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WISCONSIN NATURAL RESOURCES BOARD

BRIEF OF ACTION

Wednesday, June 23, 2021

The regular meeting of the Wisconsin Natural Resources Board was held in-person on Wednesday, June 23, 2021 in 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 2:39 p.m.

ORDER OF BUSINESS

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

A. Calling the roll (0:03:15 - 0:03:29)

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 June 23, 2021 (0:03:30 – 0:05:00)

At 0:04:52, Mr. Hilgenberg MOVED, seconded by Mr. Kazmierski, approval of the meeting agenda. The motion carried unanimously.

2. CONSENT (0:05:01 – 0:06:29)

A. Approval of brief of action from May 26, 2021

B. Turning Rivers will donate \$48,538 worth of concrete to be used at the west end of the camp barn as part of phase one of its conversion to a pavilion at the Turning Rivers Camp at the Kettle Moraine State Forest – Northern Unit.

(DNR Secretary Preston Cole)

C. The Devils Lake Concession Corporation will donate \$40,000 in the form of an electronic message sign board for the entrance of Devils Lake State Park in Sauk County, WI.

(DNR Secretary Preston Cole)

D. Request that the Board authorize a preliminary public hearing and comment period for the Statement of Scope for Board Order WY-13-20 for proposed rules affecting chapters NR 102, 106, 205, and 207, and other related regulations for the purpose of updating Wisconsin's water quality antidegradation policy and procedures

(Marcia Willhite, Water Evaluation Section Chief)

- E. Request that the Board authorize a preliminary public hearing and comment period for the Statement of Scope for Board Order FH-04-20, for proposed rules affecting chapters NR 20, related to sturgeon spearing harvest regulations and gear use
(Meredith Penthorn, Fisheries Management policy specialist)
- ~~F. Request that the Board authorize a preliminary public hearing and comment period for the Statement of Scope for Board Order WY-21-20, for proposed rules affecting chapter NR-102 related to site-specific phosphorus criteria for Lac Courte Oreilles
(Marcia Willhite, Water Evaluation Section Chief) DELETED~~

At 0:06:18, Mr. Smith MOVED, seconded by Mr. Hilgenberg, approval of the consent agenda and to acknowledge the donations. The motion carried unanimously.

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

4. ACTION ITEMS (0:06:30 – 1:28:17; 1:54:52 – 4:46:09)
ADOPTION (0:06:30 – 1:28:17)

- A. Request adoption of Board Order AM-10-19, proposed rules affecting chapters NR 404, 407, 408, 428 and 484 related to incorporation of the 2015 national ambient air quality standards for ozone. (0:06:30 – 0:10:39)
PowerPoint Presentation by Gail Good, Air Management Program Director

At 0:10:24, Mr. Hilgenberg MOVED, seconded by Ms. West, approval of the department's recommendation. The motion carried unanimously.

- B. Request adoption of Board Order WT-02-19, proposed rules affecting chapter NR 350, related to wetland mitigation (0:10:40 – 0:25:59)
PowerPoint Presentation by Tom Pearce, ILF Wetland Mitigation Project Manager

Public Appearances (0:14:52 – 0:20:57):

- 1. **Tim Andryk**, Middleton, representing Wetland Study Council as Council Mitigation Committee Chair, and **Tracy Hames**, Madison, as Council Acting Chair (*joint presentation*)

At 0:25:47, Ms. West MOVED, seconded by Mr. Smith, approval of the department's recommendation. The motion carried unanimously.

- C. Request adoption of Emergency Board Order WY-26-20(E), proposed rules affecting chapters NR 114, 146 and 524 to allow for third party administration of operator certification, well driller or pump installer license, and landfill operator examinations (0:26:00 – 0:30:13)
PowerPoint Presentation by Steve Geis, Certification Services Section Chief

At 0:30:04, Mr. Hilgenberg MOVED, seconded by Mr. Bruins, approval of the department's recommendation. The motion carried unanimously.

- D. Request that the Board consider legislative modifications to Board Order EA-14-18, proposed rules affecting chapters NR 130, 131, 132, and 182 related to nonferrous metallic mining activities (0:30:14 – 0:38:56)
PowerPoint Presentation by Dave Siebert, External Services Division Administrator

At 0:38:41, Mr. Hilgenberg MOVED, seconded by Mr. Kazmierski, approval of the department's recommendation. The motion carried unanimously.

- E. Request adoption of Emergency Board Order FH-07-21(E), proposed rules affecting chapter NR 20 and 25 related to fish harvest in Lake Superior (0:38:57 – 0:41:09)
PowerPoint Presentation by Brad Ray, Lake Superior Fisheries Team Supervisor
Written Comment: 2 (WCC was added)

At 0:40:57, Mr. Smith MOVED, seconded by Mr. Bruins, approval of the department's recommendation. The motion carried unanimously.

- F. Request adoption of Board Order FH-08-20, proposed rules affecting chapter NR 20 related fishing guide licenses and reporting requirements (0:41:10 – 0:54:27)
PowerPoint Presentation by Tom Meronek, Lake Michigan Fisheries Team Supervisor
Written Comment: 1 (WCC was added)

At 0:50:31, Mr. Kazmierski MOVED, seconded by Mr. Hilgenberg, approval of the department's recommendation.

At 0:50:42, Mr. Kazmierski MOVED, seconded by Mr. Bruins to amend the submittal period for reporting from 30 minutes to 24 hours of completion of a fishing trip.

At 0:54:05, the motion to amend carried on a voice vote of 6-1, with Mr. Smith opposed.

At 0:54:20, the original motion as amended carried unanimously.

- G. Request adoption of Board Order FH-09-20, proposed rules affecting chapter NR 20 related to fishing regulations on inland, outlying and boundary waters (the 2021 Fisheries Management Spring Hearings rule) (0:54:28 – 1:03:16)
PowerPoint Presentation by Meredith Penthorn, Fisheries Management Policy Specialist

Public Appearances (0:58:25 – 0:59:30):

1. **Tony Blattler**, Phillips, representing Wisconsin Conservation Congress (WCC) as Chair

At 1:03:06, Mr. Hilgenberg MOVED, seconded by Mr. Smith, approval of the department's recommendation. The motion carried unanimously.

- H. Request adoption of Board Order FH-25-19, proposed rules affecting chapter NR 20 related to Minocqua Chain walleye harvest regulations (1:03:17 – 1:23:33)
PowerPoint Presentation by John Kubisiak, Treaty Unit Fisheries Team Supervisor

At 1:21:17, Mr. Smith MOVED, seconded by Ms. West, approval of the department's recommendation.

At 1:23:29, the motion carried unanimously.

- I. Request adoption of Emergency Board Order FH-29-20 (E), proposed rules affecting chapter NR 20 related to lake trout harvest and season in Lake Michigan (1:23:34 – 1:28:17)
PowerPoint Presentation by Bradley Eggold, Great Lakes District Fisheries Supervisor
Written Comment: 1 (WCC was added)

At 1:27:56, Mr. Bruins MOVED, seconded by Mr. Hilgenberg, approval of the department's recommendation.

At 1:28:05, the motion carried unanimously.

Chair Prehn, at 1:28:18, moved the meeting to item 5-Open Forum.

5. OPEN FORUM (1:28:20 – 1:54:45):

Public Appearances (1:28:20 – 1:54:45):

1. **Justin Loehrke**, Neenah, representing self
Topic: Sturgeon Management Plan, Biologists out in the field, Free Farmland Tags
11. **Jan Schnell**, Dairyland, representing Dairyland Veterinary Clinic
Topic: Climate Change and Ecological Preparedness

Chair Prehn, at 1:35:14, handed the gavel to Vice-Chair Kazmierski for the remainder of the Open Forum speakers.

2. **Laura Lane**, Waunakee, representing Sierra Club Wisconsin Chapter
Topic: NRB Composition

Vice-Chair Kazmierski, at 1:38:05, asked General Counsel Heilman to the podium for clarification on the Board Member transition process.

General Counsel Cheryl Heilman, at 1:38:22, spoke to the Natural Resources Board Member nomination process and the Supreme Court ruling on holding-over until their replacement is confirmed by the Legislature.

3. **George Meyer**, Madison, representing self
Topic: Natural Resources Board
4. **Kriss Marion**, Blanchardville, representing Pecatonica Pride Producer Led Watershed Association
Topic: term of board members and the orderly and civil transition from one term to the next

5. **Paul Collins**, Stoughton, representing self
Topic: lack of good governance and ethics
6. **Forest Jahnke**, Rolling Ground, representing Crawford Stewardship Project
Topic: NRB Member transition
7. **Nicholas Christianson**, Madison, representing self:
Topic: political gamesmanship and the negative impacts on equal representation

Vice-Chair Kazmierski, at 1:52:22, cautioned Mr. Christianson on his disparaging remarks.

Vice-Chair Kazmierski, at 1:53:24, asked that Mr. Christianson be removed from Zoom due to his continued disparaging comments.

8. ~~**Otis Christianson**, Madison, representing self:
Topic: camping (he was not on Zoom)~~
9. ~~**Bruno Christianson**, Madison, representing self:
Topic: urban forest management (he was not on Zoom)~~
10. ~~**Ivan Christianson**, Madison, representing self
Topic: wolf (he was not on Zoom)~~

Vice-Chair Kazmierski, at 1:54:45, stated Open Forum had concluded and passed the gavel back to Chair Prehn.

Chair Prehn, at 1:54:50, returned the meeting to item 4.J.

SCOPE STATEMENTS (1:54:52 - 3:19:14)

- J. Request that the Board approve the Statement of Scope for Board Order DG-22-20 and conditionally approve the public hearing notice and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse, for proposed rules affecting chapter NR 811 to update, correct and clarify existing code requirements and add requirements for new technologies related to community drinking water system sources, source water quality, storage, treatment, and distribution **AMENDED to include summary of written comments** (1:54:52 – 1:58:36)
Staff Presentation by Cathy Wunderlich, Public Water Engineering Section Chief

At 1:58:27, Mr. Hilgenberg MOVED, seconded by Mr. Kazmierski, approval of the department's recommendation. The motion carried unanimously.

- K. Request that the Board approve the Statement of Scope for Board Order DG-25-20 and conditionally approve the public hearing notice and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse, for proposed rules affecting chapter NR 140 related to setting numerical standards to minimize the concentration of polluting substances in groundwater based on the Department of Health Services' recommendations for creation of Cycle 11 groundwater enforcement standards, including some PFAS and pesticide compounds. (1:58:37 – 2:30:14)
Presentation by Steve Elmore, Drinking Water and Groundwater Bureau Director
Written Comment: 1

Public Appearances (2:05:11 – 2:09:16):

1. **Carly Michels**, Madison, Clean Wisconsin as Government Relations Director (she will combine her testimony for 4.K. and 4.L.)

At 2:09:20, Ms. West MOVED, seconded by Mr. Kazmierski, approval of the department's recommendation.

Chair Prehn, at 2:22:02, asked Mr. Elmore to name the compounds included in this Statement of Scope.

General Counsel Cheryl Heilman, at 2:22:52, responded to the compounds in the DHS recommendation and public comments regarding vagueness of the statement of scope.

Mr. Elmore, at 2:24:20, read the list of compounds into the record: Metalaxyl, Chlorantraniliprole, Flumetsulam, Fomesafen, Hexazinone, Saflufenacil, Perfluorotetradecanoic acid (PFTeA), Perfluorobutanoic acid (PFBA), Perfluorohexanoic acid (PFHxA), Perfluorononanoic acid (PFNA), Perfluorodecanoic acid (PFDA), Perfluoroundecanoic acid (PFUnA), Perfluorobutanesulfonic acid (PFBS), Perfluorohexanesulfonic acid (PFHxS), Perfluorooctane sulfonamide (FOSA), N-Ethyl Perfluorooctane sulfonamide (NEtFOSA), N-Ethyl perfluorooctane sulfonamidoacetic acid (NEtFOSAA), N-Ethyl perfluorooctane sulfonamidoethanol (NEtFOSE), Perfluorododecanoic acid (PFDoA), Hexafluoropropylene oxide dimer acid (HFPO-DA; GenX), Perfluorooctadecanoic acid (PFODA), 4,8-Dioxa-3H-perfluorononanoic acid (DONA)

[More information, including the proposed groundwater standards recommendations can be found here: <https://www.dhs.wisconsin.gov/publications/p02807.pdf>]

Chair Prehn, at 2:27:32, asked General Counsel Heilman whether the Board could add the list of compounds to the Statement of Scope.

General Counsel Heilman, at 2:27:41, spoke to the process for amending the scope statement and that the record would include the list of compounds read by Mr. Elmore.

At 2:29:35, the motion carried on a voice vote of 6-1, with Mr. Bruins opposed.

- L. Request that the Board approve the Statement of Scope for Board Order DG-31-20 and conditionally approve the public hearing notice and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse, for proposed rules affecting chapter NR 809 related to the promulgation of new drinking water maximum contaminant levels for 12 additional Per- and Polyfluoroalkyl Substances (PFAS) and combined standards for 4 PFAS AMENDED to include summary of written comments (2:30:15 – 2:42:10)
Staff Presentation by Steve Elmore, Drinking Water and Groundwater Bureau Director
Written Comment: 1

Public Appearances:

1. **Carly Michels**, Madison, Clean Wisconsin as Government Relations Director
(NOTE: Ms. Michels gave her testimony for 4.L. during 4.K.)

At 2:39:14, Mr. Hilgenberg MOVED, seconded by Ms. West, approval of the department's recommendation.

At 2:40:22, the motion carried on a voice vote of 6-1 with Mr. Bruins opposed.

DNR Secretary Cole, at 2:40:33, asked Environmental Management Division Administrator Darsi Foss to the podium and requested updates to the Board at every milestone and pivotal times, and to include DHS staff when appropriate.

- M. Request that the Board approve the Statement of Scope for Emergency Board Order WM-01-21(E), Board Order WM-02-21 and Board Order WM-03-21 and conditionally approve the public hearing notice for WM-02-21 and WM-03-21 and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse, for proposed rules affecting chapters NR 8, 10, 12 and 19 related to gray wolf harvest regulations (2:42:11 – 3:19:14)

PowerPoint Presentation by Scott Karel, Wildlife Policy Specialist

Written Comment: 13

Public Appearances (2:51:57 – 3:08:45):

1. **Mike Brust**, Wausau, representing self
2. **Melissa Smith**, Madison, representing Friends of the Wisconsin Wolf
3. **Corky Meyer**, Kewaskum, representing Wisconsin Coon Hunters Association
4. **Megan Nicholson**, Madison, representing The Humane Society of the United States as Wisconsin State Director, State Affairs (**Handout**)
5. **Jessica Camillo**, San Diego, CA, representing self (**Handout**)

At 3:18:35, Mr. Smith MOVED, seconded by Ms. West, approval of the department's recommendation.

At 3:19:04, the motion carried on a voice vote of 6-1, with Mr. Kazmierski opposed.

Chair Prehn, at 3:19:15, recessed for lunch.

Chair Prehn, at 3:19:23, reconvened the meeting.

MISCELLANEOUS (3:19:40 – 4:46:09)

- N. Request approval of antlerless deer harvest quotas, antlerless permit levels and a deer hunting season framework for 2021 CORRECTED - 2020 permit numbers for Bayfield, Burnett, Douglas, and Sawyer counties (3:19:40 – 4:22:02)

PowerPoint Presentation by Jeff Pritzl, State Deer Specialist

Written Comment: 3

Public Appearances (3:26:56 – 3:47:41):

1. **Neil Messerschmidt**, Edgerton, representing self (**Handout**)

2. **Dick Wolkowski**, Baraboo, representing self (**Handout**)
3. **Jim Johannes**, McFarland, representing self
4. **Tony Blattler**, Phillips, representing Wisconsin Conservation Congress (WCC) as Chair
5. **Michael Foy**, Madison, representing self

At 3:47:54, Mr. Smith MOVED, seconded by Mr. Hilgenberg approval of the department's recommendations.

Mr. Kazmierski, at 3:48:07, spoke to the northern forest counties data in a handout he provided to Board members.

At 3:55:25, Mr. Kazmierski MOVED, seconded by Mr. Bruins, to amend the Secretary's Order to reduce the antlerless tags by 50% on public lands only in Bayfield, Douglas, Iron, Langlade, Oneida, and Sawyer counties.

Mr. Kazmierski, at 4:17:58, stated he would like to see data from deer browse surveys.

DNR Secretary Cole, at 4:18:01, spoke to deer browse. He then noted whatever the vote, he will take it back to the CDACs for input.

Chair Prehn, at 4:20:09, spoke to the Board's authority.

At 4:21:02: the motion to amend carried on a roll call vote of 4-3

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

At 4:21:25, the motion as amended carried on a roll call vote of 5-2.

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

DNR Secretary Cole, at 4:21:47, spoke to the record to reflect that the department takes the vote on the quota under advisement.

Chair Prehn, at 4:21:53, spoke to the record to reflect that statutorily, the Board was to vote and did.

- O. **Land Acquisition – Devils Lake State Park – Sauk County** (4:22:03 – 4:27:32)
Staff Presentation by Jim Lemke, Real Estate Section Chief

At 4:24:32, Mr. Smith MOVED, seconded by Ms. West, approval of the department's recommendation.

Public Appearances (4:25:48 – 4:27:21)

1. **Tony Blattler**, Phillips, representing Wisconsin Conservation Congress (WCC) as

Chair (He combined his testimony and spoke on item 4.P. – Forest Legacy Program also.)

At 4:27:30, the motion carried unanimously.

- P. Easement Purchase – Forest Legacy Program – Oneida County (4:27:33 – 4:42:39)
Staff Presentation by Jim Lemke, Real Estate Section Chief
Written Comment: 1

At 4:30:03, Mr. Bruins MOVED, seconded by Mr. Kazmierski, approval of the department's recommendation.

Public Appearances (4:30:08 – 4:33:25):

1. Tony Blattler, Phillips, representing Wisconsin Conservation Congress (WCC) as Chair (Chair Blattler spoke on this item during 4.O.)
2. George Meyer, Madison, representing Wisconsin Wildlife Federation as Executive Director

Mr. Hilgenberg, at 4:37:09, requested that the official record include the Forestry Division memo confirming the timber value was accurate.

At 4:42:33, the motion carried unanimously.

- Q. Land Acquisition & Partial Donation -- Ice Age Trail & Glacial Drumlin State Trail, Waukesha County (4:42:40 – 4:46:09)
Staff Presentation by Jim Lemke, Real Estate Section Chief
Written Comment: 1

At 4:44:10, Mr. Bruins MOVED, seconded by Mr. Smith, approval of the department's recommendation and to acknowledge the donation.

At 4:44:50, the motion carried unanimously.

Chair Prehn, at 4:46:10, asked Board Members how they would like to proceed with the remaining agenda items.

Mr. Bruins, at 4:46:21, requested that information item 6.A. be removed from the agenda.

Chair Prehn, at 4:46:34, in hearing no dissent, removed item 6.A. from the agenda.

6. INFORMATION ITEMS (4:46:40 - 5:12:35)

A. ~~DNR COVID-19 Update~~

~~PowerPoint Presentation by Todd Ambs, DNR Deputy Secretary~~

- B. Southwest Wisconsin CWD, Deer and Predator Study: Update (4:46:40 – 4:52:58)
PowerPoint Presentation by Dr. Daniel Storm, Ungulate Research Scientist

INFORMATION ITEM – NO ACTION WAS TAKEN

- C. Deer Stakeholder Committee Final Report (4:52:59 – 5:03:38)
PowerPoint Presentation by Bob Nack, Big Game Section Chief
Written Comment: 1

INFORMATION ITEM – NO ACTION WAS TAKEN

- D. Congress Matters: Wisconsin Conservation Congress (WCC) 2021 Spring Hearing and Annual Report (5:03:39 – 5:09:53)
Presentation by Tony Blattler, WCC Chair
Written Comment: 5

Chair Prehn, at 5:09:39, asked Chair Blattler to pass on to the Congress the Board's appreciation for their time, effort, and energy during these past 15 months in giving the Board needed advice on major topics.

INFORMATION ITEM – NO ACTION WAS TAKEN

- E. Results of input on the Bureau of Wildlife Management's 2021 spring fish & wildlife meeting agenda of rule questions (5:09:54 – 5:12:35)
PowerPoint Presentation by Scott Karel, Wildlife Policy Specialist

INFORMATION ITEM – NO ACTION WAS TAKEN

7. DEPARTMENT SECRETARY'S MATTERS (5:12:36 – 5:13:35)
A. RETIREMENT RECOGNITION – (5:12:36 – 5:13:25)
1. Robert J. Lee, Law Enforcement, 33 years

At 5:12:58, Mr. Hilgenberg MOVED, seconded by Mr. Smith, recognition of the department's retiree.

At 5:13:21, the motion carried unanimously.

- B. DEPARTMENT SECRETARY'S MATTERS – Informational
1. Acts of the Department Secretary – Real Estate Transactions (5:13:26 – 5:13:35)

INFORMATION ITEM – NO ACTION WAS TAKEN

2. Department Secretary's Matters
3. Planning Status Update - None

8. BOARD MEMBERS' MATTERS (5:13:36 – 5:17:30)

Ms. West, at 5:13:56, asked that clarification of future officer elections (Manual Code 1103.1) be added to the August 2021 meeting agenda.

At 5:17:31, Mr. Bruins MOVED, seconded by Mr. Smith to adjourn. The motion carried unanimously.

The meeting adjourned at 2:39 p.m.

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