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WISCONSIN NATURAL RESOURCES BOARD

D R A F T BRIEF OF ACTION (rev. 01/18/22)

Wednesday, December 8, 2021

The regular meeting of the Wisconsin Natural Resources Board was held in-person on Wednesday, December 8, 2021 in 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 11:34 a.m.

ORDER OF BUSINESS

1. ORGANIZATIONAL MATTERS (0:00:01 – 0:08:23)

Chair Prehn, at 0:04:41, spoke to DNR Deputy Secretary Todd Ambs and his request to address the Board. He asked Mr. Ambs to speak at the podium.

Todd Ambs, at 0:05:23, announced and spoke to his upcoming retirement after dedicating 35 years to public service.

Chair Prehn, at 0:07:35, thanked Mr. Ambs. Mr. Ambs received a round of applause.

A. Calling the roll (0:07:51 – 0:08:07)

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 December 8, 2021 (0:08:08 – 0:08:23)

At 0:08:12, Mr. Smith MOVED, seconded by Mr. Hilgenberg the agenda for December 8, 2021. The motion carried unanimously.

2. CONSENT (0:08:24 – 0:11:03)

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)

At 0:10:03, Mr. Hilgenberg MOVED, seconded by Mr. Kazmierski, 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 (0:11:04 - 0:57:50)

ADOPTION (0:11:04 – 0:26:15)

- 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 (0:11:04 – 0:15:06)

(0:11:04 – 0:15:06)

PowerPoint presentation by Steve Geis, Certification Services Section Chief

At 0:14:59, Mr. Hilgenberg MOVED, seconded by Ms. West, approval of the department's recommendation. The motion carried unanimously.

- 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 (0:15:07 – 0:22:57)
PowerPoint presentation by Jason Knutson, Wastewater Section Chief)

At 0:20:18, Mr. Kazmierski MOVED, seconded by Mr. Smith, approval of the department's recommendation.

At 0:22:53, the motion carried unanimously.

- 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. (0:22:58 – 0:26:15)
PowerPoint presentation by Gail Good, Air Management Program Director

At 0:25:58, Mr. Kazmierski MOVED, seconded by Ms. West, approval of the department's recommendation. The motion carried unanimously.

- ~~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 (0:26:16 – 0:31:10)

- 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. (0:26:16 – 0:31:10)
(Gail Good, Air Management Program Director)

At 0:30:59, Mr. Hilgenberg MOVED, seconded by Ms. Adams, approval of the department's recommendation. The motion carried unanimously.

MISCELLANEOUS (0:31:11 – 0:57:50)

- F. Approval of Southwest Savanna Regional Master Plan (0:31:11 – 0:57:50)
PowerPoint presentation by Phil Rynish, Property Planning Section Chief
Written Comments: 4

Public Appearances (0:35:02 – 0:39:37)

1. **Dave Newman**, Unity, representing AWSC as President
2. **Bob Hermanson**, Fayette Township, representing Fayette Township as Chair
(Handout)

At 0:39:44, Mr. Hilgenberg MOVED, seconded by Ms. West, approval of the department's recommendation.

At 0:53:37, the motion carried unanimously.

Chair Prehn, at 0:57:51, moved the meeting to information item 6.A.

6. INFORMATION ITEMS (0:57:52 – 2:00:18: and 2:01:30 – 2:32:35)
 - 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. (0:57:52 – 1:35:00)
 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).

PowerPoint presentation by Darsi Foss, Environmental Management Division Administrator, and James Zellmer, Environmental Management Division Deputy Administrator)

INFORMATION ITEM – NO ACTION WAS TAKEN

- 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 (1:35:01 – 2:00:18)

PowerPoint Presentation by Dr. Sarah Yang, Toxicologist, Wisconsin DHS

INFORMATION ITEM – NO ACTION WAS TAKEN

Chair Prehn, at 2:00:19, moved the meeting to 5-Open Forum; with no speakers, he continued the meeting with item 6.C.

Chair Prehn, at 2:00:30, spoke to DNR Environmental Management Division Administrator Darsi Foss' upcoming retirement and wished her well. Ms. Foss received a round of applause.

5. OPEN FORUM (No speakers)

Public Appearances:

1. Nicholas Christianson, Madison, representing self
Topic: Fred Prehn
2. Melissa Smith, Madison, Representing Friends of the Wisconsin Wolf
Topic: North American Model of Conservation
3. Paul Collins, Stoughton, representing Animal Wellness Action
Topic: North American Model of Wildlife Conservation – Mr. Collins cancelled due to a schedule conflict.

6. INFORMATION ITEMS – Continued (2:01:30 – 2:32:35)

- C. Lake Michigan and Green Bay commercial fishing study update (2:01:30 – 2:32:35)
PowerPoint presentation by Bradley Eggold, Great Lakes District Fisheries Supervisor
Written Comments: 2

Public Appearance:

1. Charlie Henriksen, Sister Bay, as Official Advisor (Mr. Henriksen responded to questions from 2:24:43 – 2:27:51)

INFORMATION ITEM – NO ACTION WAS TAKEN

7. DEPARTMENT SECRETARY’S MATTERS (2:32:36 – 2:45:00)

Secretary Preston Cole, at 2:33:03, began item 7 with item B.2.a. – Sandra Dee Naas report.

B. Department Secretary’s Matters

1. Acts of the Department Secretary – Real Estate Transactions (Informational)
2. a. Sandra Dee Naas report (2:33:42 – 2:44:36)

INFORMATION ITEM – NO ACTION WAS TAKEN

3. Planning Status Update – None

Secretary Preston Cole, at 2:44:37 continued with 7.A. – Retirements.

A. RETIREMENT RECOGNITION – (2:44:37 – 2:45:00)

1. Kathy M. Larry, Finance, 37 years
2. Jeffrey R. Sims, Air Management, 36 years

At 2:44:51, Mr. Hilgenberg MOVED, seconded by Mr. Kazmierski, recognition of the department’s retirees. The motion carried unanimously.

Mr. Hilgenberg, at 2:45:03, questioned the deletion in 7.B.1. Amended Real Estate Transactions.

Chief Legal Counsel Cheryl Heilman, at 2:45:30, responded that the deletion was due to the department anticipating a settlement involving a case that is not quite done yet.

8. BOARD MEMBERS' MATTERS (2:45:50 – 2:50:21)

Mr. Bruins, at 2:45:53, spoke to Board Authority and requested a presentation on where Board Authority is and is not. He does not want this confusion going forward.

Mr. Kazmierski, at 2:47:13, spoke to his previous request re forestry and deer browse metrics. He met with Forestry and noted there is not a lot of significant data at this time but they are doing good work. He requested forestry give a presentation to the Board and explain where they are at.

Chair Prehn, at 2:48:55, spoke to the application process; deadlines, missing deadlines, and losing preference points. The process is confusing and Go Wild is not very clear. He requested the NRB and DNR discuss; look for improvements.

At 2:50:27, Mr. Bruins MOVED, seconded by Ms. West to adjourn. The motion carried unanimously.

The meeting adjourned at 11:34 a.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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