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WISCONSIN NATURAL RESOURCES BOARD

BRIEF OF ACTION

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

Wednesday, December 14, 2022

The hybrid meeting of the Wisconsin Natural Resources Board was held on Wednesday, December 14, 2022, from room G09, State Natural Resources Building (GEF 2), 101 S. Webster Street, Madison, Wisconsin 53703. The meeting was called to order at 8:30 a.m. for action on items 1-4 and 7. The meeting adjourned at approximately 3:35 p.m.

ORDER OF BUSINESS

1. ORGANIZATIONAL MATTERS (0:0:00 – 0:03:32)
A. Calling the roll (0:02:28 – 0:02:47)

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 December 14, 2022 (0:02:52 – 0:03:38)
Deputy Secretary Barry requested that item 6.B. on The North American Model of Wildlife be moved up to immediately following the consent agenda.
At 0:03:15 William Bruins MOVED, seconded by Terry Hilgenberg approval of the agenda as amended for December 14, 2022. The motion carried unanimously.

2. CONSENT (0:03:39 – 0:3:59)

- A. Approval of brief of action from October 26, 2022
B. Request approval that prohibition of gun hunting is necessary to protect public safety on property to be purchased with Knowles-Nelson Stewardship grant assistance: Town of Dunkirk, Dane County.

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

- C. Request approval that prohibition of hunting is necessary to protect public safety on property to be purchased with Knowles-Nelson Stewardship grant assistance: City of Baraboo, Sauk County.

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

- D. Acknowledgment of Donation - Natural Resources Foundation of Wisconsin, Inc. donated \$33,204.34. This donation will be used to support resources within the Lower Wisconsin State Riverway Fund.

(Sarah Barry, Department Deputy Secretary)

- E. Request that the Board authorize a preliminary public hearing and comment period for the Statement of Scope for Board Order WA-11-22, for proposed rules affecting chapters NR 500 to 524 related to landfills, solid waste management fees, financial responsibility and reporting requirements.

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

At 0:03:47 Marcy West MOVED, seconded by William Smith approval of the consent agenda for December 14, 2022. The motion carried unanimously.

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

6. INFORMATION ITEMS (00:04:29:31 – 0:43:06)

- B. The North American Model of Wildlife Conservation

(John Organ, Wildlife Biologist on the Fisheries and Wildlife Board for the Commonwealth of Massachusetts)

4. ACTION ITEMS (0:43:28 – 5:23:10)

ADOPTION (0:43:28 – 0:47:28)

- A. Request adoption of Emergency Board Order WA-17-21(E), proposed rules affecting chapters NR 500 and 520 related to disposal of material dredged from the Great Lakes (Kate Strom Hiorns, Recycling and Solid Waste Section Chief)

At 0:44:25 William Smith MOVED, seconded by Dr. Frederick Prehn approval of the department's recommendation. The motion carried unanimously.

- B. Request adoption of Emergency Board Order DG-07-22(E), proposed rules affecting chapter NR 812 to allow for the use of new cement formulations for the construction of water wells

(Marty Nessman, Private Water Supply Section Chief)

At 0:47:12 Sharon Adams MOVED, seconded by Dr. Frederick Prehn approval of the department's recommendation. The motion carried unanimously.

SCOPE STATEMENTS (0:47:28 – 1:55:18)

- C. Request that the Board approve the Statement of Scope for Board Order DG-17-22, for proposed rules affecting chapter NR 140 related to setting numerical standards to minimize the concentration of polluting substances for certain Per- and Polyfluoroalkyl Substances (PFAS) in groundwater

(James Zellmer, Environmental Management Division Deputy Administrator)

Public Appearances (0:50:30 – 1:22:40)

1. **Jeffrey Lamont**, Self and Save Our Water (SOH2O)

2. **Cheryl Nenn**, Milwaukee Riverkeeper
3. **Erik Kanter**, Clean Wisconsin
4. **Peter Burress**, WI Conservation Voters
5. **Tom Kilian**, Self
6. **Doug Oitzinger**, Self
7. **Lee Donahue**, Town of Campbell
8. **John Robinson**, Wisconsin's Green Fire
9. **Beth Neary**, Wisconsin Environmental Health Network

At 1:34:43 Terry Hilgenberg MOVED, seconded by Dr. Frederick Prehn approval of the department's recommendation. At 1:44:32 The motion carried unanimously.

- D. Request that the Board approve the Statement of Scope for Board Order FH-13-22 and conditionally approve the public hearing notice and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse, for proposed rules affecting chapters NR 19 – 22 and 40 related to wild bait harvest regulations

(Todd Kalish, Fisheries Management Deputy Bureau Director) \

At 1:51:53 Dr. Frederick Prehn MOVED, seconded by William Smith approval of the department's recommendation. The motion carried unanimously.

- E. Request that the Board approve the Statement of Scope for Emergency Board Order WM-15-22 (E) and Board WM-16-22 and conditionally approve the public hearing notice for WM-16-22 and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse, for proposed rules affecting chapter NR 10 related to establishing the 2023-2024 migratory bird season framework and regulations.

(Scott Karel, Wildlife Regulation Policy Specialist)

At 1:55:05 Marcy West MOVED, seconded by William Smith approval of the department's recommendation. The motion carried unanimously.

MISCELLANEOUS (1:55:26 – 4:37:55)

- F. Request approval of the proposed Rib Mountain State Park Master Plan Revision (Phil Rynish, Property Planning Section Chief)

Public Appearances (2:03:18 – 4:37:35)

1. **Aaron Ruff**, Central Wisconsin Offroad Cycling Coalition
2. **David Eckmann**, Greater Wausau Chamber of Commerce
3. **Peter Williams**, SE Group
4. **Mike Repyak**, International Mountain Bicycling Association
5. **Charlotte Skinner**, Granite Peak Ski Area
6. **Jeny Nieuwenhuis**, REI Engineering, Inc
7. **Jahn Martin**, Wausau 24 Bike Race
8. **Nancy Anderson**, Self
9. **Randi Pueschner**, Smith's Bike Shop
10. **John Nowaczyk**, Stadium Bike/Trek Stores of Wausau, St. Point, & Sheboygan
11. **Benjamin Bartz**, Snowriver Mountain Resort
12. **Rob Rybarczyk**, Marathon County Civic Corporation
13. **Chris Ghidorzi**, Ghidorzi Companies
14. **Gregory Fisher**, Self
15. **Amber Taylor**, Self

16. **Gaylene Rhoden**, Town of Rib Mountain
 17. **Angel Whitehead**, Centergy
 18. **Theresa Shepherd**, Shepherd & Schaller Sports
 19. **William Bertram**, Wausau and Marathon County Parks and Recreation Foundation
 20. **Matt Rowe**, Greater Wausau Prosperity Partnership, Ltd.
 21. **Lukas Lindner**, Self
 22. **Jamie Polley**, Wausau/Marathon County Parks, Recreation & Forestry Department
 23. **Charles Skinner**, Midwest Family Ski Resorts
 24. **Jim Vick**, Lutsen Mountains
 25. **Alex Shinnors**, IRONBULL Inc.
 26. **Tim White**, Wausau/Central Wisconsin Convention and Visitors Bureau
 27. **Tim Parker**, Community Foundation of North Central Wisconsin
 28. **Jonathan Fisher**, Self
 29. **Timothy Van De Yacht**, Hilton Garden Inn
 30. **Paul LaPree**, Miron Construction
 31. **Brian Grefe**, Central Wisconsin Airport
 32. **Rich Totzke**, Greenheck Group
 33. **Ryan Jones**, Wausau High School Mtn Bike Team, Wausau United Ride
 34. **Jean Flathom**, Self
 35. **Karen Graff**, Self
 36. **Peter Biermeier**, Circ360, LLC.
 37. **Matt Block**, Self
 38. **Jay Wittman**, Self
5. OPEN FORUM (4:38:40 – 4:41:55)
Steven Anderson, Hartford, representing self
Topic: Pelican River Forest Easement

MISCELLANEOUS (Resumed at 4:43:14 – 5:17:46)

- F. Request approval of the proposed Rib Mountain State Park Master Plan Revision (Phil Rynish, Property Planning Section Chief)

At 4:43:26 Terry Hilgenberg MOVED, seconded by Dr. Frederick Prehn approval of the department's recommendation.

At 4:44:48 Dr. Frederick Prehn MOVED to amend the motion to modify the Master Plan for Management Area 5 and to add additional management objectives and prescriptions to Area 2. The amendment shall read:

Amend Land Management Classification Maps F1 and F2 to show Area 5 expanded to approximately 54 acres as shown on the white area on the Amendment Map with an additional 9 acres within Area 2 that may be included in the ski area lease area. This would result in a total of 63 acres that may be included in a western lease area expansion.

Allow for a ski lift within Area 5 that is designed to traverse Area 2: Talus Forest State Natural Area, without including any construction, such as lift towers or pylons, and with minimal impacts to Area 2.

Add the following to Public Use and Recreation Objectives for Area 2 (page 30):

Provide limited downhill skiing opportunities in the area on the north side of the mountain.

Add the following prescription to the Public Use and Recreation Prescriptions for Area 2: Talus Forest State Natural Area (page 30):

Allow a portion of the area on the north side of the mountain (no more than 10 acres) to be included in a potential western ski area lease expansion with language ensuring minimal impacts to natural area vegetation, geology, and ecology, as shown on the amendment map. Allow minimal ski infrastructure with up to three lightly-developed ski trails allowed to cross through the area.

The ski lift shown on the Amendment map shall pass over the top of Area 2 vegetation. Pilings, towers and similar ski lift facilities are not authorized within Area 2. Pulverizing or grading of rock is not permitted. Any required tree cutting shall be done by hand. Heavy machinery is not authorized for use within Management Area 2, and all ski infrastructure, including lighting and pipes, shall minimally impact the other objectives of the natural area. No more than three lightly-developed ski trails are authorized within Area 2.

Amend first Public Use and Recreation prescription in Area 5 to include a ski lift. The amended prescription shall read (page 36):

Construct and operate new facilities, including a new ski lift, for downhill skiing and snowboarding, snow tubing, cross-country skiing and other winter activities with an outdoor recreational focus.

If this is approved, the Department shall make any other revisions needed so that the plan language and summary is consistent with the amendment as adopted by the NRB.

At 4:47:40 Sharon Adams seconded the proposed amendment.

At 4:48:45, after Board discussion, Dr. Prehn amended his motion, with the consent of the seconder, to add “and mountain biking lift activities” to the address use of the lift proposed in the amendment for mountain biking. The amended sentence reads:

*Provide limited downhill skiing opportunities **and mountain biking lift activities** in the area on the north side of the mountain.*

At: 5:10:38 Dr. Frederick Prehn requested a roll call vote on the proposed amendment.

**William Bruins – Yes
Sharon Adams – Yes
Terry Hilgenberg – Yes
Marcy West – No**

**William Smith – Yes
Dr. Frederick Prehn – Yes
Greg Kazmierski – Yes**

At 5:11:46 the amended motion carried.

At 5:17:10 Chair Kazmierski requested a roll call vote on the motion to approve the department's recommendation as amended.

**William Bruins – Yes
Sharon Adams – Yes
Terry Hilgenberg – Yes
Marcy West – Abstain**

**William Smith – Yes
Dr. Frederick Prehn – Yes
Greg Kazmierski – Yes**

At 5:17:47 the motion carried.

G. Request approval to accept the following two donations located within project boundaries under authority provided in s. 23.09(2)(d), Wis. Stats., and s. NR 1.41(1)(e), Wis. Admin. Code, which will provide opportunities for public recreation and will be open to the public for all five nature-based outdoor recreational activities to include hunting, fishing, trapping, hiking and cross-country skiing

1. Land Donation – Lower Wisconsin State Riverway – Sauk County

2. Land Donation – Turtle Valley State Wildlife Area – Walworth County

(Jim Lemke, Real Estate Section Chief)

At 5:21:23 Terry Hilgenberg MOVED, seconded by Dr. Frederick Prehn approval of the department's recommendation. The motion carried unanimously.

H. Land Acquisition, the department is requesting approval to purchase a 31.55-acre parcel of land located within the Lake Mills Wildlife Area for \$205,000.00 under the authority of s. 23.09(2)(d)3., Wis. Stats., and 1.41(1)(a), Wis. Admin. Code.

(Jim Lemke, Real Estate Section Chief)

At 5:23:10 Marcy West MOVED, seconded by William Smith approval of the department's recommendation. The motion carried unanimously.

6. INFORMATION ITEMS (5:24:00 – 6:07:57)

A. Background and Updates on Producer-led Watershed Initiatives

(Brian Weigel, Administrator – Agricultural Resource Management Division
Wisconsin Department of Agriculture, Trade and Consumer Protection)

C. Regulation of Wake Board Surf Boat Operation

(Lt. Darren Kuhn, Boating Law Administrator, Division of Public Safety & Resource Protection)

7. DEPARTMENT SECRETARY'S MATTERS (6:08:09 – 6:13:38)

A. RETIREMENT RECOGNITION

1. Jeffrey A. Margenau, Technical Services, 21 years

2. Michelle M. Marron, Fisheries Management, 34 years

3. Colleen F. Matula, Forestry, 22 years

4. Marcia T. Willhite, Water Quality, 7 years

5. Linda S. Winters, Customer Service and Licensing, 36 years

At 6:09:13 Terry Hilgenberg MOVED, seconded by Marcy West to recognize the department retirees. The motion carried unanimously.

B. DEPARTMENT SECRETARY'S MATTERS INFORMATION ONLY

1. Planning Status Update – Western Coulees and Ridges Regional Master Plan
(Phil Rynish, Property Planning Section Chief)

2. Acts of the Department Secretary – Real Estate Transactions
- ~~3. Department Secretary's Matters~~
 - ~~a. Sandra Dee Naas Report (Presentation Cancelled)~~

8. BOARD MEMBERS' MATTERS (6:13:39 – 6:20:25)
William Bruins, at 6:13:43, None

Sharon Adams, at 6:13:54, None

Terry Hilgenberg, at 6:14:24, requested that the department consider having a public hearing on the wolf management plan.

Marcy West, at 6:15:58, requested clarification regarding DATCP's authority for bottled water testing.

William Smith, at 6:17:05, None

Dr. Frederick Prehn, at 6:17:28, requested an update on commercial fishing at January meeting.

Chair Greg Kazmierski, at 6:19:31, requested an information item on the wolf management plan at January NRB meeting.

At 6:20:27, William Smith MOVED, seconded by William Bruins to adjourn. The motion carried unanimously.

The meeting adjourned at approximately 3:35 p.m.

The Wisconsin Natural Resources Board and Department of Natural Resources are committed to serving people with disabilities. If you need Board information in an alternative format, please contact:

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