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WISCONSIN NATURAL RESOURCES BOARD

D R A F T BRIEF OF ACTION (rev. 5/06/22)

For hybrid (virtual technology and in-person) meeting at:
Room G09, State Natural Resources Building (GEF 2)
101 South Webster Street
Madison, Wisconsin

Wednesday, April 13, 2022

The hybrid meeting of the Wisconsin Natural Resources Board was held on Wednesday, April 13, 2022 from Public Meeting Room G09, State Natural Resources Building (GEF 2), 101 South Webster Street, Madison Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-4 and 7-8. The meeting adjourned at 12:24 p.m.

ORDER OF BUSINESS

1. ORGANIZATIONAL MATTERS (0:00:02 – 0:05:07)

A. Calling the roll (0:04:10 – 0:04:34)

William Bruins – present

Sharon Adams – present

Terry Hilgenberg – present

Marcy West – present

William Smith – present

Dr. Frederick Prehn – present

Greg Kazmierski – present

B. Approval of agenda for April 13, 2022 (0:04:35 – 0:05:07)

At 0:04:51, Mr. Hilgenberg MOVED, seconded by Dr. Prehn approval of the agenda for April 13, 2022. The motion carried unanimously.

2. CONSENT (0:05:08 – 0:08:59)

A. Approval of brief of action from February 23, 2022

B. Friends of Peninsula State Park will donate \$135,000 to fund the replacement of the playground at the Nicolet Beach Day Use Area at Peninsula State Park in Door County, WI. This project will replace the old playground (wood structure and wood chip surface) with an ADA accessible playground.

(Preston D. Cole, Secretary)

- C. The Natural Resources Foundation of Wisconsin will donate \$99,000 to the Department. This donation will be used to support the bat conservation program.
(Preston D. Cole, Secretary)
- D. The Natural Resources Foundation of Wisconsin will donate \$26,698.36 to the Department to be used to support the Lulu Lake SNA Savanna Enhancement project
(Preston D. Cole, Secretary)
- E. Dane County, WI will donate a bike trail valued at \$156,000 as a segment of the Lower Yahara River Trail in Lake Kegonsa State Park. The North Mendota Trail is identified in Dane County's Parks and Open Space Plan as a trail connection from the Capital City State Trail at Lake Farm County Park to Stoughton.
(Preston D. Cole, Secretary)
- F. Request that the Board authorize a preliminary public hearing and comment period for the Statement of Scope for Board Order DG-04-22, for proposed rules affecting chapter NR 140 related to setting numerical standards to minimize the concentration of polluting substances in groundwater (Cycle 10 Bacteria)
(Bruce Rheineck, Groundwater Section Chief)

At 0:07:46, Dr. Prehn MOVED, seconded by Mr. Smith, approval of the Consent Agenda and to acknowledge the donations. The motion carried unanimously.

Alex DeSmidt, Parks Facility Planner for Dane County Land & Water Resources Department, at 0:08:30, accepted the donation plaque for Consent Item 2.E.

- 3. DISCUSSION AND POSSIBLE ACTION CONCERNING ITEMS REMOVED FROM THE CONSENT AGENDA - None
- 4. ACTION ITEMS (0:08:59 – 0:59:44)
ADOPTION (0:08:59 - 0:51:44)
 - A. Presentation of the 2022 Laboratory of the Year (0:08:51 – 0:12:42)
PowerPoint presentation by Steve Geis, Section Chief, Certification Services

Award Recipient: Alliant Energy – Columbia Energy Plant

INFORMATION ONLY – NO ACTION

- B. Request approval of department recommendations for the FY 2023 Laboratory Certification and Registration Program Fee Adjustment (0:12:43 – 0:17:47)
PowerPoint presentation by Steve Geis, Section Chief, Certification Services

At 0:17:30, Ms. West MOVED, seconded by Mr. Bruins, approval of the department's recommendation. The motion carried unanimously.

- C. Request adoption of Emergency Board Order WM-15-21(E), proposed rules affecting chapter NR 10 related to establishing the 2022 migratory bird season framework and regulations. (0:17:48 – 0:39:19)
PowerPoint presentation by Taylor Finger, Migratory Bird Specialist, Bureau of Wildlife Management

Public Appearances:

1. ~~Todd Cook, Beaver Dam, representing the Wisconsin Conservation Congress (WCC) Migratory Committee as Chair~~ Mr. Cook was not able to participate due to a schedule conflict.

At 0:39:03, Dr. Prehn MOVED, seconded by Mr. Bruins, approval of the department's recommendation. The motion carried unanimously.

- C.5. Request adoption of Board Order WT-22-19, proposed rules affecting chapters NR 300, NR 301, NR 305, NR 310, related to administration, procedures, and enforcement of the Wetland and Waterway Permit Program (0:39:20 – 0:51:44)
PowerPoint presentation by Amanda Minks, Public Trust and Zoning Manager
Written Comment: 1

At 0:45:47, Dr. Prehn MOVED, seconded by Mr. Bruins, approval of the department's recommendation.

At 0:51:41, the motion carried unanimously.

SCOPE STATEMENTS (0:51:45 - 0:59:44)

- D. Request that the Board approve the Statement of Scope for Emergency Board Order WA-17-21(E) and Board Order WA-18-21 and conditionally approve the public hearing notice for WA-18-21 and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse, for proposed rules affecting chapters NR 500 and 520 related to disposal of material dredged from the Great Lakes (0:51:45 – 0:56:06)
Staff presentation by Kate Strom Hiorns, Recycling and Solid Waste Section Chief

At 0:55:28, Mr. Smith MOVED, seconded by Dr. Prehn, approval of the department's recommendation.

At 0:55:41, the motion carried unanimously.

- E. Request that the Board approve the Statement of Scope for Board Order FH-16-21 and conditionally approve the public hearing notice and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse, for proposed rules affecting chapter NR 20 related to reporting requirements for sport trolling licensees (0:56:07 – 0:59:44)
Staff presentation by Meredith Penthorn, Fisheries Management policy specialist

At 0:58:28, Mr. Hilgenberg MOVED, seconded by Dr. Prehn, approval of the department's recommendation.

At 0:58:40, the motion carried unanimously.

- ~~F. Request that the Board approve the Statement of Scope for Board Order DG-04-22 and conditionally approve the public hearing notice and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse, for proposed rules affecting chapter NR 140 related to setting numerical standards to minimize the concentration of polluting~~

~~substances in groundwater (Cycle 10 Bacteria) REMOVED (REVIEW ITEM 2.F.)
(Bruce Rheineck, Groundwater Section Chief)~~

MISCELLANEOUS (Citizen Testimony and Written Comment Welcome)

NONE

5. OPEN FORUM (0:59:45 – 1:17:13)

1. **Robert (Bob) Wincek**, Milwaukee, representing self

Topic: Sport fishing (**Handout**)

2. **Ken Sweeney**, Franklin, representing Sweeney Well Drilling & Pumps, Inc.

Topic: Well code issue (**Handout**)

Dr. Prehn, at 1:11:07, spoke to his concerns this could not be resolved in a forthright manner.

DNR Secretary Cole, at 1:11:31 spoke to getting this figured out and moving on. He turned this issue over to DNR Deputy Secretary Sarah Barry to resolve.

3. **David Wojak**, Hartland, representing self

Topic: Well code issue

4. ~~**Jim Vander Galien**, Randolph, representing self~~ He was not on Zoom when called upon.

~~*Topic:* Well code issue~~

5. ~~**Kelly Larson**, Wales, representing self~~ He was not on Zoom when called upon.

~~*Topic:* Well code issue~~

Mr. Bruins, at 1:16:07, spoke to the well code issue and hoped that when a resolution was made that the Board would be notified of what that resolution was.

Chair Kazmierski, at 1:16:27, spoke to the well code issue and did not recall when a boundary change came before this Board. He questioned whether that was part of code and asked for clarification.

DNR Secretary Cole, at 1:16:48, spoke to the well drillers receiving letters in 2021 and reporting back to Chair Kazmierski.

6. INFORMATION ITEMS (1:17:14 – 3:04:59)

A. Integrated Aquatic Plant Management (1:17:14 – 1:40:48)

PowerPoint presentation by Carroll W. Schaal, Lakes & Rivers Section Chief

Dr. Prehn, at 1:32:45, spoke to the rule and asked for a full transparency of the public comments. He added that some education is needed. He wanted to make sure that the lake associations understand that what we are trying to propose here is a very methodical way of removing invasive species but not hurting the ones that are not invasive and good for the environment.

Ms. West, at 1:36:29, spoke to the importance of lake associations and volunteer work. She hoped we could in addition to the rule have some awareness of the education process

of this maintenance that needs to happen. She also spoke to learning about some of the studies that are going on, the habitat studies, for those long-term of whether the University or others.

DNR Secretary Cole, at 1:38:06, spoke to information needs of the Board and public. He will get together with Carroll Schaal and leadership and determine what a communication strategy is going to look like and if we have to get out early enough and often.

Mr. Bruins, at 1:38:56, spoke to Integrated Pest Management and thought education on what that is and what it is all about, and what it can do and cannot do, is extremely important.

DNR Secretary Cole, at 1:39:15, spoke to staff that Mr. Bruin's asked for information around making sure that it includes the opportunities and limitations of Integrated Pest Management on these lake systems.

INFORMATION ONLY – NO ACTION

- B. **Overview of Wisconsin's Recycling Law** (1:40:49 – 1:55:57)
PowerPoint presentation by Jennifer Semrau, Waste Reduction and Diversion Coordinator

INFORMATION ONLY – NO ACTION

- C. **Update on Chronic Wasting Disease (CWD): Response Plan Implementation, 2021 CWD surveillance plan, and the 2nd five-year review of the CWD Response Plan** (1:55:58 – 3:04:59)
PowerPoint presentations by Amanda Kamps, Wildlife Health Conservation Specialist, and Tami Ryan, FWP Deputy Division Administrator.
Available for questions: Jennifer Price-Tack, Wisconsin DNR Office of Applied Science, Research Scientist; LeAnn White, USGS National Wildlife Health Center, Deputy Center Director; Dan Walsh, USGS Montana Cooperative Wildlife Research Unit, Unit Leader; and Tom Fiddaman, Ventana Systems, Inc., Chief Technology Officer, Modeling Consultant

Ms. Adams, at 2:34:57, requested the Board be informed on what is making advances with the peer group and that information comes to the Board so we have that type of lens.

Dr. Prehn, at 2:38:48, spoke to some deer farms saying they are being successful in their opinion working with Genotyping with their animals to be resistant to this. He asked whether there is any thought with the department or possibility there will be research put into the next plan or now as far as getting captive animals into a situation that they are genetically vaccinated.

DNR Secretary Cole, at 2:40:26, asked DNR Deputy Secretary Sarah Barry and DNR Assistant Deputy Secretary Steven Little to reach out to the Department of Agriculture.

Mr. Hilgenberg, at 2:40:44, spoke to challenging the department on not accepting the premise that because we do not have the statutory authority to do stuff. We should seek the statutory authority to do stuff such as taking over deer farms. One of the issues we get is why are we getting from our public, meaning the Wisconsin public and deer hunters, is why are we letting deer farms have all of these positives and are negatively influencing the rest of the wild deer herd.

Chair Kazmierski, at 2:57:16, spoke to the social side of hunting. He requested a map of CWD positive wild deer so hunters know where to target CWD at its highest.

INFORMATION ONLY – NO ACTION

- 7. DEPARTMENT SECRETARY’S MATTERS (3:05:00-
- A. RETIREMENT RECOGNITION (3:05:00 – 3:06:01)
 - 1. **Brent L. Alderman**, Technical Services, 35 years
 - 2. **Terry K. Boone**, Parks & Recreation, 37 years
 - 3. **James M. Klosiewski**, Water Quality, 29 years
 - 4. **Warden Daniel R. Michels**, Public Safety & Resource Protection, 30 years
 - 5. **Linda R. Olver**, Customer and Outreach Services, 25 years
 - 6. **Deborah A. Rohrbeck**, Technical Services, 21 years

At 3:05:52, Mr. Smith MOVED, seconded by Ms. West, to recognize the department retirees. The motion carried unanimously.

- B. DEPARTMENT SECRETARY’S MATTERS (3:06:02 – 3:38:12)
 - 1. Acts of the Department Secretary – Real Estate Transactions (3:06:02 – 3:06:32)

INFORMATION ONLY – NO ACTION

- 2. Department Secretary’s Matters (3:06:33 – 3:38:12)

DNR Secretary Cole, at 3:06:38, asked Fish Wildlife and Parks Division Administrator Keith Warnke to the podium to update the Board on County Deer Advisory Committees (CDAC) and where we are on their recommendations coming before this Board.

Mr. Warnke, at 3:07:00, spoke to the status of CDAC meetings and their recommendations.

DNR Secretary Cole, at 3:07:38, spoke to the pomp and circumstances that often occur around CDACs and asked Ms. Naas whether she could be his emissary by participate and advise him and the Board accordingly.

Ms. Naas, at 3:08:36, agreed to be DNR Secretary Cole’s emissary.

Chair Kazmierski, at 3:08:39, commented to Ms. Naas that a strong message should go out to those counties that public comment carries weight and to be conscientious of what that public input was on those surveys.

DNR Secretary Cole, at 3:09:18, asked Mr. Warnke and his team to advise Ms. Naas accordingly as to the historical look-back in terms of those CDACs.

Mr. Warnke, at 3:11:54, stated he will get back to the Board on public comment and whether it carries more weight.

- a. **Sandra Dee Naas report** (3:18:48 – 3:30:44)

[Note: at 3:30:45, a discussion on CDAC's continued after Ms. Naas' presentation.]

Mr. Bruins, at 3:34:50, spoke to adequate information and the right information for CDACs, especially in the Northern counties, which is browse information. From a lot of the sources he has heard, that browse information is not complete, it is not adequate, and said it is time this Board mandates that browse information is complete.

DNR Secretary Cole, at 3:35:30, responded to Mr. Bruins that he will revisit with the wildlife team and discern how much of that information is available and where the gaps are.

INFORMATION ONLY – NO ACTION

3. **Planning Status Update** - None

8. **BOARD MEMBERS' MATTERS** (3:38:13 – 3:40:33)

Mr. Hilgenberg, at 3:38:41, mentioned that in today's (Zoom) streaming, they missed a substantial portion of the CDAC conversation.

DNR Secretary Cole, at 3:38:58, responded they should be able to watch the final video when posted.

Ms. West, at 3:39:14, spoke to the record that we have had presentations before that the reduction in the number of hunters is not specifically necessarily related to CWD information. There is a number of things that go into our unfortunate reduction in numbers of hunters coming to Wisconsin or hunting in Wisconsin. Just a point of clarification. For her Board Members Matters, 1) she would really like to pay attention to some of the recommendations in the next steps in the CWD overview that we had today. Specifically, the consideration of additional actions aimed at spreading deer across the landscape to reduce contact rates. 2) Develop an adaptive management framework for CWD that includes pilot studies to test various CWD response actions. She would be happy to help with additional input on those. She then wished everyone a Happy Earth Day.

At 3:40:40, Ms. Adams MOVED, seconded by Dr. Prehn to adjourn. The motion carried unanimously.

The meeting adjourned at 12:24 p.m.

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Wisconsin Natural Resources Board Liaison: Laurie Ross at 608-267-7420 or laurie.ross@wisconsin.gov

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