

**SINCE THE POSTING OF THIS AGENDA, THE FOLLOWING HAS CHANGED:
4.D. REMOVED**

**View Wisconsin Natural Resources Board agendas, meeting calendar, webcasts, biographies and public participation info online at:
<http://dnr.wi.gov/about/nrb/overview.html>**

Public Participation Deadline: NRB Liaison receipt of your request to testify and/or written comment is 11:00 a.m. on Wednesday, December 1, 2021

The Natural Resources Board will meet in-person. Remote testimony from the public via Zoom may be accepted for this meeting (no in-person appearances). Members of the public can submit their request to testify remotely or their written comments by the posted deadline date for Board consideration.

**The public is encouraged to watch the Board meeting via YouTube here:
<https://youtu.be/cNg2DRhNU9o>**

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WISCONSIN NATURAL RESOURCES BOARD

A M E N D E D A G E N D A (Rev. 12/03/21)

For meeting originating from:
Room G09, State Natural Resources Building
(GEF 2) 101 South Webster Street
Madison, Wisconsin

Wednesday, December 8, 2021

NOTICE IS HEREBY GIVEN that the Wisconsin Natural Resources Board meeting will convene at 8:30 a.m. on Wednesday, December 8, 2021, in Public Meeting Room G09, State Natural Resources Building (GEF 2), 101 South Webster Street, Madison, Wisconsin. The Board will act on items 1-4 and 7-8 as listed on the Agenda.

NOTICE IS FURTHER GIVEN that at approximately noon on Wednesday, December 8, 2021, the Wisconsin Natural Resources Board will have lunch in Room G09. No action will be taken.

NOTICE IS FURTHER GIVEN that matters concerning natural resource issues or the Department's program responsibilities or operations specified in the Wisconsin Statutes, which arise after publication of this agenda may be added to the agenda and publicly noticed no less than two hours before the scheduled board meeting, if the Board Chair determines that the matter is urgent.

ORDER OF BUSINESS

1. ORGANIZATIONAL MATTERS

- A. Calling the roll
- B. Approval of agenda for December 8, 2021

2. CONSENT

- A. Approval of brief of action from October 8, 2021 special meeting
- B. Approval of brief of action from October 18, 2021 special meeting
- C. Approval of brief of action from October 27, 2021
- D. Acknowledgement of Granite Peak Ski Area \$440,000.000 donation in the form of contracted services from REVI Design of Wausau, WI to develop, design and project manage the expansion and update of the current deck of the Granite Peak Ski Area facility in Rib Mountain State Park, Marathon County. The project includes: a 20' wide by 44' long bump out of the current deck to the south to provide additional seating; all raised decorative walls with stone veneer to match existing decoration on the Historic Deck and Chalet; three pergolas for west, central and east ends of the Historic Deck; an overhead structure for design and heating capabilities; and new seating and furniture throughout the deck
(DNR Secretary Preston Cole)
- E. Acknowledgement of Northern Sky Theater Building \$364,773 donation in the form of capital improvements to the buildings and infrastructure at the amphitheater at Peninsula State Park. This donation will be used to renovate existing buildings and replace and consolidate smaller buildings that will greatly improve the patron experience and enhance Northern Sky's park operations, both functionally and aesthetically.
(DNR Secretary Preston Cole)
- F. Acknowledgement of The Friends of Harrington Beach State Park, Inc. \$88,460.00 cash and \$3,250.00 of in-kind donations of volunteer time and contractor labor that will be used to purchase and install accessible playground equipment in the north picnic area at Harrington Beach State Park in Ozaukee County, WI.
(DNR Secretary Preston Cole)
- G. Acknowledgement of Bong Naturalist Association (BNA), Friend's Group of Richard Bong State Recreation Area (RBSRA), in kind service and up to \$49,900 donation to purchase and install an ADA-compliant playground in the Sunrise Campground play area at RBSRA
(DNR Secretary Preston Cole)
- H. Acknowledgement of Andrew F. Bell & Edith M. Bell Charitable Trust \$33,841 donation to provide \$16,920.50 for continued support of endangered resources priorities and will provide \$16,920.50 to fund activities associated with wetland habitat.
(DNR Secretary Preston Cole)
- I. Request that the Board authorize a preliminary public hearing and comment period for the Statement of Scope for Board Order WM-09-21, for proposed rules affecting chapters NR 8, 10, 11, 12, 17, 18, 19, and 27 related to the 2021 Bureau of Wildlife Management housekeeping rule.
(Scott Karel, Regulation Policy Specialist, Bureau of Wildlife Management)

3. DISCUSSION AND POSSIBLE ACTION CONCERNING ITEMS REMOVED FROM THE CONSENT AGENDA

4. ACTION ITEMSADOPTION (Citizen Testimony and Written Comment Welcome)

- A. Request adoption of Board Order WY-27-20, proposed rules affecting chapters NR 114, 146, 520 and 524 related to allowing for third party administration of operator certification, well driller or pump installer license, and landfill operator examinations (Steve Geis, Certification Services Section Chief)
- B. Request adoption of Board Order WY-14-19, proposed rules creating chapter NR 229 related to regulation of wastewater discharges from dental offices to sanitary sewers (Jason Knutson, Wastewater Section Chief)
- C. Request that the Board adopt germane modifications to Board Order AM-20-18, proposed rules affecting chapters NR 400, 419, 421, 422, 423, 425, 439, and 484, related to implementing reasonably available control technology (RACT) to limit volatile organic compound (VOC) emissions from miscellaneous metal and plastic parts coatings and miscellaneous industrial adhesives. (*Written Comment Only*) (Gail Good, Air Management Program Director)
- ~~D. Request adoption of Board Order WM-18-20, proposed rules affecting chapters NR 10 and 45 related to the 2021 Wildlife Management spring hearing rule related to hunting, trapping, and target shooting. (Scott Karel, Wildlife Policy Specialist) **REMOVED**~~

SCOPE STATEMENTS (Citizen Testimony and Written Comment Welcome)

- E. Request that the Board approve the Statement of Scope for Board Order AM-05-21 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 428 related to nitrogen compound emissions regulations. (Gail Good, Air Management Program Director)

MISCELLANEOUS (Citizen Testimony and Written Comment Welcome)

- F. Approval of Southwest Savanna Regional Master Plan (Phil Rynish, Property Planning Section Chief)

5. OPEN FORUM (Testimony that pertains to topics not on the meeting agenda or not in litigation) – at approximately 10:15 a.m. or following break. Please refer to pages 4 and 5 of agenda for required pre-registration information and protocol.6. INFORMATION ITEMS (Written Comment Welcome)

- A. Update on three proposed safe water rules related to surface water, drinking water and groundwater standards in preparation of DNR seeking NRB adoption at February 2022 meeting.
 - 1. Board Order DG-15-19, for proposed rules affecting chapter NR 140, related to numerical standards to minimize the concentration of polluting substances in groundwater.
 - 2. Board Order DG-24-19, for proposed rules affecting chapter NR 809 related to the promulgation of new drinking water maximum contaminant levels for Per- and Polyfluoroalkyl Substances (PFAS) including Perfluorooctanesulfonic acid (PFOS) and Perfluorooctanoic acid (PFOA).

3. Board Order WY-23-19, for proposed rules affecting chapters NR 105, 106 and 219, related to promulgation of surface water quality criteria for Per- and Polyfluoroalkyl Substances (PFAS) including Perfluorooctanesulfonic acid (PFOS) and Perfluorooctanoic acid (PFOA).
(Darsi Foss, Environmental Management Division Administrator, and James Zellmer, Environmental Management Division Deputy Administrator)
- B. Overview of how the Wisconsin Department of Health Services (DHS) uses methods established in the 1983 Groundwater Law, ch. 160, Wis. Stats., to develop groundwater enforcement standard recommendations at the request of the Wisconsin Department of Natural Resources (DNR). These groundwater standard recommendations then are proposed for inclusion as part of DNR's process of amending ch. NR 140, Wis. Adm. Code.
(Dr. Sarah Yang, Toxicologist, Wisconsin DHS)
- C. Lake Michigan and Green Bay commercial fishing study update
(Bradley Eggold, Great Lakes District Fisheries Supervisor)
7. DEPARTMENT SECRETARY'S MATTERS
 - A. RETIREMENT RECOGNITION - Action
 1. Kathy M. Larry, Finance, 37 years
 2. Jeffrey R. Sims, Air Management, 36 years
 - B. DEPARTMENT SECRETARY'S MATTERS – Informational
 1. Acts of the Department Secretary – Real Estate Transactions
 2. Department Secretary's Matters
 - a. Sandra Dee Naas report
 3. Planning Status Update - None
8. BOARD MEMBERS' MATTERS

The public is welcome to view the Wisconsin Natural Resources Board (NRB) meeting via YouTube. The NRB also provides opportunities for citizens to testify and to submit written comment about issues that come before the NRB. See complete information on public participation at Board meetings at <http://dnr.wi.gov/about/nrb/public.html>.

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The following meeting resources also are available: Agenda Item Packets (also known as green sheet packages are linked to the corresponding item on the website/html meeting agenda at <https://dnr.wi.gov/about/nrb/> -- click on the blue “View agendas” button then scroll down.), supporting documents, and public comment.

Live transcription of the webcast is autogenerated and not a legal record of the Board Meeting. The approved Brief of Action and meeting recording constitute the official Board’s minutes.

Public Appearance protocol: Remote testimony from the public via Zoom may be accepted for this meeting (no in-person appearances). Members of the public can submit their request to testify remotely or their written comments by the posted deadline date for Board consideration. You must be pre-registered to testify. Please include your name, daytime phone number, email address, city of residence, agenda item you request to testify on (include topic for item 5-Open Forum), and name of organization you will represent (if none, state “self”). Confirmed speakers will receive meeting logistics via email. Those confirmed to testify on a specific agenda item will testify on that item prior to vote. Please review: <https://dnr.wisconsin.gov/about/NRB/public.html>.

The time that item 5. – Open Forum may be before the Board is approximately 10:15 a.m. or immediately following morning break. If you arrive late, you may lose your opportunity to testify. Each speaker will have three minutes to give their testimony; however, the Board Chair has final discretion on time limit.

The following is from the Board’s meeting guidelines: Only one speaker per organization.

Testimony that threatens, intimidates, or includes disparaging comments about Board Members, department staff, and other members of the public will not be allowed. Those that do so may be removed from the meeting or remote location. Written comment is always welcome.

Please contact Laurie Ross, NRB Liaison, at 608-267-7420 or by email at laurie.ross@wisconsin.gov with NRB related questions, to request information, to submit written comments, and to register to testify at a meeting.

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The DNR strives to ensure the comfort and safety of staff and visitors by encouraging a fragrance-free environment. Our chemically sensitive staff and visitors thank you for refraining from using scented products.

The NRB and Department of Natural Resources are committed to serving people with disabilities. Please contact the NRB Liaison to request NRB information in an alternative format.