on if this proposed rule changes procedure only and not the fund itself.

Mr. Ela MOVED, seconded by Ms. Wiley approval of the request for adoption of Board Order FR-11-08, revisions to NR 47 related to Urban Forestry Grants. The motion carried unanimously.

3.B.2 Request approval of expanded Pershing Wildlife Management Area project boundary

Tom Hauge, Wildlife Management Bureau Director, and **Ken Jonas**, Wildlife Management Area Supervisor gave a joint presentation. This recommendation is based on a recently completed feasibility study which evaluated the physical and biological environment, views of the public, area landowners, and the availability of department resources to accomplish the project's purpose.

The Pershing Wildlife property was established as a public hunting ground in 1953 and formally designated a "Wildlife Area" in 1960. In the existing project boundary about 7,900 acres are under state management in two separate units, designated "north" and "south", connected by a narrow one quarter mile parcel on the east side of the property. The primary goals for Pershing Wildlife Area as stated in the 1981 master plan are to manage intensively for the production of waterfowl and sharp-tailed grouse, to provide public hunting and trapping, and to accommodate other limited, compatible, nature-oriented uses. Presently Pershing Wildlife Area is managed for three distinct habitat types: wetlands, brush prairie and forest, with 65% upland and 35% wetland acreage. Expanding the project boundary contributes toward these management goals.

Pershing is growing as a recreational destination for hunting, trapping, and wildlife viewing, attracting users from the immediate vicinity and the urban areas of Eau Claire, Marshfield and Wausau. Local department staff continue to receive requests from neighboring landowners who are interested in selling their property to the state but find that they that are outside the existing project boundary. They requested the Board approve the expanded Pershing Wildlife Management Area project boundary.

Discussion continued on the cause of the sharp-tailed grouse decline, payment in lieu of taxes concern by local governments and citizens, the type and number of landowners in the proposed expanded project boundary, if there is any interest from landowners to sell land to the state, the current use of land in this boundary, number of grouse currently in Wisconsin, and the primary management objective.

Public Appearances:

1. **Dave Evenson**, Cumberland, representing Wisconsin Sharp-tailed Grouse Society (WSGS). WSGS supports whole-heartedly the expansion of the Pershing Wildlife Area by 7,000 acres.
2. **Mike Riggle**, Medford, representing WI Conservation Congress as County Chair and Taylor County Sportsmen's Club stated there is a great deal of local support for the expansion of these boundaries. Farm land in this area is very marginal. The people of Taylor County do think this is a great idea and would like the Boards' support on expanding the boundary.

Discussion continued on payment in lieu of taxes.

3. **Claire Romanak**, Athens, representing Chequamegon Bird Club as President. She spoke in support of the expansion. She stated this will help efforts to secure the best blocks of land with the most potential to benefit future generations of people and wildlife, including Sharp-tailed Grouse and other unplanned wetland wildlife and plant species. This expansion is a step toward preserving the landscape of Wisconsin while providing enjoyment of its natural resources for future generations.

Discussion continued on the future costs and Department priorities in purchasing land for this long range project expansion, creating a new master plan, backlog of existing management plans, the management of current lands, and the correlation to a downsized workforce.

Mr. Frank stated that over the last ten years, the Department has downsized staff similar to other agencies. For the next two years, it is likely the Department will need to streamline. Staff are juggling priorities and are doing a reasonably good job at this.

Discussion continued on the management plan, stewardship reauthorization, and using partners to assist in land management.

Dr. Clausen MOVED, seconded by Mr. Rohde approval of the request for approval of expanded Pershing Wildlife Management Area project boundary. The motion carried unanimously.

3.B.3.a. Briefing on Commercial Fisheries and their Management

Michael Staggs, Fisheries Management Bureau Director spoke in place of Administrative Warden Thomas R. Hansen on statutory authority, the Department's understanding of legislative intent, the overriding NRB policy that guides the program, and the basic structure of these rules. He also highlighted the basic management principles, including limited entry, individual transferable quotas, and harvest limits.

Discussion followed on co-management with commercial operators and tribal operators and how money is allocated between the state and tribes on lake trout.

INFORMATION ITEM – NO ACTION WAS TAKEN

3.B.3.b. Request adoption of Board Order FH-13-08, revisions to NR 25 related to Great Lakes Commercial Fishing and Wholesale Fish Dealing

Thomas R. Hansen, Administrative Warden stated the proposed rules complete the implementation of the statutory requirements of 2005 Wisconsin Act 288 and recommendations of the Task Force. These rules extensively revise ch. NR 25, Wis. Adm. Code. They create definitions, allow an individual to hold more than one commercial fishing license, eliminate some criteria for transfer of a commercial fishing license, create a permit to allow open water fishing of nets on Lake Superior during the winter months, prohibit anyone from lifting or disturbing legal commercial gear without the permission of the owner, prohibit licensees from allowing licensed boats and nets to be used by unlicensed persons, create a notification requirement for lost and recovered commercial fishing nets, implement an electronic fish harvest reporting system, create a

fleet reporting system, eliminate inspection and tagging of foreign (imported) lake trout, implement annual inventory reporting requirements by commercial fishers and wholesale fish dealers for Great Lakes fish and sturgeon, create a repeat offender monitoring system, designate primary and secondary ports for the landing of commercial fish, and implement vehicle identification requirement for wholesale fish dealers and Great Lakes commercial fishers along with some housekeeping provisions to update language, clarify some gear use issues, and clarify descriptions of locations and various boundaries using latitude and longitude coordinates, all relating to commercial fishing on the Great Lakes. He requested the Board approve Board Order FH-13-08.

Discussion continued on the rationale of removing the tagging requirement for Lake Trout from outside the basin, process of transferring licenses to family and to another individual, the present system of tagging fish, and if fish caught illegally should be subtracted from the quota.

Public Appearances:

1. **Charles Weier**, Two Rivers, representing the Wisconsin Wildlife Federation on behalf of George Meyer, the WI Federation of Great Lakes Sport Fishing Clubs and the Commercial Fishing Task Force. He stated they support and accept this rule package. He urged the Board to take immediate action on this matter. He also noted that there is absolutely nothing in the rule package that any honest commercial fisher or fish dealers has to fear. This legislation would allow the Department and Wardens a far more efficient and simpler means to manage their businesses while saving everyone both time and money. (HANDOUT)
2. **William Willis**, Green Bay, representing the WI Federation of Great Lakes Sport Fishing Clubs and Commercial Fishing Task Force. He stated this rule is not as much as the sports group wanted. Their objective is to not put commercial fishers out of business but to achieve their goal to preserve and protect the resources. They support this rule package as proposed.
3. **David Bottoni**, Green Bay, representing self was not in attendance.
4. **Charlie Henriksen**, Sister Bay, representing WI Commercial Fisheries Association (WCFA). He was not in attendance but his written comment was distributed to the Board that gave WCFA's support of this rule but stated the electronic reporting in NR25.3(5) language about replacing the unit is too vague. He was disappointed that fleet reporting was not included in this rule package and that he received the rule less than one week prior to the meeting. (HANDOUT)

Mr. Ela MOVED, seconded by Dr. Clausen approval of the request for adoption of Board Order FH-13-08, revisions to NR 25 related to Great Lakes Commercial Fishing and Wholesale Fish Dealing.

Mr. Rohde distributed an amendment to the rule on NR 25.13 (5)(a)3. and (b).

Mr. Rohde MOVED, seconded by Ms. Wiley to amend the rule to include the following language as underlined at NR 25.13(5) (a) 3. and (b) on pages 23 and 24:

3. The person shall immediately notify the department if the unit issued to that person malfunctions or is damaged or lost. The department shall promptly replace the malfunctioning, damaged or lost unit with a replacement unit. After notifying the department that the person's portable electronic reporting unit is malfunctioning, lost, or damaged, the person may continue to engage in commercial fishing activities without possessing a functioning portable electronic reporting unit until the replacement unit arrives, provided that the person follows the procedures of sub. (c) 2., 3. and 4. Upon receiving the replacement unit, the person shall enter all required daily fishing activity information and submit it electronically to the Department as required under sub. (d) 2.

The person shall deliver or arrange shipment of the malfunctioning or damaged unit back to the department as directed by the department.

(b) A person who is notified that he or she is responsible for reimbursing the department for the replacement cost for any unit may seek a hearing before the department by filing a petition with the department within 30 days after the date of the notice. The petition shall set forth specifically why the damage or loss was not preventable, the reasons why a hearing is warranted and the relief desired. Following receipt of a complete petition, the department shall hold a hearing after at least 10 days' notice. The hearing shall be a contested case under ch. 227, Stats. At the beginning of the hearing the petitioner shall present evidence in support of the relief sought in the petition. Following the hearing the department's action may be affirmed, modified or withdrawn. Until a decision is issued by the department following the hearing, the person may engage in commercial fishing provided that the person has a functioning replacement portable electronic reporting unit issued by the department, or is authorized under par. (a) 3. to engage in commercial fishing activities without possessing a functioning portable electronic reporting unit.

Mr. Ela and Dr. Clausen accepted as a friendly amendment.

The motion as amended carried unanimously.

Mr. Ela and Mr. Rohde thanked Mr. Hansen and staff for organizing the briefing in Door County. It was very well done and extremely useful.

Dr. Thomas moved to Agenda item 3.B.13.

3.B.13 **Reconsideration of Board Order FH-22-06A, revised fishing tournament regulations **ADDED Michael Staggs****, Fisheries Management Bureau Director stated that in January 2008, the NRB passed Board Order FH-22-06 related to the regulation of fishing tournaments. On May 1st 2008, the Assembly Committee on Natural Resources voted to send the bill back to the Department of Natural Resources for revisions.

On August 13th, the Natural Resources Board approved FH-22-06A which contains changes made to the rules based on public testimony at the Assembly Committee hearing, comments from the Assembly Committee, and several small issues of interest to the DNR. After further discussions with members of the Legislative Review Committees, the department would like the NRB to consider an additional change whereby the lowest fee (\$25) would be charged to tournament organizers who provide up to \$1,000 in prizes to tournament participants. The previous version of the rules allowed the department to charge the lowest fee to tournaments providing up to \$500 in prizes.

In addition, the department recommends three other minor modifications to Board Order FH-22-06A. First, reduce the requirement of youth participation necessary to obtain a second tournament permit within a two week period from 100% youth participation to 50% youth or developmentally disabled. Second, change the maximum allowable duration of an individual fishing tournament (4 days and 10 consecutive hours per day) to include all tournaments, except those in the Great Lakes, rather than only tournaments with the "catch-hold-release" format. Third, remove the definition of the waters available to be fished in Lake Saint Croix. The current definition is not consistent with federal boating restrictions. He requested the Board approve Board Order FH-22-06A.

Discussion followed on youth tournaments.

Mr. Rohde MOVED, seconded by Mr. Ela approval of the Reconsideration of Board Order FH-22-06A, revised fishing tournament regulations.

Discussion continued on the fiscal impact of the fee reduction.

The motion carried unanimously.

Dr. Thomas continued the meeting with agenda item 3.B.4.

3.B.4 Land Acquisition – Kettle Moraine State Forest/Southern Unit – Walworth County

Mr. Ela MOVED, seconded by Dr. Clausen approval of the Land Acquisition – Kettle Moraine State Forest/Southern Unit – Walworth County. The motion carried unanimously.

3.B.5 Land Acquisition – Central Wisconsin Grassland Conservation Area – Adams County

Dr. Thomas MOVED, seconded by Dr. Clausen adoption of the Land Acquisition – Central Wisconsin Grassland Conservation Area – Adams County. The motion carried unanimously.

3.B.6 Land Acquisition - Ice Age Trail - Polk County

Dr. Clausen MOVED, seconded by Mr. Welter approval of the Land Acquisition - Ice Age Trail - Polk County.

Discussion followed on how hunting access will apply to this purchase, the possible merger of properties into one designation as recreational area, and access concerns to Straight Lake.

The motion carried unanimously.

3.B.7 Land Acquisition – Brule River State Forest – Douglas County

Discussion followed on the status of the paper mill land and access to the property.

Mr. Ela MOVED, seconded by Mr. Rohde approval of the Land Acquisition – Brule River State Forest – Douglas County. The motion carried unanimously.

3.B.8 Land Acquisition - Black River State Forest - Jackson County

Dr. Thomas MOVED, seconded by Mr. Welter approval of the Land Acquisition - Black River State Forest - Jackson County. The motion carried unanimously.

3.B.9 Land Acquisition & Partial Donation - South Shore Lake Superior Fish & Wildlife Area - Bayfield County

Discussion followed on the Great Lakes Protection Fund.

Mr. Ela MOVED, seconded by Mr. Rohde approval of the Land Acquisition & Partial Donation - South Shore Lake Superior Fish & Wildlife Area - Bayfield County. The motion carried unanimously.

3.B.10 Land Donation - Lower Wolf River Bottomlands Natural Resources Area - Winnebago County

Discussion followed on the 50% match through the Stewardship fund.

Ms. Wiley MOVED, seconded by Mr. Ela approval of the Land Donation - Lower Wolf River Bottomlands Natural Resources Area - Winnebago County. The motion carried unanimously.

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3.B.11 Land Donation – Theresa Wildlife Area – Washington County

Dr. Clausen MOVED, seconded by Dr. Thomas approval of the Land Donation – Theresa Wildlife Area – Washington County. The motion carried unanimously.

3.B.12 Land Donation - Rowan Creek Fishery Area - Columbia County

Mr. Ela MOVED, seconded by Mr. Welter approval of the Land Donation - Rowan Creek Fishery Area - Columbia County. The motion carried unanimously.

Dr. Thomas requested a motion to go into Executive Session following the briefing on the statutory authority of the Board during lunch.

Mr. Welter MOVED that the Board convene into Executive Session following the lunch briefing on the statutory authority of the Board under the authority of s.19.85(1)(e), Wisconsin Statutes, for the purpose of discussing potential real estate transactions. Mr. Ela seconded the motion. The motion was carried by a roll call vote by those members present.

**David Clausen – yes Preston Cole – yes
Jonathan Ela – yes Gary Rohde – yes
John Welter – yes Christine Thomas – yes
Jane Wiley – yes**

Dr. Thomas reconvened the meeting at 1:15 p.m. Chair Thomas reported that during the Executive Session no action was taken.

4. Citizen Participation – 1:00 p.m.

4.A. Citizen Participation

Public Appearances:

1. **Scott Daenicke**, Irma, representing self Topic: Wolf issues. He reported on a wolf attack on county-owned lands that killed one of his dogs, and requested that people with domestic animals at risk of wolf attacks be put back on the wolf plan and be able to get the same permit as people that have livestock at risk. He also asked the Board to approve and work towards a wolf plan that does not continue to mislead, take away hunting privileges, restrict private and public land use, and kill our livestock and pets in northern Wisconsin. **(HANDOUT)**

Discussion continued on the details of the attack, that the county did not post the area near the attack, and that he was denied a permit to kill a wolf.

Laurie Osterndorf, Lands Administrator stated that the Department does not have jurisdiction to post on county lands and that the Department did publish the attack in state/local papers and on the website. She added that prior to a recent federal district court opinion, one could receive a permit to protect personal property on private land, but not on public land. The permit could be applied for proactively or retroactively if a landowner was protecting personal property on private land. However, because wolves have been relisted, no permits are issued.

2. **Les Werner**, Stevens Point, representing the Wisconsin Urban Forestry Advisory Council as Chair Topic: 20 million trees by 2020 initiative. He requested the Board give consideration to the 20 million trees by 2020 initiative which is intended to expand and improve Wisconsin's urban and community forest resources.

Discussion continued as to where these trees could be planted and who would be responsible for planting the trees.

3. **Maggie Bishop**, Conover, representing Trees For Tomorrow as Executive Director Topic: The need to support environmental education in the state. She stated that a program like Trees For Tomorrow is a vital environmental education experience because students are immersed in

the environment and nature for several days, providing them with a thorough understanding of the importance of the wise management and use of our forests, waters, and other resources. If our youth are not provided the opportunity to personally connect with nature, the future of our environment and its natural resources will be placed in the hands of adults who have no understanding of the issues or the need for sustainable management of those resources.

She requested support through financial or staff outreach for schools that realize the importance of an outdoor environmental experience and wish to provide their students with this crucial education and asked the Board to not allow budget cuts to stand in the way of the educating our future environmental stewards.

4. **Ed Choinski**, Lake Tomahawk, representing self Topic: Limiting doe permits. He stated that the deer herd has been diminished due to the bear and wolf population. Deer biologists think there are more deer in the north than there really is. He suggested the Department combine units to better manage the deer herd.
5. **Ed Harvey**, Waldo, representing WI Conservation Congress as Chair Topic: U.S. Forest Service Travel Management EIS Decision. He thanked the Board for allowing him to tour with them on Tuesday. He testified on the Forest Service's recent "Finding of No Significant Impact". He highlighted concerns that the Congress, National Forest users and other state-wide organizations had including a lack of a defined goal, deficiencies in the process and lack of public involvement, failure of the Service to understand the concerns of forest users and the function of forest roads, and an overall lack of clarity on implementation of the plan. He urged the Department to join other conservation groups and appeal the Service's decision and delay implementation for a plan. He also agreed to continue to communicate and work with the Service to develop a better alternative.
6. **Jack King**, Manitowish Waters, representing the Town of Manitowish Waters, the Manitowish Waters Chamber of Commerce, the Manitowish Waters Alliance, and the Manitowish Waters Lakes Association Topic: DNR policies regarding the Rest Lake Dam. He spoke on the background of controversy over the Rest Lake Dam, the DNR stakeholder process from 2003-2006, the 2007 – 2009 WEPA Environmental Assessment, and Watershed Planning principles. **(HANDOUT)**
7. **John Hanson**, Manitowish Waters, representing the Town of Manitowish Waters, the Manitowish Waters Chamber of Commerce, the Manitowish Waters Alliance, and the Manitowish Waters Lakes Association Topic: DNR policies regarding the Rest Lake Dam. He spoke on the water requirements for the DNR Sturgeon Experiment, the water requirements for downstream Manitowish River and Turtle-Flambeau Flowage, the status of Dam licensing, the lack of citizen involvement in WEPA process, absence of an economic impact study, and flow measurements in the Chain.

5. Board Members' Matters

Mr. Ela requested a seminar for the Board on tribal relations be conducted in conjunction with one of the winter meetings.

Mr. Welter requested staff look at the recently-announced U.S. Department of Agriculture program to pay landowners to permit public access to CRP lands to give incentive to private landowners to open their lands to hunting and fishing; and to look at the 2008 Farm Bill's Open Fields Initiative for matching funds to create additional access for hunting and fishing.

He stated that Pat Henderson is working on initial steps to get his proposal on license plates over the speed bumps at the Department of Transportation.

He then stated that the outdoor writing community recently lost a respected member when Tony Dean from South Dakota passed away. He was a gentleman and a dedicated outdoors person. He will be sorely missed.

Dr. Thomas stated she also knew Mr. Dean and that he was also an early supporter of the Outdoors Woman program.

Mr. Rohde requested information on the rules and regulations on muzzleloading and asked if the book titled "How the DNR stole Wisconsin" will be routed around to Board members.

Mr. Cole proposed, in response to the downturn in the economy, that the Board travel to only two (2) out-state meetings for 2009. He asked that some of the savings be moved to Wisconsin Conservation Congress delegates so they can be reimbursed for travel expense to meetings. He hoped that as budget discussions continue, the Board will reduce their costs.

He also asked the Department be more efficient in regards to printing costs and asked for paperless transmission of green sheets. Green sheet packages are already posted on the Department website.

Dr. Thomas requested 1) an information item update on Green Tier and 2) that Board authority documents be sent to her electronically for further review by the Civil Procedures Sub-Committee.

6. Special Committees' Reports
None.

7. Department Secretary's Matters

Matt Frank briefed the Board on the wolf lawsuit since the U.S. Fish and Wildlife Service (FWS) received an adverse ruling. The Department is working closely with FWS, Michigan, and Minnesota to get the decision reversed. The plan is to come back before the Board in May or June 2009 recognizing our hands will be tied until we get resolution from federal litigation.

Discussion continued on whether Michigan and Minnesota are doing similar things as Wisconsin and whether the decision suggested a remedy.

Mr. Frank briefed the Board on the Great Lakes Compact. It is now going through the baseline process of contacting users of more than 100,000 gallons per day to get information on water usage. The next steps will be permitting, an area for the Board as we move from water quality to water conservation. There may be a need for more strategic planning with the Board.

The Mercury multi-pollutant rule will become law on January 1, 2009. He thanked the Board for their steadfast support.

He then updated the Board on ballast water issues in the Great Lakes. The Department sent out for public comment on October 21 to request an opportunity to issue water certification requirements under EPA's permit to shippers in the Great Lakes, which is an opportunity for Wisconsin to start regulating ballast water discharges. The public has 30 days to comment with the intent to send to EPA by late November. EPA will issue permits with conditions from each state to shippers in the Great Lakes. This would accomplish everything we could do if we went through our own permit process. This is a unique opportunity to weigh in and have Wisconsin's conditions placed on those permits. Shippers would need to comply with each states conditions. Minnesota did implement their permit system this year. The Department will try to work together with Minnesota. However, congressional action at the end is the best course of action.

7.A. Retirement Resolutions

7.A.1 Lyle Manteuffel

7.A.2 Larry G. Nelson

7.A.3 Thomas D. Pellett

7.A.4 Bruce Klang

7.A.5 David L. Brum

7.A.6 Raymond J. Broennimann

7.A.7 Celeste J. Hoze

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

7.B. Donations

- 7.B.1 The Navarino Nature Center, Inc. will donate a "Green" building addition to the current nature center valued at \$623,943.00

Ron Kazmierzak, Northeast Regional Director introduced Dave Prey.

Mr. Frank thanked the partners that made this donation possible and presented the plaque to Mr. Prey.

Dave Prey, Navarino Nature Center, Inc. President accepted the certificate and invited the Board to visit the center after its completion date of May 1, 2009.

Dr. Thomas stated this donation was amazingly wonderful. For a small but dedicated group to do this is unbelievable.

Mr. Welter MOVED, seconded by Mr. Rohde approval of the Navarino Nature Center, Inc. donation of a "Green" building addition to the current nature center valued at \$623,943.00. The motion carried unanimously.

- 7.B.2 Kiap-TU-Wish Trout Unlimited Chapter will donate \$15,000 to the Bureau of Fisheries Management for a Pine Creek Trout Habitat Restoration Project in Maiden Rock, Pierce County

Dr. Clausen MOVED, seconded by Mr. Rohde approval of the Kiap-TU-Wish Trout Unlimited Chapter donation of \$15,000 to the Bureau of Fisheries Management for the Pine Creek Trout Habitat Restoration Project in Maiden Rock, Pierce County. The motion carried unanimously.

- 7.B.3 Janet Flynn will donate an original watercolor painting valued at \$12,000 in support of the Endangered Resources Program

Ms. Osterndorf presented a background on the artist and encouraged approval of this gift. The Baraboo artist came up with the idea of doing an historic commemorative painting. A great deal of research went into the creation of this painting. The Endangered Resources Program will offer limited edition artist prints, signed prints, posters, bags, and other items.

Mr. Welter MOVED, seconded by Mr. Ela approval of the Janet Flynn donation of an original watercolor painting valued at \$12,000 in support of the Endangered Resources Program. The motion carried unanimously.

- 7.B.4 The Friends of Horicon Marsh International Education Center, Inc. will donate a 2009 John Deere "Gator" valued at \$11,000 to the wildlife education program at Horicon Marsh

Mr. Welter MOVED, seconded by Ms. Wiley approval of the Friends of Horicon Marsh International Education Center, Inc. donation of a 2009 John Deere "Gator" valued at \$11,000 to the wildlife education program at Horicon Marsh. The motion carried unanimously.

- 7.B.5 The Lower Wisconsin State Riverway Fund, through the Natural Resources Foundation, will donate \$7,616 to the Bureau of Wildlife Management for management and restoration of native plant communities and wildlife

Mr. Ela MOVED, seconded by Dr. Clausen approval of the Lower Wisconsin State Riverway Fund, through the Natural Resources Foundation, donation of \$7,616 to the Bureau of Wildlife Management for management and restoration of native plant communities and wildlife. The motion carried unanimously.

- 7.B.6 The Natural Resources Foundation of Wisconsin will donate \$7,000 to the Department's ongoing osprey work

Mr. Cole MOVED, seconded by Mr. Ela approval of the Natural Resources Foundation of Wisconsin donation of \$7,000 to the Department's ongoing osprey work. The motion carried unanimously.

8. Information Items

- 8.A. Air, Waste, and Water/Enforcement

None

8.B. Land Management, Recreation, and Fisheries/Wildlife

- 8.B.1 Informational Update on Lead in Hunter Harvested Venison **ADDED**

William Delanis, Wildlife Health Section Chief and **Sean Strom**, Wildlife Health Section Biologist briefed the Board on the recent finding that deer harvested with lead bullets have been shown to have tiny lead particles or fragments remaining in the processed meat. These particles are often too small to be seen and can disperse far from the wound channel. Lead in venison does not rival the concerns about lead paint as a health risk for the public, however, the risk is not low enough to ignore. They gave a brief update on several aspects of the issue including: 1. Meat handling guidelines for processors; 2. The venison donation - food pantry program; 3. Recommendations from DNR and the Department of Health Services to hunters for this fall's gun hunt; and 4. DNR, DHS and DATCP joint strategy for addressing the issue **Charles Warzecha**, Department of Health Services Environmental and Occupational Health Bureau Director appeared by live videoconference and provided a brief background via web connection on the health implications of lead exposure. He also provided some perspective on the risks from this particular source of exposure compared to other more familiar sources of lead. He explained the three agencies' current plan for this upcoming hunting season with respect to food pantry donation. He then gave an update on the status of an ongoing CDC study on this issue in North Dakota.

Discussion followed on the need to educate the sporting goods industry, the food pantry donation program, the cleaning process for equipment at a meat processing facility, the North Dakota study on hunter and non-hunter blood samples to be completed this fall, whether if copper-coated shot is an option for bird hunters, what the findings of the avian scavenger study were, what steps are being planned by the Department to educate hunters and the public, and the need for information on lead-free ammunition be available on the Department's website.

Mr. Ela commented that the web connection used for Mr. Warzecha is one possible solution to Mr. Cole's request to reduce Board expenses.

INFORMATION ITEM – NO ACTION WAS TAKEN

Dr. Clausen MOVED, seconded by Mr. Ela to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 3:50 p.m.

NOTE: Each Natural Resources Board meeting is recorded. Tapes of each meeting are available for purchase by contacting the Natural Resources Board at 608-267-7420. The following resources are also available: Agenda Item Packets (green sheets), supporting documents, and public comment.