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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS**

**2009-10**

(session year)

**Senate**

(Assembly, Senate or Joint)

**Committee on ... Transportation, Tourism,  
Forestry, and Natural Resources (SC-TTFNR)**

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

## Senate

### Record of Committee Proceedings

#### **Committee on Transportation, Tourism, Forestry, and Natural Resources**

##### **Senate Bill 113**

Relating to: the appointment and term of service of the secretary of natural resources and vacancies on the Natural Resources Board.

By Senators Wirch, Cowles, Lehman, Carpenter, Lassa, Holperin, Hansen, Vinehout, Sullivan, Taylor, Robson, Coggs, Schultz, Leibham, Erpenbach and Risser; cosponsored by Representatives Black, Kaufert, Hubler, Sherman, Van Akkeren, Turner, Mason, Berceau, Parisi, Hebl, Danou, Benedict, Bies, Van Roy, Davis, Soletski, Schneider, Brooks, Pope-Roberts, Hilgenberg, Zepnick, Bernard Schaber, Kestell, Mursau, Pasch, Molepske Jr., Pocan, Seidel, Young, Toles, Jorgensen, Roys, Krusick, Barca, Smith, Roth, Tauchen, Grigsby, Hixson, Spanbauer, Sinicki, Suder, Lothian, Vruwink, Clark, Richards, Nerison, Hraychuck, Shilling, Garthwaite and Zigmunt.

March 13, 2009      Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

August 13, 2009      **PUBLIC HEARING HELD**

Present:    (0)    None.

Absent:    (0)    None.

##### Appearances For

- Bob Wirch — 22 Senate District
- Spencer Black, Madison — 77th Assembly District
- Barb Lawton, Madison — Lieutenant Governor
- Robert Haase, Eldorado — Musky Clubs Alliance of Wisconsin
- Ruth Johnson, Juneau
- Bob Haase, Eldorado — Musky Club Alliance of Wisconsin
- Jennifer Giegerich, Madison — Wisconsin League of Conservation Voters
- Tom Thoresen, Fitchburg — Wisconsin League of Conservation Voters
- Jeff Nania, Portage — Wisconsin Waterfowl Association
- Marc Schultz, Onalaska — LaCrosse County Conservation Alliance
- Michael Arrowood, Oakfield — Walleyes For Tomorrow
- Jack Nissen, Dousman — Wisconsin Wildlife Federation
- George Meyer, Madison — Wisconsin Wildlife Association
- Bob Martini, Rhinelander
- Richard Wedepohl, Madison — North American Lake Management Society
- Mike MacKenzie, Boulder Junction
- Rebecca Haefner, Wauwatosa
- James Gleash, Madison — Wisconsin Association of Field Trial Clubs
- Matt MacKenzie, Ashland — AFSCME Local 1215
- Edward Frank — Wisconsin Chapter of the Wildlife Society

- Rick Prosis, Madison
- Susan Miller, Hayward — Conservation Warden Local 1215
- Dean Gullickson, Chippewa Falls — Chippewa Valley Outdoor Resource Alliance
- Don Hammes, Middleton — Dane County Conservation League
- Bill Rowe, Madison
- Larry Vanderhoef, Plainfield — Wisconsin Wildlife Federation
- Lyle Nauman, Custer — Izaak Walton League
- Gerald Ernst, Plover — Izaak Walton League of America
- Arnold Harris, Mount Horeb — Western Dane Coalition for Smart Growth & Environment
- James Kerler, Lake Mills
- Perry Pierre, Seymour — Shadows on the Wolf

#### Appearances Against

- Matt Frank — WI DNR Secretary
- Brad Boycks, Madison — Wisconsin Builders Association
- Scott Manley, Madison — Wisconsin Manufacturers and Commerce

#### Appearances for Information Only

- None.

#### Registrations For

- Lori Grant, Madison — River Alliance of Wisconsin
- Al Phelan, Madison
- Gary Eddy, Madison — WI DNR
- Patricia Hurckman, Randolph — Wisconsin Wildlife Federation
- Betty Borchert, Oshkosh — Winnebago Conservation Club
- George Borchert, Oshkosh — Wisconsin Wildlife Federation
- Charlie Higley, Madison — Citizens Utility Board
- Dick Koerner, Neenah
- Bill Bulesyh, Neenah
- Darrel Eberhardt, Hixon — Wisconsin Woodland Owners Association
- Ted Lind, Milwaukee — Wisconsin Council of Sport Fishing Organization
- Gary Steffen, Madison
- Scott Spector, Madison — AFT- Wisconsin
- Christa Peters, Madison — AFT-Wisconsin
- Allison Pedersen — Midwest Environmental Advocates
- Daniel Carroll, Mauston — Conservation Congress
- Scott Zimmerman, Reeseville — Conservation Congress
- Scott McAvkey, Wisconsin Rapids
- George Bartels, Wisconsin Rapids
- Eric Uram, Madison — Sierra Club
- Harold Drake, Juneau — Dodge County Sporting/Conservation Alliance
- Sherman Jacobson, Van Dyne — Winnebago Land Conservation Alliance
- Cyrus Post, LaCrosse — Coulee Region Trout Unlimited

- Carolyn Brown, Milton — Wisconsin Muzzle Loaders
- Russ Brunner, Eagle — Triangle Sportsman Club
- Brittany Roberts, Portage — WWA
- Ralph Fritsch, Townsend — Outagamie Conservation Club
- Virgil Schroeder, Cottage Grove — Wisconsin Trappers Association
- Herbert Behnke, Shawano
- Jim Boullion — Association of General Contractors-Wisconsin
- Joe Murray, Madison — Wisconsin Realtors Association
- Jim March, LaCrosse
- Linda Meyer, Sun Prairie — Association of Retired Conservationists
- John Gremmer, Winneconne — Trout Unlimited
- Don Camplin, Waukesha — Waukesha County Conservation Alliance
- Ed Brost, Madison
- Peter Ziegler, Slinger — Wisconsin Waterfowl Association
- Peter Maldonado, Madison
- Allan Nordstrom, Marathon
- Larry Boude, Kiel — Manitowoc County Fish and Game
- Nolan Pope, Madison — Madison Audubon Society
- Jim Connors, Madison — Sierra Club
- Tami Jackson, Madison — Wisconsin Association of Lakes
- Karen Hale, Madison — Wisconsin Audubon Council
- Scott Suder — 69th Assembly District
- Anne Sayers, Madison — Wisconsin League of Conservation Voters
- Marena Kehl, Monona
- Ann Hraychuck, Balsam Lake — 28th Assembly District
- Jayne Meyer, Madison — Conservation Congress
- Jocelyn Meyer, Madison
- Erin O'Brien, Madison — Wisconsin Wetlands Association
- Dave Steffenson, Madison — Wisconsin Interfaith Climate & Energy

#### Campaign

- Stefi Harris — Western Dane Coalition
- Kerry Schumann, Madison
- Jim Shurts, Madison — Wisconsin Conservation Congress
- Robbe Brooks, Cascade — Wisconsin Association of Sporting Dog Clubs
- Amber Meyer-Smith, Madison — Clean Wisconsin
- Christine Sinicki, Madison — 20th Assembly District
- Lawrence Landwehr, Middleton
- Eileen Breitweiser, Middleton
- Susan Felker-Donsing, Madison
- Peter McKeever, Madison — Garvey Mc& Associates
- Lisa Conley, Oconomowoc — Rock River Coalition
- Eugene Roark, Madison — Wisconsin Woodland Owners Association
- Charles Weier, Two Rivers — Wisconsin Federation of Great Lakes Sport

#### Fishing Clubs

- Eshter Huntoon, Brookland

- James Huntoon, Brookland
- William Rice, Whitefish Bay
- John Bloom, Lake Tomahawk
- Ruth Sproull, Rhinelander
- Ken Kenworthy, Tomahawk
- John Lyon, Three Lakes
- Michael Jones, Oconomowoc
- Mike Stapleton, Pardeeville
- Paul Baerwald, Milwaukee
- Robert Klokner, Randolph
- Jim Banks, Marshfield
- Bruce Rashke, Madison
- Patrick McCutcheon, Madison
- Willard Kiefer, Lake Nebagamon
- Sara Rice, Whitefish Bay
- Ron Brewster, New Auburn
- Ralph Bellore, Chippewa Falls
- Bill DeVries, Cable
- Judy Renquist, Racine
- Don Rahn, Cecil
- Neal Sanders, Menomonee Falls
- Tim Carpenter, Madison — 3rd Assembly District

Registrations Against

- Amy Boyer, Madison — Wisconsin Association of Convention & Visitor Bureaus
- Pat Osborne, Madison — Aggregate Producers of Wisconsin

Registrations for Information Only

- None.

September 3, 2009

**EXECUTIVE SESSION HELD**

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Absent: (0) None.

Moved by Senator Sullivan, seconded by Senator Hansen that **Senate Bill 113** be recommended for passage.

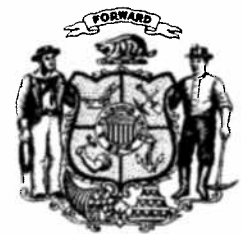
Ayes: (5) Senators Holperin, Sullivan, Plale, Hansen and Leibham.  
 Noes: (2) Senators Kedzie and Grothman.

PASSAGE RECOMMENDED, Ayes 5, Noes 2

Elizabeth Novak  
Committee Clerk



# WISCONSIN STATE LEGISLATURE



08-11-2009

WSGS Public Hearing Statement on 2009 Senate Bill 113, Aug. 13, Room 411 South, State Capitol

Chairman James Holperin and members of the Senate Committee on Transportation, Tourism, Forestry, and Natural Resources. My name is Edward Frank. I am a retired WI DNR Wildlife Biologist. I am here today representing the WI Sharp-tailed Grouse Society (WSGS), a statewide conservation organization with over 200 members.

The WSGS is convinced that Natural Resource and Environmental Programs, administered by the DNR, have more frequently become political footballs in recent years. We feel major conservation and environmental programs and initiatives should receive bi-partisan support, which they once did under Governors Knowles and Nelson and a DNR Board appointed Secretary, Lester Voigt.

The Legislature and its' various committees will still have the final say on the adoption of DNR Administrative Rules and the DNR must come to you for the introduction and adoption of State Statutes.

We support 2009 Senate Bill 113 because we think the seven member DNR Board serves as a cushion to direct partisan, political pressures, AND so will a DNR Board appointed Secretary. We also believe that any seven member DNR Board is more likely to recruit and retain a highly qualified, objective DNR Secretary, than is any governor, regardless of his political affiliation. DNR appointed Secretaries are more likely to serve longer terms than recent political appointees have. This provides much needed continuity within the DNR for crafting and implementing DNR Programs.

Supporters of a Governor appointed DNR Secretary speak of accountability (only elected officials apparently have it) and responsiveness (we want the decision we seek promptly). They have learned that all too often in the strongly partisan political system of the 21st century, getting reelected is paramount to many politicians and campaign contributions are therefore an effective, efficient way to obtain favorable political consideration.

The DNR needs a buffer from direct partisan, political politics so that science-based, long term solutions to natural resource and environmental problems, which are in the broad public interest can be advanced for political consideration. This is in contrast to the current political system that favors short term, top-down decision making favoring reelection. The fact that there was about 10:1 support at a hearing for similar legislation restoring a DNR Board appointed Secretary in 2007, but the proposed legislation never got to the floor for a vote by the full senate and assembly had to say something about where the power was in politics related to conservation in 2007.

We think a DNR appointed Secretary is more likely to act First and Foremost in the broad public interest than is a political appointee with a partisan, political agenda. Objectivity and the broad public interest, in our opinion, are essential for the DNR Secretary to work effectively with Science Professionals on his staff, the DNR Board and eventually the Legislature and the Governor to develop and implement science-based solutions to Wisconsin's Natural Resource and Environmental challenges.

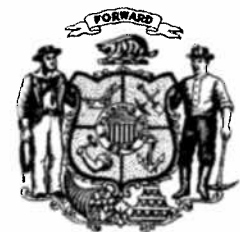
We believe that 2009 Senate Bill 113 will contribute significantly to reducing the role of partisan politics in Conservation and Environmental Programs administered by the WI DNR and urge you to support this bill and move it to the full senate for a vote as soon as possible.

Edward J. Frank, 1205 Ellen Ave., Madison, WI 53716





# WISCONSIN STATE LEGISLATURE





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**Support SB 113:  
Depoliticizing the Department of Natural Resources  
Statement of Jennifer Giegerich  
Wisconsin League of Conservation Voters  
August 12, 2009**

Good afternoon. I am Jennifer Giegerich, Capitol Liaison for the Wisconsin League of Conservation Voters. Thank you for this opportunity to testify. Re-creating an independent DNR Secretary is widely recognized as one of the most important issues to Wisconsin's diverse conservation community...from members of environmental groups to the tens of thousands of sports men and women.

WLCV supports SB 113 because both bills acknowledge that it is time to take the politics out of natural resource protections. Reestablishing an independent Secretary to the Department of Natural Resources (DNR) was selected as one of four Conservation Priorities by Wisconsin's conservation community for this legislative session. As a Priority, it has the support of more than 80 organizations and thousands of citizens around the state.

There is no denying it: Wisconsin citizens are eager to once again have natural resource decisions based on science...not politics. I brought with me letters from citizens and clubs from across the state who were unable to be here today. The message in each is the same: The way to remove politics from natural resource decision-making is through a Natural Resources Board-appointed Secretary. You'll receive copies of all of these letters, but I want to highlight a few brief sentiments:

- "After a twenty year absence, I and my family returned to live in Wisconsin. Our decision was based in large part on the state's marvelous public access to natural resources. We understand that our privilege to enjoy these resources hinges largely on the DNR's long-term ability to manage them. Once would hope that this management is based on sound science that supports the common good rather than political maneuvering by a select few." Denise Schmidt, Verona
- "Politics has no place in my family's deer stand, at my favorite fishing hole with my granddaughters, or sitting in my canoe gazing at the treasures we have been blessed with in Wisconsin. My family came from Germany to Wisconsin in 1848. I take great pride and am eternally grateful for the foresight of my ancestors and those pioneers who began the fine Wisconsin tradition of conservation of our natural resources. Wisconsin has been a leader in America in setting forth policy that reflects the responsibility of one generation of generation conserving for the next." Jan Penn, High Bridge

- “As a natural resource professional I have seen first hand how political posturing has taken a toll on our precious natural resources. I have dedicated my career to managing the multitude of resources Wisconsin has to offer its citizens, and we can no longer risk these resources to the political wills and wishes of the governor, whomever it may be at the time.” Derek Kavanaugh, Green Lake

Given how deeply the typical Wisconsin conservation voter cares about this very important issue, we ask you to please support SB 113.

Thank you.





SB 113  
folder

## Memorandum

**To:** Members, Senate Transportation, Tourism, Forestry and Natural Resources Committee  
**From:** Tom Larson, Director of Regulatory and Legislative Affairs  
**Date:** August 12, 2009  
**Re:** AB 138/SB 133 – Appointment of DNR Secretary by Natural Resources Board

The Wisconsin REALTORS® Association opposes AB 138/SB 133, legislation authorizing the State's Natural Resources Board to appoint the Secretary of the Department of Natural Resources, for the following reasons:

- **The Governor Is In The Best Position to Balance Competing State Interests.** Under current law, the governor appoints and oversees all state agency secretaries. As the chief executive officer of the state, the governor's primary responsibility is to weigh the often competing state objectives (e.g., promoting economic development vs. protecting the environment) in determining what is best for Wisconsin. We elect the governor to manage all of the state's affairs and resources.

Unlike the governor, members of the Natural Resources Board are singularly focused. They consider only natural resource issues, without sufficient information as to how their decisions will impact other aspects of the state such as the economy, transportation or agriculture.

- **The Natural Resources Board Is Not Accountable to the Public.** The governor is elected by the citizens of the state and is directly accountable to the public through the election process. If state agencies make decisions that the public disagrees with, the public can hold the governor accountable and choose to elect him/her out of office.

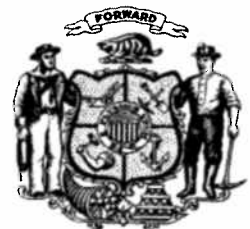
Unlike the governor, Natural Resources Board members are not directly accountable to the public. They are appointed by the governor and, once appointed, are not directly accountable to the governor or other elected officials. Accordingly, their decisions are insulated from direct public scrutiny and board members cannot be removed by the public and others who are affected by their decisions.

- **The DNR should NOT be treated differently than other agencies.** Every other agency secretary is appointed by the governor. Why should the DNR Secretary be treated differently?

If you have questions, please contact us at (608) 240-8254.



# WISCONSIN STATE LEGISLATURE



August 12, 2009

Statement by  
Ruth C Johnson  
N 5117 Butternut Ct  
Juneau, Wis 53039

920 349 3055 or johnsonpena@msn.com

**Speaking In Favor of Senate Bill 113 NRB Appointment of DNR Secretary**

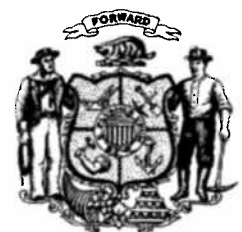
- I. I am Ruth Johnson, retired DNR Rock River Basin planner and hydrologist for 24 years; recipient of John Brogan Award in 1986. I worked in SER, Central office and SCR regions and retired about 2 ½ years ago.
- II. Why should you support reverting back to board appointment of DNR Secretary?
  - a. You should be concerned about the significant deterioration of morale of DNR employees. Why care about this? Because of it's associated impact on effectiveness of protection of Wisconsin's natural resources
  - b. Why deterioration of DNR staff morale?
    - Primary role of DNR staff is using scientific knowledge to make decisions to protect Wisconsin's land, water, air, soil and wildlife resources, The scientific basis of decisions has changed since the political appointment of DNR Secretary. Since then, there's been continual and increasing politicization of DNR decision making, and diminishment of DNR Secretary's NR science background.
    - The DNR has always been noted for the intense dedication of its staff to protection of Wisconsin's natural resources. In fact, when people transferred into the DNR frequently they'd remark 'how hard you all work'. As morale has declined, the energy associated with high morale has also declined. Hence DNR staff's effectiveness has been impacted.
    - While you might think the current fiscal problems resulting in lay offs and furlough days might be the major cause of the morale problem, it's a relatively small part of the problem. At the heart of the morale problem is having scientific decisions and viewpoints set aside through the direction of political input.
    - Of course, few in DNR are brave enough to be completely candid about what's happening but frequent remarks are of the tenor "I can't talk about this to you" "Everything now must be cleared through higher ups" and worse yet increasingly more often heard "I just don't care anymore". Well of course they still care. They're just expressing the results of deep demoralization caused by the deterioration of professional scientific expertise involvement in DNR decision making, especially at the higher DNR levels.
- III. Again I ask "Why care?" Well, even in normal times it's critical that every DNR person be empowered to use their full energy, and scientific expertise to protect our natural resources. But it's even more important today. We, in Wisconsin and in the world are facing Climate Change. This change is like a melanoma on the earth, as yet mostly unrecognized in its very severe impact. . And within a shorter period than anyone would hope its increasing impact on our natural resources is going to be apparent. **At this critical juncture, Wisconsin needs every DNR person to be as fully effective as possible. Part of their full effectiveness is the necessity of being led by an independently appointed DNR Secretary.**

Thank you for your consideration of my request and input into your decision regarding this issue.





# WISCONSIN STATE LEGISLATURE





**Testimony In Support of Senate Bill 113  
Appointment of the DNR Secretary  
Senate Committee on Transportation, Tourism,  
Forestry and Natural Resources**

**By: Thomas Thoresen, 5874 Persimmon Drive, Fitchburg, WI  
53711 August 13, 2009 - Board Member Wisconsin League of  
Conservation Voters**

**Dear Senator Holperin & Committee Members, I am Tom Thoresen, a Board Member of the Wisconsin League of Conservation Voters and I thank you for this opportunity to testify in support of Senate Bill 113. I'd also like to "thank you" and the many co-sponsors from both sides of the aisle who are moving SB 113 and AB 138 to passage and becoming law. The enactment into law of this legislation is one of the Wisconsin League of Conservation Voters' and over 80 other conservation organizations priorities for this session. The conservation groups represent hundreds of thousands of Wisconsin citizens who want accountable citizen board control and not "undue" political influence control of our natural resources.**

**As some of you may know, I retired as the Deputy Chief Conservation Warden in 2005 after 30 years of state service. I served as the Deputy Administrator for the Division of Enforcement & Science, first under DNR Board governance starting in 1989 and under Cabinet starting in 1995 until the summer of 2001. I could give dozens of examples of why DNR Board governance is better for the public, the legislature and our natural resources but because of time will use just two. I've attached a couple of documents that help illustrate these points.**

**Legislation: Prior to Cabinet, DNR testimony and input on legislation was based on sound science, public input, professional input of what was in the best long-term interest for the public and our natural resources. Today that is still generally the case. However, since Cabinet, DNR positions and testimony on legislation or administrative rules may be weakened or changed due to partisan politics. An example, in Feb. 1997, Senator Lynn Adelman introduces Senate Bill 75 to lower the blood alcohol content(BAC) standard from .10 to .08 BAC for intoxicating use of recreational vehicles and hunting. The Department law enforcement staff prepares a Bill Analysis for SB 75 which recommends support for SB 75 and it is signed off on in early March 1997. A few days after all in DNR have agreed support for SB 75, the governor's office calls and instructs DNR can only testify "as interest may appear" as the lead author is a Democrat and the DNR shouldn't be supporting his legislation. Cabinet was trumping public safety and staff couldn't give their professional insights or they give weak recommendations**

**to satisfy their appointed bosses. The board system allowed for open, scientific reasoned discussion of potential legislation, not partisan politics.**

**When you have partisan political patronage appointees making the determination on DNR positions on legislation or rules as you do today, you open the door to special interest lobbyists and partisan politics affecting positions on issues that should be open and public.**

**Interference in Enforcement Actions: With his knowledge and permission, I have used a memo from field conservation warden Joe Ryder that correctly spells out the double standard of enforcement created by the Governor Thompson DNR Administrator appointee for Enforcement & Science under Cabinet. When I confronted the Administrator that this enforcement situation needed to be fixed, the response was "didn't I understand the politics of this, the road builders were the donors".**

**I do understand the politics of this. Under Cabinet, the Governor and special interests have more power, money and influence. Under DNR Board governance, citizens have a more open, scientific and equal say in our natural resources management.**

**Board governance served Wisconsin well for 65 years. It is time to "go back to move ahead" for our future. Pass SB113 & AB 138.**

**Thank You.**

A handwritten signature in cursive script, reading "Thomas P. Thoresen". The signature is written in dark ink on a white background.

DATE: March 6, 1997

TO: Paul Heinen - AD/5

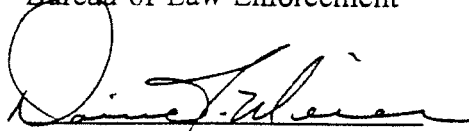
FROM: Tom Harelson - Director Bureau of Law Enforcement

SUBJECT: Bill Analysis of SB 75

1. Description of Legislation: This bill would standardize all "Operating Under the Influence" Blood Alcohol Levels for violations of the boat, snow, ATV, hunting and motor vehicle at a .08 B.A.C. level. This would be a reduction from the current .1 B.A.C. level.
2. Legislative Action in Previous Sessions: There was a similar bill "SB 573" which addressed the standardization of the levels for all violations, but it did not change the level to .08 B.A.C.
3. Policy/Administrative Effect: This bill would have a minor effect on the Bureau of Law Enforcement and the Municipal Enforcement programs. While it would reduce the level needed to arrest subjects under the influence, all agencies are already making this type of enforcement a major emphasis in their work planning.
4. Fiscal Effect: This bill has no significant fiscal effect.
5. Impact on other Bureaus: None
6. Informational Impact: The current system will handle this bills requirements
7. Administrative Rules: This bill would require no administrative rule changes
8. Effective Date: As soon after passage as possible
9. Land Use Impacts: None
10. Recommendation: The Department should support this bill because it makes all O.U.I. laws consistent and easy for the public and the law enforcement community to understand. This change has been asked for by some of the user groups and municipal law enforcement agencies.
11. Analysis Prepared By: William Engfer  
Phone Number: 608-266-0859



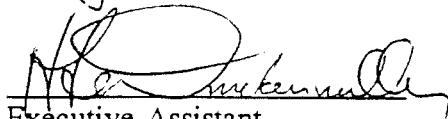
Director  
Bureau of Law Enforcement



Division Administrator



Administrator OPA



Executive Assistant

JUL 14 1998

DATE: June 18, 1998

TO: Dave Arendt

FROM: Joe Ryder *JR*

SUBJECT: Consistency problems with DOT/DNR MOU.

**OFFICE OF THE  
SECRETARY**

FILE REF:

On Thursday, 06-11-98, I was contacted at my home by a cooperator at approximately 7:00 p.m. I was advised that an ongoing DOT project in the city of Merrill was allowing so much silt to enter the Prairie River Mill Pond that "you could walk on it". At the time of the call, Merrill was receiving about 2 inches of rain. Subsequent investigation disclosed the erosion control measures employed on the project consisted of a sump dug at the end of the sewer outfall that failed shortly after the start of the rainstorm. There were no other erosion control measures in place, nothing. Upon investigation the next morning the contractor was in the process of installing silt fence and the DOT engineer on the project, John Kasper, advised they would also install a silt boom in the mill pond to mitigate the problem, all good ideas, all of them 13 hours too late. The deposit of the silt into the mill pond represented a blatant violation of state law, any private citizen that allowed such a release of silt into navigable waters of this state would get hammered by DNR, and rightly so! I have been advised, once again, that because of the memorandum of understanding we have with DOT, normal enforcement procedures are not followed. Our, DNR's, lack of action with DOT project's is developing into a serious problem in this county, to better understand my frustration regarding this matter, I would like to explain little law enforcement history regarding my involvement with DOT projects in southern Lincoln County.

In the fall of 1994, DOT engineers were involved with survey work for the highway 51 project north of Merrill, Highway 51 was going to be relocated to the west, and the highway was to be improved to four lanes from Merrill to just south of Tomahawk. The DOT engineers reported to our DNR liaison person, James Grafleman, that a local contractor had violated our "best management practices standards" with a road that had been constructed in an area the engineers routinely passed while working on the highway 51 project. The local contractor's name was Michael Nisson. The complaint alleged Mr. Nisson had not maintained silt fences properly in the area of his construction project and as a result run off from his road project formed a delta of silt on the bed of the Prairie River. Mr. Grafleman informed me the DOT engineers were concerned that no action was being taken by DNR in relation to the run off from Mr. Nisson's road, yet DOT and their contractors working on the highway 51 project, would be subjected to a higher standard. Mr. Grafleman suggested Mr. Nisson be cited for the violation. This would give Grafleman increased credibility with DOT should future problems arise with the highway 51 project.



Mr. Nisson was cited in Lincoln County Circuit Court for a violation of ss 29.29 and ultimately was found guilty of the offense by the Honorable J. Michael Nolan in a trail to the court.

The highway 51 project started and late in the summer of 1995, heavy rains in the area turned the ponds and streams in the area of the construction project into an environmental nightmare. The unchecked run off from this event represented the most serious violations of Chapter 30 law I have observed in my 21 years as a law enforcement officer. There is no question in my mind that the contractors had so much water to deal with they breached their own holding pond areas to get the water off the construction site so they could keep their equipment working. It was the result of the breaches of these holding ponds that inundated the Lincoln County Sports Club pond, and destroyed Meadow Creek, a wonderful little trout stream. So much silt was allowed into the water systems north of Merrill that the Prairie River Mill Pond, an impoundment of 117 acres, turned red. Lake Pesobic, a 156 acre lake was the recipient of a huge jolt of silt as well. Further north, where Meadow Creek runs into Tug Lake, the stream was also running thick with silt from the highway project. It would have taken very little investigation on my part to prove the breaches of the sediment holding ponds was an intentional act by the contractors so they could "stay on schedule". I as much as got an admission of that fact from one of the construction supervisors when I talked with him after Chuck Batchelder, the president of the Lincoln County Sports Club, asked me to look into why their pond had turned into a sediment hole. When I discussed enforcement action, I found our hands were tied. I was told we would not be issuing any citations. End of issue!

We in DNR do not live in a vacuum however. The people in Merrill understand fair treatment and it was not very long after the highway 51 debacle that I was standing in front of Judge Nolan trying to explain our lack of action in relation to the huge mess created by the road building project. Mike Nisson had contacted the judge and wanted his record cleared. Who could blame him. My credibility with Judge Nolan on this issue is not good!

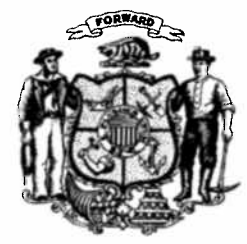
Dave, in my discussions with DNR people that work on these DOT projects, I have been advised that many, many complaints have been forwarded through DNR channels requesting enforcement action be taken against DOT contractors because of their environmental negligence. I have further been advised that these complaints stop, with no or little action, within DNR. My inquiries indicate these complaints get to David Meier's, Administrator - Division of Law Enforcement and Science, desk and go no further. The suggestion is any aggressive enforcement action by our agency is blocked by Mr. Meier. If this is true, Mr. Meier has created a huge double standard in our enforcement policy as it related to private citizens and those companies working for DOT.

Our lack of action with these cases in this county has created a consistency problem that must be addressed. DNR allowed a localized environmental disaster to go unchecked with the highway 51 project in our recent past. Now there has been another large release of silt into the same water system, a release that could

have been mitigated had proper erosion control measure been installed as the construction project proceeded. I believe court action is justified in the erosion event that occurred on 06-11-98. If Mr. Meier believes otherwise, I would like an explanation of his reasoning so I can educate the public and the court as to why DOT and their contractors do not get cited for actions routinely brought into court when perpetrated by the general public.

JCR:mp

*TAT*  
*Flow* *AMERICAS ASK FILE*







WISCONSIN'S BUSINESS VOICE SINCE 1911

**TO:** Senate Committee on Transportation, Tourism, Forestry and Natural Resources  
**FROM:** Scott Manley, Environmental Policy Director  
**DATE:** August 13, 2009  
**RE:** Senate Bill 113 - Appointment of the DNR Secretary

---

Wisconsin Manufacturers & Commerce (WMC) is opposed to Senate Bill 113, which would change the manner in which the Secretary of the Department of Natural Resources (DNR) is appointed. For the reasons cited below, we respectfully ask that you oppose passage of this legislation if the Committee takes executive action on the bill.

WMC is the state's largest business trade association, with nearly 4,000 members in the manufacturing, service, health care, retail, energy, banking, insurance and other service sectors of our economy. WMC is dedicated to making Wisconsin the most competitive state in the nation to do business, and toward that goal, we support consistent, cost-effective and market-driven regulatory approaches that recognize a balance between environmental protection and the competitiveness of Wisconsin's jobs and economy.

We believe government must be responsive and accountable to the citizens of this state, and we believe the cabinet form of government is the model that best accomplishes this important goal. We therefore support allowing the Governor to appoint the DNR Secretary, with the consent of the Senate, because making that position accountable to the oversight of elected officials will ensure that agency decision making is reflective of the will of the people.

As an agency, the DNR makes regulatory decisions that substantially impact the day-to-day operations of Wisconsin employers. These decisions often directly influence the ability of Wisconsin companies to compete in the national and international marketplace. However, the DNR is not unique in this regard, and the fact that DNR plays a regulatory function is not a legitimate reason for insulating the agency's top decision maker from the public through an unelected board.

Virtually every cabinet-level agency plays a significant regulatory function in state government. For example, the Department of Health Services oversees the facilities that provide care for our elderly and infirm. The Department of Workforce Development regulates workplace standards and fair employment practices. The Department of Regulation and Licensing oversees dozens of professional occupations, including the physicians who deliver our health care. In these, and many other examples, the Governor appoints the agency Secretaries with the consent of the Senate. This is a system that works, and nobody questions whether the decision-making in those agencies is politicized simply because the Governor appoints the agency Secretary.

The Department of Natural Resources should be no different, and we do not believe there is anything unique about the DNR's regulatory functions that should preclude the agency's Secretary from being appointed by the Governor.

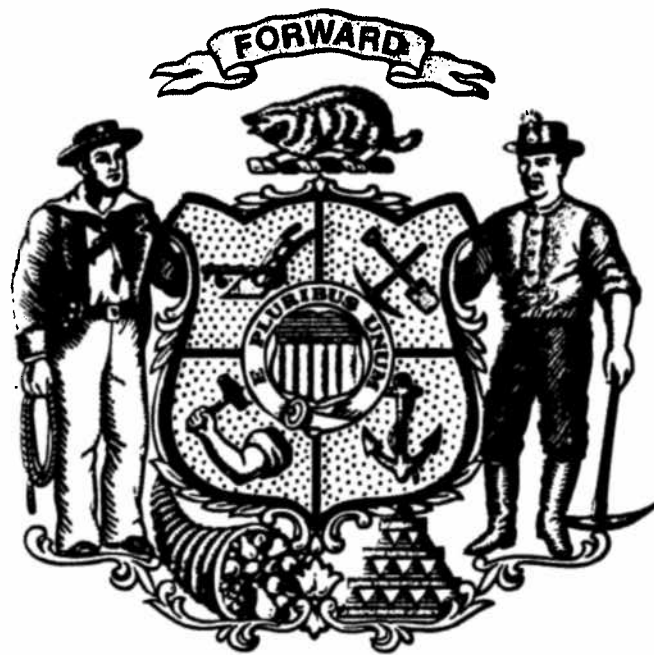
WMC believes the citizens' ability to hold agency decision making accountable is dramatically enhanced when the top agency decision makers are themselves accountable to the voters through their elected officials. Giving citizens a voice through their elected Governor and elected State Senator helps ensure that agencies are responsive to the citizens who have entrusted public officials to run state government.

By contrast, insulating bureaucratic decision-making by placing an unelected board of political appointees between the Secretary and the citizens will result in less accountability.

In conclusion, WMC opposes this bill because we believe it will diminish the responsiveness and accountability of a state agency that makes decisions significantly impacting the day-to-day operations of Wisconsin businesses. We do not believe the DNR Secretary's position has been politicized as a result of gubernatorial appointment, nor do we believe the groups that support Senate Bill 113 have produced specific examples to support such a claim.

Like any other agency, the DNR makes decisions that are sometimes unpopular or controversial. It is important for legislators to understand that the surest way to keep the secretary of any agency accountable to their constituents remains the cabinet model of government, where decision makers must answer to elected officials. Placing the appointment of the DNR Secretary into the hands of an unelected and unaccountable board of political appointees will remove an important check on the responsiveness of state government.

Thank you for your thoughtful consideration of our position on Senate Bill 138. Please feel free to contact me if you have any questions, or if I can provide you with additional information, at (608) 258-3400 or [smanley@wmc.org](mailto:smanley@wmc.org).



# GARVEY McNEIL & ASSOCIATES, S.C.

ATTORNEYS AT LAW

Edward R. Garvey  
Kathleen G. McNeil  
Carlos A. Pabellon  
Peter E. McKeever  
Anne M. Bensky

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**Statement of Peter McKeever  
to the  
Senate Transportation, Tourism, Forestry and Natural Resources Committee  
August 13, 2009**

**Supporting SB~~133~~ / 3  
To  
Re-Establish the Independent DNR Secretary**

Good morning. My name is Peter McKeever. I am here on my own behalf: I am not representing any specific group or individual. I appear to urge you to adopt SB~~133~~ / 3

I practice land use and environmental law statewide; I represent community groups, neighborhood associations and individuals who are trying to stop some kind of threat to the environment in their neighborhood, usually a threat to water quality. These threats come from industry, businesses, developers, utilities, and careless neighbors, among others.

However, my fights are rarely with them those who pose the threats. Instead, I spend most of my time and energy trying to get the Department of Natural Resources to do its job, to use the laws and authority it has to protect natural resources. I have contact with the agency several times a week. It is a tough fight.

I started doing environmental law in Wisconsin in 1972, when I was a law clerk in the environmental protection section of the Department of Justice, under then Attorney General Robert Warren. When I started, the DNR Secretary was an appointee of the independent Natural Resources Board. He was a seasoned natural resource-trained professional.

I want to make two key points of comparison to point out how things have changed.

First, in those days, when the agency was called upon to make a decision in a close case where it needed to choose between the public interest and the private interest, the department invariably acted to protect the public's interest. The burden of challenging the decision fell upon the private interest.



The absolute reverse is true today. Faced with the need to choose, the department far too frequently acts to protect the interests of its private "customer" rather than the interests the public has in the state's natural resources. Today the public has to challenge the decision and fight for the protection of the resource.

It's an unfair fight, because those who will fight to protect the public's interests are usually private citizens and small organizations with limited resources who believe it is important to save a scenic view, a wetland, a natural area, a prairie or forest, or other critical habitat. Those who challenge the agency's decision are not able to match the resources the department and the "customer" will spend to defend the decision.

Secondly, when I started the DNR said that it did not have authority to take some action when there was a specific statute or regulation that said, "Thou shall not" take that action.

Today, when the department says it lacks authority, it is because they cannot find a statute that says, "You can." They take an excruciatingly narrow view of their authority, apparently fearing that getting sued by industry and campaign contributors is worse than getting sued by under-funded citizen groups. This is an agency that routinely gives up its authority.

Take a look at who opposes this bill: builders, realtors, paper council, WMC, farm bureau, corn growers, aggregate producers, utilities, and transportation builders, to name only a few. All of these interests do not want the department to enforce the laws to protect our state's resources. They would rather be able to influence the decisions the department makes through the governor's office and the political process. An independent secretary is a threat to them.

With secretaries now appointed by the governor, the DNR today is fully politicized. Political considerations, overt or otherwise, too often carry the day. They have a chilling impact on the actions of the staff. The agency has become risk averse and afraid of controversy, and the dedicated staff is terribly demoralized. For many, working for the DNR is a calling, not just a job, and they are frustrated when politics trumps good science.

Enacting SB<sup>113</sup>~~133~~ is one of the most significant steps that can be taken to protect Wisconsin's natural resources. It is long past time to take the politics out of environmental protection and fish and wildlife management and to bring back sound science-based decision making. Put trained and experienced resource managers in

charge not political appointees. Let the biologists, air quality experts, wildlife managers, waste management specialists and the rest of the trained and committed staff make professional decisions without having to worry about their jobs or their chances for promotion.

The Senate and Assembly must pass this legislation quickly and the governor should sign it. I do not want to see any deals to split the agency or play games with the secretary's authority. We need good science-based natural resource management and protection of the public trust. Wisconsin needs an independent secretary.

Thank you.





# Wisconsin Chapter of The Wildlife Society

P.O. Box 863, Madison, WI 53701-0863

[www.witws.org](http://www.witws.org)

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August 13, 2009

Senator Jim Holperin-Chair  
Senate Committee on Transportation, Tourism, Forestry, and Natural Resources  
State Capitol- Room 411 South

Dear Senator Holperin and Committee Members:

The Wisconsin Chapter-The Wildlife Society (WCTWS) supports SB 113, which relates to the Appointment and term of service of the secretary of the Department of Natural Resources and vacancies on the Natural Resources Board.

The WCTWS is an organization of 120 professional wildlife managers, researchers, and educators from county, federal, state, tribal, private and university organizations.

The WCTWS supports passage of SB 113 in order to:

- Reduce the role of politics within the DNR. Return the selection of the DNR Secretary to the Natural Resources Board.
- Recognize that our natural resources provide myriad recreational, cultural, and economic benefits to the state. Management based on sound science- free from political pressures- is the only way to ensure these benefits are preserved for future generations.
- Re-establish professional decision-making as the driving force behind the conservation and management of our state's important natural resources base.
- Recognize that this bill has received very strong support amongst your constituents across the state.

Thank you for allowing the WCTWS to comment on this important bill.

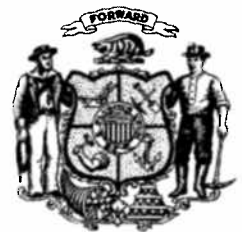
Sincerely,

Harvey Halvorsen  
President





# WISCONSIN STATE LEGISLATURE



# **ASSOCIATION OF RETIRED CONSERVATIONISTS**

South Central Wisconsin Chapter  
Madison, Wisconsin

Linda Meyer, President  
Chuck Pils, Vice-President  
John Glennon and Ken Wiesner,  
Secretary/Treasurer

August 13, 2009

Subject: 2009 SB 113 and the Appointment of the Secretary  
of the Department of Natural Resources

To the Members of the Senate Committee on Transportation, Tourism, Forestry and Natural Resources:

Our organization consists of over two hundred members, the vast majority of whom are retired employees of the Wisconsin Department of Natural Resources. Before they retired, many of our members worked under DNR Secretaries appointed by the Natural Resources Board as well as Secretaries appointed by the Governor, and had the opportunity to observe first-hand the impact that these two different appointment approaches had on the operations of the Department of Natural Resources.

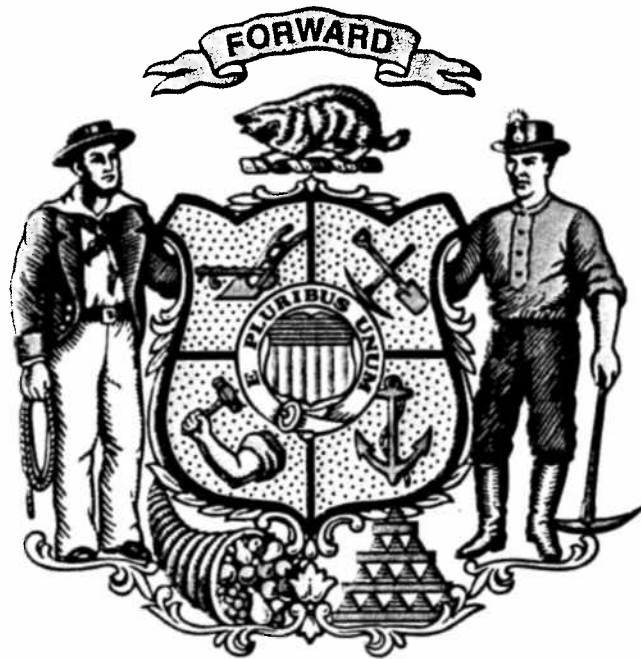
Many of our members believe strongly that the appointment of the DNR Secretary by the Governor has too often meant that scientifically-based natural resource decision-making has had to take a backseat to political considerations. After state law was changed to provide for the appointment of the DNR Secretary by the Governor, our members saw that administrative rule changes that were sorely needed, from an environmental perspective, were often delayed or watered down due to political concerns, and politics also seemed to play a larger role than it had before when enforcement decisions had to be made. Our members realize that politics must play a role in the administration of state agencies like the DNR, especially where agency budgets are concerned, but we feel strongly that politics should not be allowed to prevent state employees from presenting scientifically-based data and analysis to the Natural Resources Board and the State Legislature when natural resource issues are being debated. Our members are concerned that under a DNR Secretary who is a member of the Governor's cabinet, DNR employees will be prevented from arguing for natural resource conservation or protection proposals that are based on the best science available in situations where the Governor and the DNR Secretary are more concerned about the political ramifications of a proposal than its scientific basis.

For this reason, our membership has voted to support legislation that would once again provide for the appointment of the DNR Secretary by the Natural Resources Board. Thank you for the opportunity to register our organization's support for 2009 SB 113.

Sincerely,



Linda Meyer  
President of the South Central Chapter of the  
Association of Retired Conservationists



August 13, 2009

Senator Jim Holperin

Senate Transportation, Tourism, Forestry, and Natural Resources Committee

Madison, WI 53707

SB 113  
folder

RE: Independent DNR Secretary

Dear Senator Holperin,

On behalf of Town and Country RC&D we urge the Senate Transportation, Tourism, Forestry, and Natural Resources Committee to support the restoration of an independent DNR Secretary.

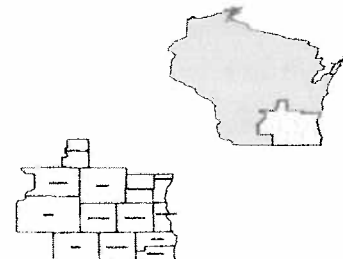
We believe that the long term health of the natural resources of this state, and the credibility of the Department of Natural Resources can both be compromised if the leadership of the Department is subject to the politics of the day. No matter how well our Governor might work with the Secretary at present, a different administration with a very different agenda could do great damage to long term management of our most precious natural resources.

Our organization's mission is focused on the sustainable use of our natural resources as a base for building our economy and the health and prosperity of the people of our region. We ask your support for sound, long range management of these resources, and your support for the independence of the DNR Secretary.

Sincerely,



Diane Herman, President



Serving Columbia, Dane, Dodge, Green Lake, Jefferson, Kenosha, Milwaukee,  
Ozaukee, Racine, Rock, Walworth, Washington, and Waukesha Counties

And all or part of the following river basins: Fox (III) River, Rock River, Milwaukee River, Root – Pike River,  
Sheboygan River, Sugar – Pecatonica River, Lower Wisconsin River, and Upper Fox River Basins



August 13, 2009

Senator Jim Holperin  
Senate Transportation, Tourism, Forestry, and Natural Resources Committee  
Madison, WI 53707

RE: Independent DNR Secretary

Dear Senator Holperin,

On Behalf of the Rock River Coalition I ask that the Senate Transportation, Tourism, Forestry, and Natural Resources Committee support the appointment of the DNR Secretary by the DNR Board. While we understand the importance of a close working relationship between the administration and the DNR, we also believe the DNR will be most effective and credible if the Secretary of the DNR is one step away from a political appointment.

We have been dismayed at the frequent turnover of DNR secretaries in recent years, and the lack of Natural Resource Management experience of recent appointments. We believe the current situation makes the leadership of the DNR all too vulnerable to political pressure, to the detriment of the long-term protection of the wonderful natural resources Wisconsin is blessed with.

Once waters are polluted, natural areas developed, fish contaminated, the cost of remediation is huge, and the outcomes uncertain. Swings in the political climate should not be allowed to undermine the long-term integrity of sound, science-based management of the natural resources our economy, our health and our quality of life depend on.

As one of the organizations who worked toward consensus on the 4 Conservation Priorities that were hand delivered to the legislature during Conservation Lobby Day, we want you to know how strongly we support the independence of the DNR Secretary, and respectfully ask for your support on this issue.

Sincerely yours,



Lisa Conley, President  
Rock River Coalition

SB 113  
folder





*"Dedicated to the Conservation of  
Wisconsin's Waterfowl and Wetland Resources"*

WISCONSIN WATERFOWL ASSOCIATION, INC.  
P.O. Box 427  
Wales, WI 53183  
(262) 968-1722  
(800) 524-8460  
wwainfo@centurytel.net  
www.wisducks.org

8/13/2009

Committee on Transportation, Tourism, Forestry and Natural Resources  
Senator Jim Holperin, Chair  
State Capitol  
Madison, WI

Dear Chairman Holperin and Committee Members,

On behalf of the Wisconsin Waterfowl Association I want to voice our support for SB 113, that restores the authority to appoint the Secretary of the Department of Natural Resources to the Natural Resources Board.

There are many that will support this bill or not, based on the political implications of such a change. We do believe that we should strive to remove politics from natural resource decisions as much as possible, and this change provides some separation from the political process.

However we support this bill primarily because our natural resources and decisions made on their behalf do not follow the schedule of elected officials and political appointments. The revolving door of leadership does not lend itself to the continuity that management of these resources requires.

Critical decisions regarding our resources and the future of our hunting, fishing and trapping traditions are often years in the making. Consistent leadership can bridge election cycles and provide both solid historic and institutional knowledge, leading to decisions that will most benefit the citizens of our state.

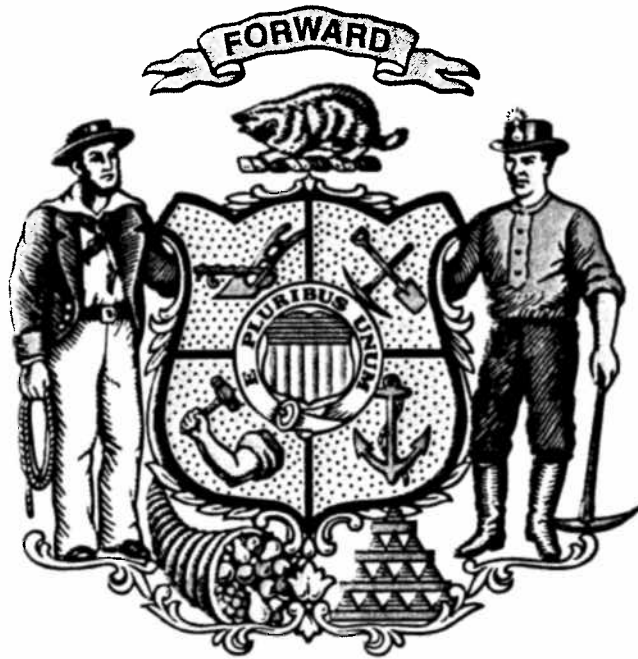
We ask that you support Senate Bill 113.

Sincerely,



Jeff Nania  
Executive Director







August 13, 2009

Senator Holperin, and members of the committee:

I want to thank you for scheduling this hearing on SB 113.

My name is Gary Steffen and I am President of the Wisconsin Science Professionals. (My union) represents approximately 750 professional employees at the DNR. Last year I testified twice on the bills to have the DNR Secretary selected by the DNR Board. The process to have the DNR board select the Secretary of the DNR was a process that worked for decades. The change to an appointed DNR Secretary was not the result of any citizen movement or any public opinion of any magnitude. Now that we have a secretary appointed by the Governor there is a movement to have the original process returned. This room is filled with people that want to have the board select the secretary.

Many of our appointed Secretaries have come from within the agency and understand the Mission of the DNR - To protect and enhance our natural resources:

To work with people to, understand each other's views and to carry out the public will.

However, with an appointed Secretary, we have no guarantee that the head of the agency has a history or familiarity within the DNR. They have no knowledge of the history behind the decisions that have been made in this agency. This shows the pattern of a slow movement away from the original intent for the DNR I am concerned that future appointees will move this agency away from carrying out the public will. Protecting our environment and natural habitats should be void of politics. As employees of the DNR, I and my coworkers strive to preserve the resources of our state and maintain the qualities that so many Wisconsinites enjoy throughout the year. I worry that politics has already played a role in shaping the DNR. As an example of this we have already seen an attempt to split this agency. If we do not change this situation there will be more examples where the public will on resource issues will not be followed. Over time these type of things will be more common. So I urge you to vote for AB 138 and to send this bill to the Governor for his signature.



SB 113  
folder

Date

## Wisconsin Wildlife Federation

Good morning Chairman Holperin and Committee Members,

My name is Jack Nissen.. I am the President of the Wisconsin Wildlife Federation. The Federation is comprised of 168 hunting, fishing and trapping clubs located throughout the state who have a combined membership in excess of 100,000 members.

The Federation and the clubs we represent are very strong supporters of restoring the appointment authority of the DNR Secretary back to the Natural Resources Board. It is a fundamental belief of sportsmen and women in this state that natural resource management should be led by natural resource professionals not selected on a partisan political basis. This long-standing position goes back to 1928 when sportsmen and women in this state led by Aldo Leopold, Haskell Noyes, Bill Aberg and the Isaac Walton League were successful in getting legislation passed that established the Wisconsin Conservation Department headed by a natural resource professional appointed by the then six-citizen Conservation Commission. This system worked well with the Wisconsin Conservation Department and its successor, the Department of Natural Resources. During that period the Wisconsin DNR was recognized as one of the finest and innovative natural resources agencies in the country.

That system was abruptly changed when, without public hearing and without the support of hunters, anglers and trappers, a provision was placed in the 1995 state budget making the Secretary of the Department a partisan political appointee of the Governor. Ever since that time, sportsmen and women have worked very hard to have the Secretary's appointment authority restored to the Natural Resources Board. This question has been on the spring questionnaire of the Wisconsin Conservation Congress at least four times with the results always being in favor of restoring the Board authority by at least an 8 or 9 to 1 ratio. In the summer of 2004, the Wisconsin Wildlife Federation conducted a scientifically valid poll of hunters, anglers and trappers in this state on this issue and seventy-nine percent of those surveyed stated that the Secretary's appointment authority should be restored to the natural Resources Board. There is no reason to believe that those numbers do not remain valid today. Just ask the membership of your local sports club when you attend their next meeting.

Now our Executive Director, George Meyer, will share his experiences and the policy reasons for having a Board appointed Secretary. Chairman Holperin, thank you for the opportunity to testify here today on behalf of the Wildlife Federation.

Submitted by:  
Jack Nissen, President  
Wisconsin Wildlife Federation

August 13, 2009



SB 113  
folder

Testimony of Bob Martini on the issue of restoring Natural Resources Board authority to appoint the DNR Secretary. August 13, 2009.

My name is Bob Martini. I live on a small lake near Rhinelander. For 32 years I worked for the DNR, supervising the cleanup of the Wisconsin River, acid rain research, pesticides in groundwater research, and as statewide Rivers Protection Coordinator.

My father served 35 years in the old Conservation Dept and the DNR as a warden and as chief training officer for the fire control program statewide. He was a member of the first class of conservation majors in 1950 at what now is the College of Natural Resources at UW-Stevens Point. From an early age my father told me about Aldo Leopold and Dr. Fred Schmeckle who both advocated for keeping politics out of the DNR Secretary appointment process. He often illustrated the importance of this principle with real world examples from his career at DNR. I have experienced many examples of the need for DNR political independence in my own career.

I am here to urge you to return the DNR Secretary appointment authority to the Natural Resources Board on behalf of the "Long Green Line" of Wisconsin conservation professionals. West Point has it's "Long Grey Line" of military professionals, police departments have their "Long Blue Line" of law enforcement professionals, and Wisconsin has it's "Long Green Line" of conservation professionals. It includes such famous visionaries as Leopold and Gaylord Nelson, but is also made up of hundreds of dedicated, science-based, DNR employees who toil largely in obscurity but are often in the middle of heated controversy over the proper management of natural resources. These people made the Wisconsin DNR one of the best in the nation up until the mid-90's when the Governor's office began appointing the DNR Secretary instead of the Natural Resources Board. Since then, DNR decision making has become less and less dominated by the opinions of science professionals and more controlled by appointees who have very little natural resources experience and are loyal to the Governor rather than the resources and the Public Interest.

Secretaries appointed by the Governor are long on political loyalty and short on natural resources expertise. While no Secretary can possibly be an expert in all natural resources fields, a career in science-related natural resources management is essential to the understanding of the scientific method, the basic conservation principles and history of conservation successes in Wisconsin, and knowing who the established experts are in various important natural resources fields and how to communicate with them. Although it is very important to bring a thorough knowledge of social and political context to natural resources decision making, that skill is much easier to acquire than a sophisticated grasp of the scientific context.

In short, the Natural Resources Board is far more qualified to appoint the best leader for DNR than the Governor is. This fact is not lost on the hundreds of people and groups who have testified on this issue in the past. There is no question about which is the right way to pick a DNR Secretary. There is a very real question about whether the Legislature will have the courage to override the Governor if he chooses to veto the bill. To do the right thing in this situation you must not only vote for the bill you must vote to override the Governor if he chooses to veto.

Seldom, in politics, is there such overwhelming support from the public and from both sides of the aisle for such a justifiable change in policy. I hope you will do the right thing for the resources and for the Public Interest. Bob Martini, 2984 South Rifle road, Rhinelander, Wisconsin, 54501.



Secretary Matt Frank  
Senate Transportation, Tourism, Forestry, and Natural Resources Committee  
August 13, 2009

SB 113  
folder

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Good morning Chairman Holperin and members of the committee.

The question as to whether the DNR Secretary should be appointed by the Governor or the DNR Board has been long debated in Wisconsin. I respect the opinions held on all sides.

As the current DNR Secretary I have a unique vantage point. With the Governor's appointment of the DNR Secretary, the agency is more effective and accountable.

### **DNR Effectiveness**

The Governor has the bully pulpit to make big and positive changes in state natural resources policy.

Neither the Secretary nor the DNR Board could bring 8 states and 2 Canadian provinces together to pass the Great Lakes Compact. It took the Governor's involvement to get it done.

When the Governor directed the DNR to create a plan to reduce mercury emissions at coal fired power plants by 90 percent, we did and the Board passed that rule.

The Governor's unwavering support for extending the Stewardship program another ten years was essential to its reauthorization in the 2007-2009 budget.

Under the Governor's leadership we have streamlined the regulatory process, improving the timeliness and consistency of permitting while maintaining high environmental standards.

Since 1967, the DNR has been an integrated natural resources agency - one that combines air and water protection, forestry, wildlife management, law enforcement and outdoor recreation in one agency.

The environmental and conservation challenges we face in the 21<sup>st</sup> century are bigger than just the DNR. As a cabinet agency, the DNR is in a better position to help integrate conservation and environmental policy with policies affecting energy, agriculture, economic development, tourism, transportation and a host of others.

The DNR is more effective when it is part of the Governor's administration rather than looking in from the outside. More cooperation among agencies is occurring today to protect our natural resources because the DNR is part of the cabinet.

Last year, the DNR played a major role in the Governor's Global Warming Task Force. Our energy and environmental futures are inextricably linked. The DNR is working closely with the Governor, the Public Service Commission and the legislature to implement Task Force recommendations through legislative action.



As a member of the Governor's Energy Independence Cabinet, we are working with the Department of Administration to convert the Charter Street plant from coal to biomass, benefiting our agricultural economy and creating wildlife habitat.

Additionally, the DNR Secretary has more influence working across state lines and with federal agencies because they know the Secretary speaks with the backing of the Governor. Whether we are advocating for federal ballast water legislation to stop the introduction of aquatic invasive species into Wisconsin waters, or working with the U.S. Fish and Wildlife Service on wildlife management issues, there is an advantage in having the Governor's backing.

### **DNR Accountability**

The modern DNR is a large, complex agency with a wide range of responsibilities. Over the past 50 years, the scope of DNR's authority to protect our natural resources has grown dramatically, directly affecting the lives of every Wisconsin citizen. With this authority there comes great responsibility to exercise power wisely.

Accountability starts at the top. It is too easy for a Governor to be let off the hook when he can say he is not responsible for agency actions because he does not appoint the Secretary. When the Governor appoints the DNR Secretary it makes him directly accountable for the conservation and environmental decisions made by the DNR.

Elections do matter. We trust the people to make wise decisions about who is elected Governor on many important issues. We can trust our citizens to elect and hold the Governor accountable for the natural resources we cherish.

Some suggest this bill is needed to take the politics out of DNR decision-making.

Board appointment of the Secretary will not remove political influence from the agency. The only way to do that would be to remove legislative and board oversight of the agency as well. Democracy is often noisy and one person's politics is another person's opinion. It is a false choice to suggest that we must choose between sound science and data or listening to the public we serve. We get better conservation and environmental policy when we are doing both.

### **Conclusion**

The DNR has become a more effective and accountable agency as a result of the Governor's appointment of the Secretary.

When hunters expressed increasing frustration and concern about earn-a-buck, we listened and committed to working with the Natural Resources board and hunters to find alternative deer herd control measures.

When businesses expressed frustration with delays and inefficiencies in permitting, we worked hard to eliminate backlogs while maintaining high environmental standards.

When environmental organizations advocated for big reductions in mercury emissions, we responded with the most significant air rule the state has passed in decades.

Some suggest that this bill is necessary to “restore the integrity of the DNR.” We have one of the best natural resource agencies in the country, staffed with outstanding civil servants deeply committed to the protection of our air, water, land and wildlife. They not only have great expertise, they have great integrity.

I disagree with the implication that a person appointed by an elected official inherently lacks integrity. Integrity is a function of character, not who appoints you. You either have integrity or you don't. It cannot be conferred by an act of the legislature. Does Lisa Jackson, the head of the U. S. Environmental Protection Agency lack integrity because she was appointed by President Obama? Do my colleagues in the Governor's cabinet lack integrity because they were appointed by Governor Doyle? I don't think so.

Senator Holperin and members of this committee, I would like to thank you for your leadership on a host of bills that have been introduced in the legislature since January. Regardless of how this issue is resolved, I look forward to our ongoing work with you.

I appreciate the opportunity you have given me to address the committee. I am happy to answer any questions you may have.



1 of 4



To: Members of Senate Committee on Transportation, Tourism, Forestry, and Natural Resources  
From: Organizational Supporters of the Conservation Priorities  
Date: August 13, 2009  
Re: Supporting the Reestablishment of an Independent DNR Secretary (SB 113)

Dear Senator,

On February 25, 2009, you received a copy of the Wisconsin Conservation Priorities 2009-2010. Together, the 81 organizations endorsing the Conservation Priorities represent tens of thousands of Wisconsin hunters, anglers, boaters, business owners, parents and others. Reestablishing an independent Department of Natural Resources Secretary was selected as one of just four Conservation Priority issues.

In 1995, the legislature took authority away from the Natural Resources Board (NRB) to choose the Secretary of the Department of Natural Resources (DNR). Instead, they made the Secretary a political appointee of the Governor. Since that time, there has been a great increase in the role of politics in the decision-making processes of the DNR. As a result, the credibility of DNR decision-making is consistently called into question, even in situations where agency decisions have not been politically influenced.

This policy change also creates opportunities for top DNR leaders to be selected without having any natural resource management experience, something that has happened a number of times since 1995. In addition, there has been constant turnover in top leadership positions in the agency, which does not provide for the long-term vision needed for successful natural resource management.

Restoring integrity to natural resource management will help to remove partisan politics from natural resource decision-making and restore credibility to the DNR. **We ask that you support SB 113 and ensure that Wisconsin's outdoor traditions remain viable and strong for future generations.**

Thank you for your attention to this issue.

Sincerely,

*The Aldo Leopold Audubon Society  
Alliance for Sustainability  
Artha Sustainable Living Center, LLC  
Apollo Alliance of Wisconsin  
Association of Retired Conservationists*

*Baird Creek Preservation Foundation  
Bayfield Regional Conservancy  
Bluebird Restoration Association of Wisconsin  
Brown County Chapter of the Izaak Walton  
League*

*Brown County Conservation Alliance*  
*Centerville CARES*  
*Citizen Action of Wisconsin*  
*Citizens for Safe Water Around Badger*  
*Citizens for a Scenic Wisconsin*  
*Citizens Utility Board of Wisconsin*  
*Clean Water Action Council of N.E. Wisconsin, Inc.*  
*Clean Wisconsin*  
*Columbia County Land and Water Conservation Department*  
*Concerned Citizens of Newport*  
*Crawford Stewardship Project*  
*Dane County Conservation League*  
*Door County Environmental Council*  
*ECOS Fox Valley*  
*Fond du Lac County Audubon*  
*Fox Valley Sierra Group*  
*Friends of the Mead/McMillan Association, Inc.*  
*Friends of Lincoln-Osceola-Garfield Greenway*  
*Friends of the Mukwonago River*  
*Friends of Tomorrow/Waupaca River*  
*GrassRoots of Waukesha County*  
*Greendale Environmental Group*  
*Highway J Citizens Group, UA*  
*Hoy Audubon Society*  
*Lakeshore Natural Resource Partnership, Inc.*  
*League of Women Voters of Wisconsin*  
*Madison Audubon Society & WI Audubon Council*  
*Midwest Environmental Advocates, Inc.*  
*Milwaukee County Conservation Coalition*  
*Milwaukee Riverkeeper*  
*Northeast Wisconsin Land Trust*  
*Northwoods Land Trust, Inc.*  
*Park Watch of Fond du Lac*  
*Phantom Lakes Management District*  
*Physicians for Social Responsibility- Wisconsin )*  
*Preserve Our Parks*  
*Price County Waterways Association*

*Racine Dominican Eco-Justice Center*  
*RENEW Wisconsin*  
*River Alliance of Wisconsin*  
*Rock River Coalition*  
*Sauk County Land Conservation Department*  
*Sheboygan Area Great Lakes Sport Fishermen*  
*Sheboygan County Conservation Association*  
*Sierra Club-John Muir Chapter*  
*Sixteenth Street Community Health Center*  
*Southeast Wisconsin Trout Unlimited*  
*Sustain Central Wisconsin*  
*Sustainable Eau Claire*  
*The Kenosha/Racine Land Trust, Inc.*  
*The Park People of Milwaukee County*  
*The Wildlife Society, Wisconsin Chapter*  
*Town and Country Resource Conservation and Development*  
*Trout Unlimited, Wisconsin State Council*  
*Valley Stewardship Network*  
*Waukesha County Environmental Action League*  
*Wild Ones Natural Landscapers Ltd*  
*Wisconsin Association of Lakes*  
*Wisconsin Association of Land Conservation Employees*  
*Wisconsin Council of Sportfishing Organizations*  
*Wisconsin Deer Hunters Association*  
*Wisconsin Environment*  
*Wisconsin Farmers Union*  
*Wisconsin Interfaith Climate and Energy Campaign*  
*Wisconsin Land and Water Conservation Association*  
*Wisconsin League of Conservation Voters Institute*  
*Wisconsin Network for Peace and Justice*  
*Wisconsin Trappers Association, Inc.*  
*Wisconsin Wetlands Association*  
*Wisconsin Wildlife Federation*



**Testimony of Allison M. Pedersen, Midwest Environmental Advocates  
To the Senate Committee on Transportation, Tourism, Forestry, and Natural Resources**

**2009 Senate Bill 113  
August 13, 2009**

Chairperson Holperin and Honorable Members of the Committee,

Thank you for the opportunity to testify before you today regarding Senate Bill 113, concerning the appointment of the Secretary of Natural Resources.

Midwest Environmental Advocates, Incorporated is a nonprofit environmental law center that works for clean air, clean water, and clean government. In the interest of ensuring the Wisconsin Department of Natural Resources is able to most effectively preserve and protect Wisconsin's natural resources, we strongly support restoring authority to appoint the Secretary of the DNR to the Natural Resources Board.

As you have heard, in 1995 the power to appoint the Secretary of the DNR was shifted from the Natural Resources Board to the Governor. This shift transformed the position of the Secretary from one with a high degree of political independence to an appointment vulnerable to a high degree of political influence.

The preservation and protection of Wisconsin's natural resources cannot be effectively pursued in such a climate; natural resource management must not be subject to the pressures of partisan politics. It requires scientific expertise, consistent leadership, and forward-thinking policy insight.

It is important to note that returning the appointment to the Natural Resources Board does not remove the public from the process. The Board is comprised of seven individuals from across the state who are appointed by the Governor and confirmed by the Senate; the people who would be responsible for the appointment of the Secretary of the DNR have been and will

continue to be selected by the public's elected representatives. The Board may also remove the Secretary from office at any time.

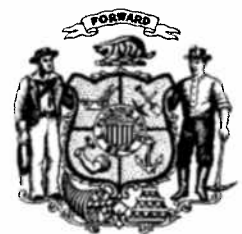
Senate Bill 113 seeks to restore the independence the Secretary of the DNR maintained before 1995. The bill will return the appointment of the Secretary to the Natural Resources Board. This separation from political pressures allows the Secretary the ability to direct the DNR to preserve and protect Wisconsin's natural resources in the best interests of the people of Wisconsin.

Again, we urge you to vote for the integrity of Wisconsin's natural resources by returning independence to the Secretary of the DNR.





# WISCONSIN STATE LEGISLATURE



SB 113 folder

1 of 4



To: Wisconsin State Senators  
From: Organizational Supporters of the Conservation Priorities  
Date: October 28, 2009  
Re: Scheduling of Floor Vote to Reestablish of an Independent DNR Secretary (AB 138)

Dear Legislator,

On February 25, 2009, you received a copy of the Wisconsin Conservation Priorities 2009-2010. Together, the more than eighty organizations endorsing the Conservation Priorities represent tens of thousands of Wisconsin hunters, anglers, boaters, business owners, parents and others. Reestablishing an independent Department of Natural Resources Secretary was selected by those organizations and their members as one of just four Conservation Priority issues for this legislative session.

In 1995, the legislature took authority away from the Natural Resources Board (NRB) to choose the Secretary of the Department of Natural Resources (DNR). Instead, they made the Secretary a political appointee of the Governor. Since that time, there has been a great increase in the role of politics in the decision-making processes of the DNR. As a result, the credibility of DNR decision-making is consistently called into question, even in situations where agency decisions have not been politically influenced. In addition, there has been frequent turnover in top leadership positions in the agency, which does not provide for the long-term vision needed for successful natural resource management.

Restoring integrity to natural resource management will help to remove partisan politics from natural resource decision-making and restore credibility to the DNR. **We ask for your support in ensuring that AB 138 is scheduled and voted on without any further amendments before the end of the fall floor period.** By voting for AB 138, you are ensuring that Wisconsin's outdoor traditions remain viable and strong for future generations.

Thank you for your attention to this issue.

Sincerely,

*The Aldo Leopold Audubon Society  
Alliance for Sustainability  
Artha Sustainable Living Center, LLC  
Apollo Alliance of Wisconsin  
Association of Retired Conservationists  
Baird Creek Preservation Foundation  
Bayfield Regional Conservancy*

*Bicycle Federation of Wisconsin  
Bluebird Restoration Association of Wisconsin  
Brown County Chapter of the Izaak Walton  
League  
Brown County Conservation Alliance  
Centerville CARES  
Citizen Action of Wisconsin*

*Citizens for Safe Water Around Badger*  
*Citizens for a Scenic Wisconsin*  
*Clean Wisconsin*  
*Columbia County Land and Water Conservation Department*  
*Concerned Citizens of Newport*  
*Crawford Stewardship Project*  
*Dane County Conservation League*  
*Door County Environmental Council*  
*ECOS Fox Valley*  
*Fond du Lac County Audubon*  
*Fox Valley Sierra Group*  
*Friends of the Mead/McMillan Association, Inc.*  
*Friends of Lincoln-Osceola-Garfield Greenway*  
*Friends of the Mukwonago River*  
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*GrassRoots of Waukesha County*  
*Greendale Environmental Group*  
*Highway J Citizens Group, UA*  
*Hoy Audubon Society*  
*Lakeshore Natural Resource Partnership, Inc.*  
*League of Women Voters of Wisconsin Education Fund*  
*Madison Audubon Society & WI Audubon Council*  
*Midwest Environmental Advocates, Inc.*  
*Milwaukee County Conservation Coalition*  
*Milwaukee Riverkeeper*  
*NEW Pride*  
*Northeast Wisconsin Land Trust*  
*Northwoods Land Trust, Inc.*  
*Park Watch of Fond du Lac*  
*Phantom Lakes Management District*  
*Physicians for Social Responsibility-Wisconsin )*  
*Preserve Our Parks*  
*Price County Waterways Association*  
*Racine Dominican Eco-Justice Center*  
*RENEW Wisconsin*

*Citizens Utility Board of Wisconsin*  
*Clean Water Action Council of N.E. Wisconsin, Inc.*  
*River Alliance of Wisconsin*  
*Rock River Coalition*  
*Sheboygan Area Great Lakes Sport Fishermen*  
*Sheboygan County Conservation Association*  
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*Sustain Central Wisconsin*  
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*The Kenosha/Racine Land Trust, Inc.*  
*The Park People of Milwaukee County*  
*The Wildlife Society, Wisconsin Chapter*  
*Town and Country Resource Conservation and Development*  
*Trout Unlimited, Wisconsin State Council*  
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*Wisconsin Environment*  
*Wisconsin Farmers Union*  
*Wisconsin Interfaith Climate and Energy Campaign*  
*Wisconsin Land and Water Conservation Association*  
*Wisconsin League of Conservation Voters Institute*  
*Wisconsin Network for Peace and Justice*  
*Wisconsin Trappers Association, Inc.*  
*Wisconsin Wetlands Association*  
*Wisconsin Wildlife Federation*