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WISCONSIN NATURAL RESOURCES BOARD

D R A F T BRIEF OF ACTION

Wednesday, January 26, 2022 (rev. 02/16/22)

The regular meeting of the Wisconsin Natural Resources Board was held virtually on Wednesday, January 26, 2022 originating 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 1:50 p.m.

ORDER OF BUSINESS

1. ORGANIZATIONAL MATTERS (0:00:01 – 0:05:32)

A. Calling the roll (0:03:30 - 0:03:57)

William Bruins – present

Marcy West – present

Sharon Adams – present

William Smith – present

Terry Hilgenberg – present

Dr. Frederick Prehn – present

Greg Kazmierski – present

B. Approval of agenda for January 26, 2022 (0:03:58 – 0:04:20)

At 0:04:09, Mr. Kazmierski MOVED, seconded by Mr. Hilgenberg the agenda for January 26, 2022. The motion carried unanimously.

Chair Prehn, at 0:04:21, welcomed new DNR Deputy Secretary Sarah Barry to the Board meeting.

Deputy Secretary Barry, at 0:04:36, gave a brief introduction.

2. CONSENT (0:05:33 – 0:06:52)

A. Approval of brief of action from December 8, 2021

B. Request approval for the prohibition of one nature-based outdoor activity (hunting) to protect the public safety on land to be purchased with Knowles-Nelson Stewardship funds – Groundswell Conservancy, Dane County

(Pam Rood, Stewardship Grant Manager, Bureau of Facilities and Lands)

Written Comment: 2

- C. Request approval for the prohibition of one nature-based outdoor activity (hunting) to protect the public safety on land to be purchased with Knowles-Nelson Stewardship funds – City of Schofield, Marathon County

(Pam Rood, Stewardship Grant Manager, Bureau of Facilities and Lands)

Written Comment: 1

- D. Request approval for the prohibition of two nature-based outdoor activities (hunting and trapping) to protect the public safety on land to be purchased with Knowles-Nelson Stewardship funds – San Damiano Friary Acquisition, City of Monona, Dane County

(Pam Rood, Stewardship Grant Manager, Bureau of Facilities and Lands)

Written Comment: 1

At 0:06:20, Mr. Hilgenberg MOVED, seconded by Ms. West, approval of the Consent Agenda. The motion carried unanimously.

3. DISCUSSION AND POSSIBLE ACTION CONCERNING ITEMS REMOVED FROM THE CONSENT AGENDA - None

4. ACTION ITEMS (0:06:53 - 1:37:59; 1:45:51 - 2:39:36, and 3:07:37 – 3:09:35)
ADOPTION (0:06:53 – 1:37:59; and 1:45:51 - 1:56:09)

- A. Request adoption of Board Order WA-17-18, proposed rules affecting chapters NR 500 to 520 related to coal combustion residual landfills (0:06:53 – 0:16:54)

(Kate Strom Hiorns, Recycling and Solid Waste Section Chief)

Public Appearances (0:11:07 – 0:13:22):

1. Bill Skewes, Madison, representing WI Utilities Association, and Jeff Maxted, Madison, representing Alliant Energy

At 0:16:12, Ms. West MOVED, seconded by Ms. Adams, approval of the department’s recommendation.

At 0:16:48, the motion carried unanimously.

- B. Request adoption of Board Order FH-02-20, proposed rules affecting chapter NR 25 related to Lake Michigan whitefish management and Great Lakes commercial harvest reporting **AMENDED** (0:16:55 – 0:55:31)

(Bradley Eggold, Great Lakes District Fisheries Supervisor)

NOTE: PUBLIC PARTICIPATION DEADLINE ON THIS AMENDED ITEM WAS EXTENDED TO 11:00 AM ON FRIDAY, JANUARY 21, 2022.

Written Comment: 58

Public Appearances (0:25:30 – 0:42:55):

1. Todd Stuth, Bailey’s Harbor, representing Hickey Bros Research, LLC, and Baileys Harbor Fish Company, LLC (**Handout**)
2. William Henriksen, Sister Bay, representing self (**Handout**)
3. ~~Kristie Moss-Henriksen, Ellison Bay, representing Henriksen’s Fish House (**Handout --- and sent regrets**)~~
4. JJ Malvitz, Sturgeon Bay, representing JJs Guide Service

5. **Charlie Henriksen**, Sister Bay, representing Lake Michigan Commercial Fishing Board as Chair (**Handout**)

At 0:43:06, Mr. Bruins MOVED, seconded by Mr. Hilgenberg, approval of the department's recommendation.

Bill Smith, at 0:43:43, spoke to this item as Fisheries Liaison.

Chair Prehn, at 0:51:56 spoke to whitefish population modeling, the rules process, and the process taking place in a timely fashion.

At 0:55:20, the motion carried unanimously.

- C. Request adoption of Board Order AM-31-19, proposed rules affecting chapter NR 438 related to clarifying and updating air contaminant emissions inventory reporting requirements (0:55:32 – 0:59:30)
(Maria Hill, Compliance, Enforcement & Emission Section Chief)
Written Comment: 1

At 0:59:15, Mr. Smith MOVED, seconded by Mr. Kazmierski, approval of the department's recommendation. The motion carried unanimously.

- D. Request that the Board adopt germane modifications to Board Order WY-23-13, proposed rules affecting chapter NR 102 related to processes for waterbody assessments and impaired waters listing, biological assessment thresholds, biological confirmation of phosphorus impairments, and water quality criteria for dissolved oxygen. (0:59:31 – 1:25:57)
(Marcia Willhite, Water Evaluation Section Chief)
Written Comment: 1

At 1:25:23, Ms. West MOVED, seconded by Mr. Kazmierski, approval of the department's recommendation. The motion carried on a voice vote of 6-1, with Mr. Bruins opposed.

- E. Request that the Board adopt germane modifications to Board Order WT-17-12, proposed rules revising chapter NR 102 and creating chapter NR 119 related to establishing a process for developing site-specific numeric phosphorus water quality criteria for surface waters. (1:25:58 – 1:37:59)
(Marcia Willhite, Water Evaluation Section Chief)

At 1:37:04, Ms. West MOVED, seconded by Mr. Smith, approval of the department's recommendation. The motion carried on a roll call vote of 6-1.

William Bruins – no	Marcy West – yes
Sharon Adams – yes	William Smith – yes
Terry Hilgenberg – yes	Dr. Frederick Prehn – yes
Greg Kazmierski – yes	

Chair Prehn, at 1:38:00, moved the meeting to item 5-Open Forum

5. OPEN FORUM (1:38:03 – 1:45:50)

A. ~~Recognition – The 2021 Rebecca Wallace Award~~

~~(Preston Cole, DNR Secretary, Dave Siebert, External Services Division Administrator, and Dan Bauman, West Central Region Secretary's Director) **MOVED TO FUTURE MEETING**~~

B. Open Forum (1:38:32 – 1:45:50)

Public Appearances:

1. Nicholas Christianson, Madison, representing self (He was not on Zoom meeting.)
Topic: Chairman Prehn

2. Corky Meyer, Kewaskum, representing Wisconsin Coon Hunters Assoc. and Wisconsin Assoc. of Sporting Dog Clubs
Topic: Status of questions from 2021 Spring hearings, 34, 35, and 36

3. Laurie Groskopf, Tomahawk, representing self
Topic: Professional and timely completion of deliverables and use of science in decision making within the DNR

Chair Prehn, at 1:45:51, continued the meeting with item 4.F.

F. Request adoption of Board Order WA-07-20, proposed rules creating chapter NR 159 related to regulating fire fighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS) (1:45:51 – 1:53:09)
(Mimi Johnson, Office of Emerging Contaminants Director)

Public Appearance (1:50:05 – 1:52:48):

1. Jeffrey Lamont, Port Washington, representing self

At 1:52:53, Mr. Hilgenberg MOVED, seconded by Mr. Smith, approval of the department's recommendation. The motion carried unanimously.

G. Request adoption of Board Order WM-18-20, proposed rules affecting chapters NR 10 & 45 related to the 2021 Wildlife Management spring hearing rule related to hunting trapping, and target shooting (1:53:10 – 1:56:09)
(Scott Karel, Wildlife Policy Specialist)

Public Appearance (1:54:37 – 1:55:47):

1. Mark Silverman, Milwaukee, representing Wisconsin Animal Protection Society

At 1:55:52, Mr. Bruins MOVED, seconded by Mr. Kazmierski, approval of the department's recommendation. The motion carried unanimously.

SCOPE STATEMENTS (1:56:10 - 2:01:44)

H. Request that the Board approve the Statement of Scope for Board Order PR-03-20 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

5, 10, 11, 15, 17, 20, 26, 27, 45 and 51, related to Wisconsin DNR property management regulations (1:56:10 – 1:59:11)
(Brigit Brown, Recreation Management Section Chief, Bureau of Parks and Recreation Management)

At 1:58:48, Ms. Adams MOVED, seconded by Ms. West, approval of the department's recommendation. The motion carried unanimously.

- I. Request that the Board approve the Statement of Scope for Emergency Board Order WM-15-21 (E) for proposed rules affecting chapter NR 10 related to establishing the 2022 migratory bird season framework and regulations (1:59:12 – 2:01:44)
(Scott Karel, Wildlife Regulation Policy Specialist)

Public Appearance (2:00:34 – 2:01:24):

1. **Mark Silverman**, Milwaukee, representing Wisconsin Animal Protection Society

At 2:01:30, Mr. Kazmierski MOVED, seconded by Mr. Hilgenberg, approval of the department's recommendation. The motion carried unanimously.

MISCELLANEOUS (2:01:45 – 2:39:36, and 3:07:37 – 3:09:35)

- J. Request approval of department recommendations for the 2022 bear harvest quotas (2:01:45 – 2:36:21, and 3:07:37 – 3:09:35)
(Randy Johnson, Large Carnivore Specialist)

Written Comment: 1

Public Appearances (2:12:03 – 2:17:53):

1. **Tony Blattler**, Phillips, representing Wisconsin Conservation Congress as Chair (Advisory Group)
2. **Mark Silverman**, Milwaukee, representing Wisconsin Animal Protection Society

Mr. Hilgenberg, at 2:18:02, requested for future presentations that actual results for that year be added to the chart on slide 6, to obtain input from a broader group of stakeholders such as deer hunters, and to include population goals in each zone in table 6 as well.

Greg Kazmierski, at 2:29:28, spoke tribal harvest declarations and questioned whether they were included in the department's recommendations.

Chief Legal Cheryl Heilman, at 2:32:14, requested a five-minute break to confer with staff and get back to the Board.

Chair Prehn, at 2:32:39, spoke to setting this item aside and coming back when the department is ready.

Mr. Hilgenberg, at 2:34:20, spoke to the substantial complaints received from private property owners regarding dogs running bears through their property. He questioned whether the bear committee and management plan, plan on addressing that and how should it be dealt with. This is a significant issue.

Mr. Johnson, at 2:35:12, responded.

Chair Prehn, at 2:36:22, set item 4.J. 2020 bear harvest aside and moved the meeting to item 4.K.

- K. Land Acquisition - Tiffany Wildlife Area - Pepin County (2:36:29 – 2:39:36)
(Jim Lemke, Real Estate Section Chief)
Written Comment: 3

At 2:38:45, Mr. Hilgenberg MOVED, seconded by Mr. Bruins, approval of the department's recommendation.

At 2:39:30, the motion carried unanimously.

6. INFORMATION ITEMS (2:39:37 – 3:07:36, and 3:09:39 – 3:44:05)
A. Update on the wolf management plan and wolf monitoring efforts (2:39:37 -
(Randy Johnson, Large Carnivore Specialist)
Written Comment: 1

INFORMATION ITEM – NO ACTION WAS TAKEN

Chair Prehn, at 3:07:37, returned the meeting to item 4.J. 2022 bear quota.

- J. Request approval of department recommendations for the 2022 bear harvest quotas -
continued.
(3:07:37 – 3:09:35)
(Randy Johnson, Large Carnivore Specialist)

Chief Legal Heilman, at 3:07:49, verified that the quota numbers on the green sheet are for bear are for state licensed bear harvest. There will be no subtraction of these numbers or further discussion with the tribes in respect to these quota numbers.

Chair Prehn, at 3:08:18, questioned whether the wording from last year should be added to this green sheet as an amendment to the motion.

Chief Legal Heilman, at 3:08:29, stated that with her clarification, it is not necessary.

At 3:08:40, Mr. Hilgenberg MOVED, seconded by Mr. Smith, approval of the department's recommendation. The motion carried unanimously.

Chair Prehn, at 3:09:36, continued the meeting with 6.B.

6. INFORMATION ITEMS (3:09:39 – 3:44:05)
B. Report and preliminary results of the 2021 deer seasons (3:09:39 – 3:44:05)
(Kimberly Currie, Customer and Outreach Services Bureau Director; Sarah Hoyer, Communications Director; Casey Krueger, Chief Warden; and Jeff Pritzl, Deer Program Specialist)

Mr. Hilgenberg, at 3:35:32, he questioned whether there is a program in place to keep up with discontinued hunters and for inviting them back into the game.

Ms. Hoyer, at 3:35:56, spoke to the Lapsed Hunter Campaign

Mr. Hilgenberg, at 3:36:18, questioned whether the results are measured.

Ms. Hoyer, at 3:36:22, stated she would look into this and respond.

Mr. Pritzl, at 3:36:35, spoke to discontinued hunter reactivation results and will check with Human Dimensions staff.

INFORMATION ITEM – NO ACTION WAS TAKEN

7. DEPARTMENT SECRETARY’S MATTERS (3:44:06 – 3:50:39)
 - A. RETIREMENT RECOGNITION (3:44:06 – 3:45:56)
 1. Kent Van Horn, Wildlife Management, 23 years
 2. Kelly (Susan K.) Kearns, Natural Heritage Conservation, 38 years
 3. Gregory A. Mitchell, Forestry, 22 years
 4. Dean A. Starks, Technical Services, 32 years
 5. Sherry L. Wise, Waste and Materials Management, 33 years

At 3:44:43, Mr. Hilgenberg MOVED, seconded by Ms. Adams, recognition of the department’s retirees. The motion carried unanimously.

Chair Prehn, at 3:45:02, recognized and congratulated NRB Webcaster Brent Alderman on his upcoming retirement.

Secretary Cole, at 3:45:45, recognized Brent Alderman.

- B. DEPARTMENT SECRETARY’S MATTERS – Informational
 1. Acts of the Department Secretary – Real Estate Transactions (3:45:57 – 3:46:02)

INFORMATION ITEM – NO ACTION WAS TAKEN

2. Department Secretary’s Matters
 - a. Sandra Dee Naas report (3:46:03 – 3:50:39)

INFORMATION ITEM – NO ACTION WAS TAKEN

3. Planning Status Update - None

8. BOARD MEMBERS’ MATTERS (3:50:40 – 4:24:40)
 - A. Discussion on Powell Marsh and Dead Pike Lake (3:50:40 – 4:06:16)
Written Comment: 2

Chair Prehn, at 3:50:41, spoke to the history of this item and requested this item be brought back by the May 2022 meeting the following: 1) History of Powell Marsh to include what our government did to this marsh to affect downstream impairment of different waterways. 2) for the Board to understand the long history of Town of Manitowish, riparian’s, and DNR going back many administrations regarding this issue. It is long-standing and the history is an important part of a solution. 3) Most importantly, is to have a preliminary discussion with the engineering firm who studied and provided a path forward to clean up Dead Pike Lake as to what is really needed to fix the source of the problem and to bring it back to the Board.

Secretary Cole, at 4:05:25, spoke to going back to the Manitowish community and have a poignant, meaningful discussion about where they are and whether they moved the needle to what the department recommended as a solution. He noted this would not have to wait until May.

INFORMATION ITEM – NO ACTION WAS TAKEN

B. Board Members' Matters (4:06:17 – 4:12:49)

Mr. Bruins, at 4:06:21, spoke to 8.A. regarding Powell Marsh and strongly encouraged the department's continued consideration in the challenges they face there.

Mr. Hilgenberg, at 4:07:25, spoke to constituent deer hunting concerns regarding 1) Registration is false due to a bunch of hunters are not registering deer possibly because they are in the woods and do not want to register electronically. 2) That has greatly impeded our progress on CWD. If we had to register deer at registration stations, it makes it much easier for people to participate in the CWD Program. 3) There are too many seasons and is too slanted towards archery and bow.

Chair Prehn, at 4:08:32, questioned whether those three would be more legislative than Board concerns.

Mr. Hilgenberg, at 4:08:38, noted the Board could foster some of that across the street.

Mr. Hilgenberg, at 4:09:25, stated he would yield to the department to come up with issues he just raised to see if there is anything we can do about it.

Secretary Cole, at 4:09:43, noted this was not the first time the Board raised these issues. He will have staff meet with Terry, individually with law enforcement, wildlife, customer service, and legal to see what is in our quiver and what is not legislative. He asked that in terms of season structures going forward, to be prepared to let the department know what you are thinking so we do not have to figure it out.

Mr. Kazmierski, at 4:10:28, spoke to the state of the wolf lawsuit and shared his disappointment that he and to many of our constituents that we did not appeal the decision. He requested to have a meeting at the February 2023 meeting to address legal issues and where this Board stands on pressing forward on restoring defense on that lawsuit.

Chair Prehn, at 4:11:16, questioned whether Mr. Kazmierski was looking for a closed session next month.

Mr. Kazmierski, at 4:11:19, responded correct.

Ms. West, at 4:11:26, requested the department and staff consider in the agenda setting for February where we will have very important issues with a lot of public comment. It may be an opportunity to try an evening session for public input. It has been made clear that not everyone can be online for a Wednesday morning. She thought an evening session would allow us to hear from folks that are directly affected. She recognized it is an impact to staff and technology but as you said, they are very talented and she does not know of any state employees that work a strict 8 a.m. – 4:30 p.m. schedule. She brought this up as an opportunity.

C. Election of Officers: Secretary, Vice-Chair, and Chair (4:12:50 – 4:24:40)

Chair Prehn, at 4:13:15, opened nominations for Secretary.

Mr. Kazmierski, at 4:13:17, nominated Bill Smith for Secretary.

Ms. Adams, at 4:13:31, requested the process for nominations and office be given.

Chair Prehn, at 4:13:47 spoke to the process.

Mr. Smith, at 4:14:59, stated he has an interest in being a candidate for the Chair position. He questioned that if he accepted nomination as Secretary, would that preclude him from being considered for Chair

Chair Prehn, at 4:15:17, responded that he believed so.

Mr. Smith, at 4:15:24, spoke to written guidance and requested Chair Prehn reconsider that order.

Chair Prehn, at 4:15:43, responded that at the present time, the answer is no and that he will continue with the same order as it has been done in the past.

Mr. Hilgenberg, at 4:15:55, added that he did not see anything wrong with that premise.

Chair Prehn, at 4:16:04, asked for clarification that if he runs for a different office, the Board would go back and revote for Secretary.

Mr. Hilgenberg, at 4:16:11, responded absolutely.

Chair Prehn, at 4:16:24, questioned Mr. Smith whether he accepts the nomination.

Mr. Smith, at 4:16:28, asked for clarification that the original order will be kept and should he be elected Secretary, he would still be a viable candidate for subsequent positions on the Board.

Chair Prehn, at 4:16:46, responded that is the will of the Board, by consensus.

Mr. Smith, at 4:16:55, spoke to his experiences on other boards. Under the stated circumstances, he accepted nomination for Secretary.

Chair Prehn, at 4:17:19, asked for other nominations for Secretary; hearing none, he closed nominations for Secretary.

At 4:17:30, the motion to elect Bill Smith as Secretary carried unanimously.

Chair Prehn, at 4:17:41, opened nominations for Vice-Chair.

Mr. Hilgenberg, at 4:17:44, nominated Mr. Bruins for Vice-Chair.

Mr. Bruins, at 4:17:51, accepted the nomination for Vice-Chair.

Mr. Smith, at 4:17:58, nominated Marcy West for Vice-Chair.

Ms. West, at 4:18:50, accepted the nomination for Vice-Chair.

Chair Prehn, at 4:19:08, asked for other nominations for Vice-Chair; hearing none, he closed nominations for Vice-Chair and asked for a five-minute recess for voting to reconvene at approximately 1:32 p.m.

Chief Legal Heilman, at 4:19:30, spoke to the voting process via Survey Monkey.

Chair Prehn, at 4:20:39, announced that the ballots have been read and the Vice-Chair is Mr. Bruins on a ballot vote of 4-3.

Chair Prehn, at 4:20:55, opened nominations for Chair.

Mr. Bruins, at 4:20:59, nominated Greg Kazmierski for Chair.

Mr. Kazmierski, at 4:21:08, accepted the nomination for Chair.

Ms. West, at 4:22:97, nominated Bill Smith for Chair.

Mr. Smith, at 4:22:13, accepted the nomination for Chair.

Chair Prehn, at 4:23:52, asked for other nominations for Chair; hearing none, he closed nominations for Chair and asked for a five-minute recess for voting to reconvene in approximately five minutes.

Chair Prehn, at 4:24:18, announced that the ballots have been read and the Chair is Mr. Kazmierski on a ballot vote of 4-3 and virtually handed the gavel to him as his last order of business.

At 4:24:49, Mr. Hilgenberg MOVED, seconded by Ms. West to adjourn. The motion carried unanimously.

The meeting adjourned at 1:50 p.m.