

Region or Bureau
North East Region
Type List Designation

Contact Person:
Fred Axelrod

Title: North Forestry Team Leader-Upper Green Bay
Basin - Marinette County Forest Liaison

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NOTE TO REVIEWERS: This document is a DNR environmental analysis that evaluates probable environmental effects and decides on the need for an EIS. The attached analysis includes a description of the proposal and the affected environment. The DNR has reviewed the attachments and, upon certification, accepts responsibility for their scope and content to fulfill requirements in s. NR 150.22, Wis. Adm. Code. Your comments should address completeness, accuracy or the EIS decision. For your comments to be considered, they must be received by the contact person before 4:30 p.m., _____ (date)

Applicant: : Marinette County Forestry Department _____

Address: 1926 Hall Ave. , Marinette, WI 54143 _____

Title of Proposal: Withdrawal of Marinette County Forest lands to trade with Coleman Lake Club _____

Location: Marinette _____ City/Town/Village: Town of Goodman _____

Township Range Section(s) T.37N -R18E, Section 32, NENE . The remainder of section 32 will remain in County Forest _____

PROJECT SUMMARY

1. General Description (brief overview)

Coleman Lake Club, a private club owns approximately 8800 acres in Marinette County has proposed a trade of 62.82 acres of their land with Marinette County for 40 acres of Marinette County Forest land. The land currently owned by Coleman Lake Club proposed for trade is located in section 6 T.37N R.18E. The land currently owned by Marinette County Forest proposed for trade is in section 32 T.37 R.18. See maps # 1,#2 and #3.

2. Purpose and Need (include history and background as appropriate)

Marinette County Forest (MCF) lands are open to the public for many recreational activities. Coleman Lake Club (CLC) land is private and while not all boundaries are posted against trespassing, some of the lands adjacent to the North Branch of the Pike River and to Railroad Pond are posted. Approximately 30 feet of frontage on the west side of the North Branch of the Pike River flows through the North East corner of the County owned parcel and has a moderate amount of fishing occurring at that location and probably a small amount of hunting and other recreational activities as well. The parcel currently owned by CLC includes approximately 1/3 mile of frontage on the Macintire Cr. on both sides of the stream. This parcel is not posted against trespassing. This parcel is surrounded on all sides by MCF and is more remote receiving light fishing and hunting pressure. The North Branch of the Pike River is a state designated Wild River per 30.26 of Wisconsin Statutes. The MCF owned parcel is included in the Department of Natural Resources (DNR) project boundary and is managed by Marinette County under a Memorandum of Understanding negotiated with the DNR. Coleman Lake Club has been in existence since 1888. Marinette County Forest has been in existence since 1933 and is administered per the guidance of Ch. 28.11 of Wisconsin Statutes.

3. Authorities and Approvals (list local, state and federal permits or approvals required)

required)

The Marinette County Board has passed a resolution by a vote of greater than two thirds to apply to the DNR to withdraw their 40 acres from MCF and trade it to Coleman Lake Club for the designated 62.82 acres. The resolution is required in order to withdraw lands from County forest per Wisconsin Statute 28.11(11). This same statute requires the DNR to investigate the Counties application to withdraw to determine if the benefits of withdrawal of the proposed lands outweigh the benefits of continued entry of the lands. If the DNR determines the land will be put to a higher and better use after withdrawal than it shall make an order withdrawing such lands from entry under the County Forest. Part of the DNR's investigation is this Environmental Assessment process.

4. Estimated Cost and Funding Source

The proposed trade does not involve the exchange of funds. The land currently owned by CLC would be owned by Marinette County and will no longer be required to have property taxes paid as it is now. Payments to towns of 30 cents/ acre will be paid by the DNR. In addition 10% of gross timber sale receipts shall be paid annually by the county to the towns on the basis of acreage of county forest land in the town. Because there would be a net gain of 20 acres of County Forest the payments to Towns would increase approximately \$6/year and there would be a slight gain in school aids to Goodman School District and a very slight increase in shared timber sale revenue. The land currently owned by Marinette County would become privately owned and therefore be assessed a property tax.

PROPOSED PHYSICAL CHANGES (More fully describe the proposal)

5. Manipulation of Terrestrial Resources (include relevant quantities - sq. ft., cu. yard., etc.)

The primary use of both parcels is logging and recreation. Coleman Lake Club has logged all of their parcel north and east of the MacIntire Creek excluding the riparian zone of approximately 1 to 3 chains from the stream on both sides. This logging was done in the last year. Bob West, manager of Coleman Lake Club property advised in a phone conversation on May 3,2001 that it is their intent to log that portion south and west of the MacIntire this summer before this proposed land trade. It is likely that Aspen will regenerate throughout this recently logged over area as well as the area soon to be cut.. The riparian zone along the MacIntire Creek is a mixture of mature Balsam Fir, Spruce, White Cedar, White Pine and Hemlock. This zone will serve to protect the stream from erosion and protect it from summer heating.

The land owned by MCF includes a gravel pit of approximately 11 acres that hasn't been active for some time. There is some sand and gravel piled in the pit owned by Marinette County. In addition the majority of the remainder of the parcel is a stand of approximately 20 year old Aspen which was logged around 1984. There are also some small clumps of large Red and White Pine. There is evidence that fisherman park at the gate at the entrance to the gravel pit and walk down a trail to the North Branch of the Pike River where a campfire ring exists on the County land immediately below the railroad culvert. Marinette County entered into an Memorandum of Understanding with the DNR in 1991 to manage MCF lands adjacent to the Pike River in the spirit of the Wild River statute. This includes no cutting within 150 feet of the river and managing for aesthetics and long lived species within 400 ft. of the river.

Coleman Lake Club has practiced good forest management with their over 8000 acres that they own. Public access is restricted but members of the club use the land and waters for recreation including fishing. There were some negotiations in the early 1990s to develop a Memorandum of Understanding regarding managing the CLC owned lands along the Pike River.

However no formal agreement was signed. Never the less CLC has managed their lands adjacent to the Pike River in the spirit of the Wild Rivers statute with the exception of allowing public access.

6. Manipulation of Aquatic Resources (include relevant quantities - cfs., acre feet, MGD, etc.)

The North Branch of the Pike River flows into the MCF parcel about 100 yards below a dam impounding Railroad Pond on CLC property. From there downstream the river is in a free flowing state. Coleman Lake Club plants Brown and Brook Trout in Railroad Pond to be fished by the club members. Occasionally during high water some of the trout will wash over the spillway into the North Branch of the Pike River and into the large hole immediately downstream from the MCF owned parcel. Some anglers have discovered this and this spot has become a popular fishing spot as a result. According to Eric Grudzinski, Conservation Warden, some fisherman will enter Railroad Pond and fish to catch the trout planted by CLC.

The CLC owned parcel includes an approximately 1/3 mile of frontage on the Macintire Creek. This is a headwater to the North Branch of the Pike River. The Macintire is a Class 1 trout stream and considered excellent breeding habitat for both

Brook and Brown Trout. Because of its remote location and difficult access this stretch of stream has less fishing pressure than the North Branch of the Pike River below Railroad Pond. Access from Spur Lake Road in Florence County has been improved as a result of the recent logging on the parcel.

7. Buildings, Treatment Units, Roads and Other Structures (include size of facilities, road miles, etc.)

The gravel pit on the MCF parcel hasn't had any recent mining activity. There is some sand and gravel piled in the pit owned by Marinette County. If the landowner chooses to excavate gravel it will require a reclamation plan per NR 135. Bob West stated in a May 3 phone conversation that Coleman Lake Club has no intentions to activate the pit and would reclaim the site and plant trees where possible.

8. Emissions and Discharges (include relevant characteristics and quantities)

None

9. Other Changes

Public Access by land to the North Branch of the Pike River would be eliminated. Legal to access this portion of the Pike and Railroad Pond would still be possible by staying within the high water marks on both shores and either paddling or walking up the stream from Highway 8. Occasionally this is actually done. Public access to what is now the CLC parcel would be legally opened up to the public.

10. Identify the maps, plans and other descriptive material attached

Attachment County map showing the general area of the project
Attachment USGS topographic map
Attachment Site development plan
Attachment Plat map
Attachment DNR county wetlands map
Attachment Zoning map
Attachment Other Maps #1 #2

AFFECTED ENVIRONMENT (Describe existing features that may be affected by proposal)

Information Based On (check all that apply):

Literature/correspondence (specify major sources)

1. County Forest withdrawal Application from Marinette County.
2. Resolution NO. 00-01-023 of Marinette County Board to withdraw 40 acres from Marinette County Forest
3. Soil Survey of Marinette County Wisconsin, USDA SCS Issued February 1991
4. Wisconsin Natural Heritage Working List of Endangered and Threatened Species, Issued 1/23/98.

Personal Contacts (list in item 28)

Field Analysis By: Author Other (list in item 28)

Past Experience With Site By: Other (list in item 28)

11. Physical (topography - soils - water - air)

The soils on both sites are Menahga sands which are common in Marinette County. These soils are a good site to maintain Aspen. The soils in the creek bottom along the Macintire Creek in the CLC site are Seeleyville and Markey muck which are poorly drained and not suited to operation of equipment when the ground is not frozen

12. Biological (dominant aquatic and terrestrial plant and animal species and habitats including threatened/endangered species; wetland amounts, types and

hydraulic value)

There would be little biological changes as result of this land trade. Both parties manage their lands for forestry and have demonstrated a long history of active, sound forest management. The gravel pit in the MCF parcel would probably be handled similarly by CLC as MCF would handle the reclamation process.

13. Cultural

a. Land use (dominant features and uses including zoning if applicable)

There would be a change in the pattern of recreational uses of both lands. Coleman Lake Club would eliminate the legal access to the MCF parcel once they have owned it. This would in turn make it more difficult to legally access that portion of the North Branch of the Pike River now on MCF and also make it more difficult to legally gain access to Railroad Pond. While legal access to these spots would still be possible by staying within the high water marks on the North Branch of the Pike River, it would be more difficult and probably reduce use of these areas by the general public. Members of CLC would have exclusive access to this parcel.

The CLC parcel would become legally open to the public. While this parcel is currently not posted against trespassing it is still illegal to enter without permission from the landowner. As with the Pike River in the MCF parcel the Macintire Creek can now be accessed by anyone staying between the high water marks.

c. Archaeological/Historical

There are no known archeological or historic sites on either parcel.

14. Other Special Resources (e.g., State Natural Areas, prime agricultural lands)

While both these parcels are near the Dunbar Natural Area, this land trade should have no impact on it. The MCF parcel is located in the project boundary for the Pike Wild River project. The opportunity for the Department to acquire this parcel would likely be lost and therefore it would remain inaccessible to the public as long as it was owned by CLC.

ENVIRONMENTAL CONSEQUENCES (probable adverse and beneficial impacts including indirect and secondary impacts)

15. Physical (include visual if applicable)

There should be no significant physical changes as a result of this land trade. The abandonment and reclamation of the gravel pit on the MCF parcel would probably be handled in a similar manner whether owned by MCF or CLC.

16. Biological (include impacts to threatened/endangered species)

As previously stated the primary land use on both ownerships is forestry and recreation. Both landowners actively manage their lands using sound forest practices. The actual timing and specific cultural practices may be different but the end results would be similar.

17. Cultural

a. Land Use (include indirect and secondary impacts)

Access to the MCF parcel would be prohibited and access to Railroad Pond by the public would be more difficult but would still be possible and legal. Legal access would be established to the CLC 62 acre parcel.

b. Social/Economic (include ethnic and cultural groups, and zoning if applicable)

The Marinette County Forest would gain 20.82 acres in addition to the 231,571.87 now entered into Marinette County Forest. The Town of

Goodman would have a net loss of 20.82 acres on the tax rolls.

c. Archaeological/Historical

There are no known archeological or historic sites within either parcel proposed in this land trade per discussion with Victoria Dirst, DNR archeologist.

18. Other Special Resources (e.g., State Natural Areas, prime agricultural lands)

The proposed trade would eliminate the opportunity to purchase the MCF site which is in the project boundary for the Pike Wild River project. The Pike Wild River Project Master Plan specifically addresses Marinette County Forest and Coleman Lake Club and states that the goal shall be to pursue establishment of Memorandums of Understanding with these owners rather than to pursue acquisition of their lands within the acquisition zone. This would put the management of this parcel under a less formal management agreement for lands adjacent to the Pike Wild River.

19. Summary of Adverse Impacts That Cannot Be Avoided (more fully discussed in 15 through 18)

Access to the North Branch of the Pike River by the public would become more difficult as would access to Railroad Pond as the land would become privately owned. Access by navigating the river upstream from Highway 8 would still remain possible. Also the 40 acres now owned by MCF would no longer be publicly owned and open to the public for recreation. Also the MCF parcel would probably never end up being acquired by the DNR to be included in the Wild River project.

ALTERNATIVES (no action - enlarge - reduce - modify - other locations and/or methods)

20. Identify, describe and discuss feasible alternatives to the proposed action and their impacts. Give particular attention to alternatives which might avoid some or all adverse environmental effects.

If the withdrawal application were denied the MCF parcel would remain a part of the county forest and therefore remain open to the public. It would also be managed per the MOU between Marinette County and the DNR regarding managing MCF lands adjacent to the Pike River. The drawback to this alternative is that the parcel owned by CLC would remain private and therefore legally closed to the Public. Nothing would prevent Coleman Lake Club from selling the parcel and the parcel subsequently being subdivided and developed. In other parts of MCF where small inholdings have been subdivided there have been numerous trespass complaints, littering timber theft and other problems.

EVALUATION OF PROJECT SIGNIFICANCE (Complete each item)

21. Significance of Environmental Effects

- a. Would the proposed project or related activities substantially change the quality of the environment (physical, biological, socio-economic)? Explain.

The environmental impacts would be minimal. Both parcels have been applied good forestry practices and manage the lands adjacent to the Pike River in the spirit of the Wild Rivers statute. Either party would handle the gravel pit in a responsible manner and according to NR 135.

- b. Discuss the significance of short-term and long-term environmental effects of the proposed project including secondary effects; particularly to geographically scarce resources such as historic or cultural resources, scenic and recreational resources, prime agricultural lands, threatened or endangered species or ecologically sensitive areas. (The reversibility of an action affects the extent or degree of impact)

Coleman Lake Club has been in existence since 1888 and has practiced good land management practices since that time. They have a long history of cooperating with the DNR on fish management projects and dam permits. Marinette County Forest has been in existence since 1933 and has managed it's land per 28.11 of Wisconsin Statutes. The purpose of the statute is "to enable and encourage optimum production of forest products together with recreational opportunities, wildlife, watershed protection, and stabilization of stream flow, giving full

recognition to the concept of multiple-use to assure maximum public benefits..."

22. Significance of Cumulative Effects.

Considering the relative size of CLC (approximately 8800 acres) land holdings and MCF (over 231,000 acres) whether or not this proposed trade occurs will have minimal effect on the impact on the surrounding land, communities or economy.

23. Significance of Risk

- a. Explain the significance of any unknowns which create substantial uncertainty in predicting effects on the quality of the environment. What additional studies or analyses would eliminate or reduce these unknowns? Explain why these studies were not done.

There are no apparent unknown impacts as a result of this proposed land trade.

- b. Explain the environmental significance of reasonably anticipated operating problems such as malfunctions, spills, fires, or other hazards (particularly those relating to health or safety). Consider reasonable detection and emergency response, and discuss the potential for these hazards.

The existing gravel pit on the MCF parcel will probably remain inactive regardless of which of the two parties will own the land. According to NR 135 a reclamation plan will not be required under those circumstances.

24. Significance of Precedent

- a. Would a decision on this proposal influence future decisions or foreclose options that may additionally affect the quality of the environment? Explain the significance.

The criteria for this decision are clearly explained in Wis Ch. 28.11. That is the withdrawal of lands from county forest must be for a higher and better use. The decision for this application and future applications must meet that criteria.

- b. Describe any conflicts the proposal has with plans or policy of local, state or federal agencies that provide for the protection of the environment. Explain the significance.

This proposed land trade would preclude the possibility of the land being acquired as part of the Pike Wild River Project. As the MCF parcel is within the DNR acquisition boundary for the Wild River Project it may be viewed that this would set a precedent to allow Marinette County sell other land it owns inside the acquisition zone to someone other than the State. Such a sale would also have to go the withdrawal process per Wis. Statute 28.11 and be for a higher and better use.

25. Discuss the effects on the quality of the environment, including socio-economic effects, that are (or are likely to be) highly controversial, and summarize the controversy.

The reduction of public access to the North Branch of the Pike River may be the most significant social or environmental effect of this proposal. When weighing this impact it is important to consider that this portion of the river can still be accessed from Highway 8 (approximately ½ mile downstream) by staying within the banks of the stream. The Marinette County Forestry Committee held a public hearing on January 5, 2001 to gain public input into the issues of this proposed trade. This meeting was advertised throughout Marinette County including an announcement in local newspapers. Five members of the public attended this meeting. Three were in favor of the trade, one was opposed and one was neutral. The person opposed stated he didn't want to see the public access at the site eliminated.

26. Explain other factors that should be considered in determining the significance of the proposal.

Other factors to be considered include:

1. The County Forest will gain an additional 20.82 acres over what will be withdrawn from public ownership.

2. Approximately 1/3 mile of prime trout stream and breeding habitat will come under public ownership and become open to the public.
3. Coleman Lake Club has managed it's lands well since it's inception in 1888.

SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES

27. Summarize citizen and agency involvement activities (completed and proposed).

1. 9/25/00 Memo from CLC to MCF confirming interest in acquiring 40 acres of MCF and proposing land trade
2. 1/6/01 Marinette County Forestry Committee held a public meeting at Goodman Town Hall to gain public input into proposed trade
3. 1/11/01 Marinette County Forestry Committee votes unanimously to present a resolution to the Marinette County Board to trade 40 acres of MCF land for 62 acres of CLC land.
4. 1/23/01 Marinette County Board votes 26 to 2 to pass resolution to trade land with CLC.
5. 2/13/01 Marinette County Forest submits application to DNR to withdraw 40 acres of land from County Forest for proposed land trade
6. 3/28/01 Memo from John Lubbers to Katherine Brandt, Marinette County Clerk, advising their application will be processed.

28. List agencies, groups and individuals contacted regarding the project (include DNR personnel and title).

Date	Contact	Comment Summary
4/20/01	John Lubbers, NER Forestry Expert Al Stranz, environmental Analysis/Review Team Leader	Discuss EA process and Procedures
4/26/01	Eric Grudzinski, Conservation Warden - Wausaukee	Discuss fishing patterns on Pike River, Railroad Pond and Macintire Cr.
5/03/01	Mike Lutz, DNR Attorney Robert Rosenberger, Water Regulations Specialist -Peshtigo	Discuss public access issues on navigable waters, dams, railroad tracks and tresspass laws
5/03/01	Dan Heath, Real Estate Specialist-Peshtigo	Pike River Acquisition of land
5/12/01	Russ Heizer, Fish Biologist, Peshtigo	Fish Habitat in Railroad Pond, Pike River and Macintire Cr.
5/01/01 5/14/01	Bob West, Manager Coleman Lake Club	Coleman Lake Club's plans and history of CLC and of Railroad Pond

The following Department of Natural Resources Staff have participated in the review of the this project:

Listed above.

29. Final Incidental Take Authorization

The National Heritage Inventory lists no endangered or threatened species nor were any observed on either parcel.

EIS DECISION (This decision is not final until certified by the appropriate authority)

In accordance with s. 1.11, Stats., and Ch. NR 150, Wis. Adm. Code, the Department is authorized and required to determine whether it has complied with s. 1.11, Stats., and Ch. NR 150, Wis. Adm. Code.

#2460

Marenette County Texas
Coleman Lake Club

30. Complete either A or B below.

A. EIS Process Not Required [X]

Analysis of the expected impacts of this proposal is of sufficient scope and detail to conclude that this is not a major action which would significantly affect the quality of the human environment. In my opinion therefore, an environmental impact statement is not required prior to final action by the Department on this project.

B. Major Action Requiring the Full EIS Process. []

The proposal is of such magnitude and complexity with such considerable and important impacts on the quality of the human environment that it constitutes a major action significantly affecting the quality of the human environment.

David N. Quibrod
Signature of Evaluator

06/08/01
Date Signed

Noted: Area Director or Bureau Director

Date Signed

Copy of news release or other notice attached? Yes [] No

Number of responses to public notice 0

Public response log attached? [] Yes No

Allan Strang

7-24-01

CERTIFIED TO BE IN COMPLIANCE WITH WEPA
Regional Director or Director of BISS (or designee)

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

Note: Not all Department decisions respecting environmental impact, such as those involving solid waste or hazardous

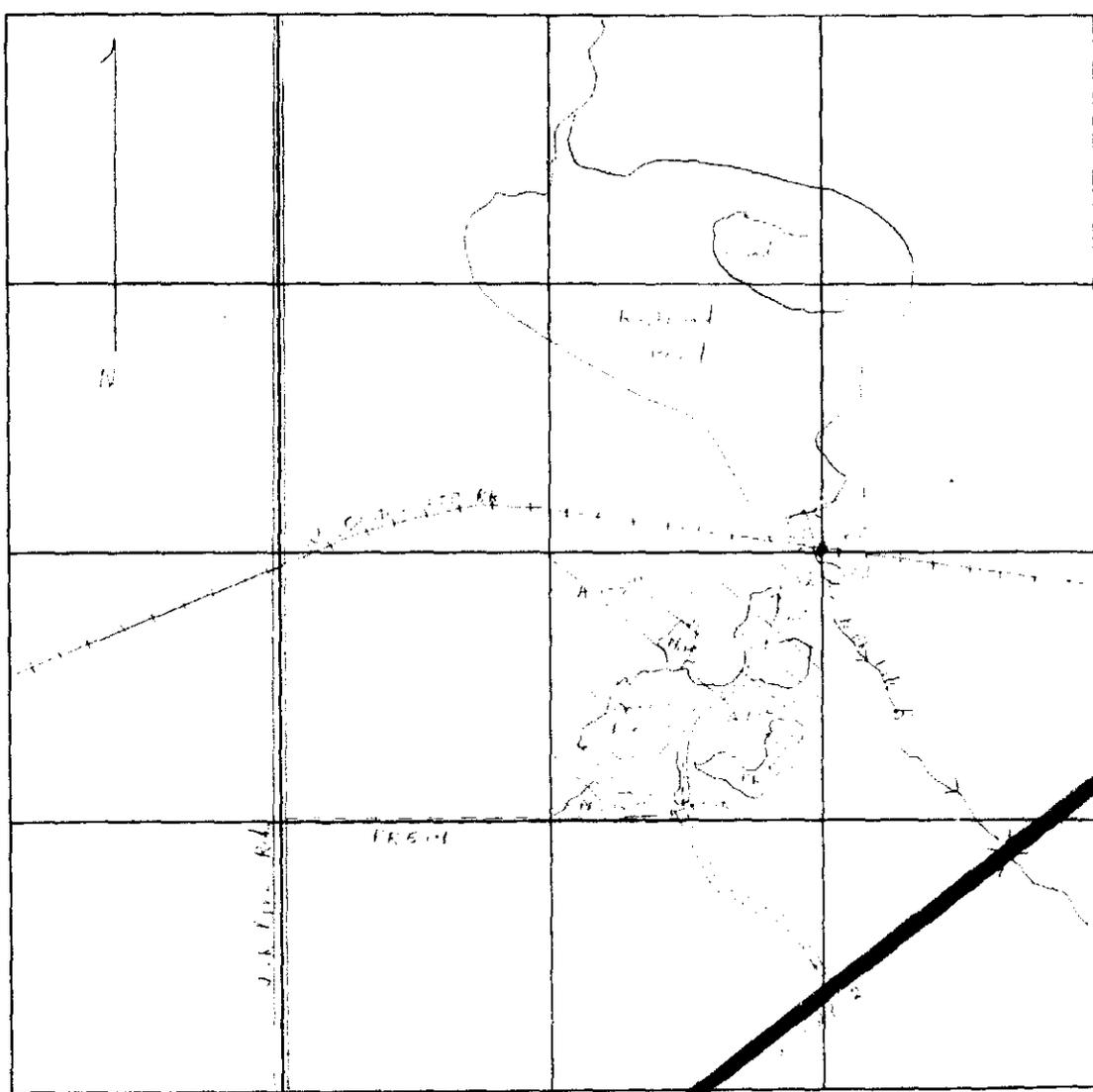
waste facilities under sections 144.43 to 144.47 and 144.60 to 144.74, Stats., are subject to the contested case hearing provisions of section 227.42, Stats.

This notice is provided pursuant to section 227.48(2), Stats.

Map Codes
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Acres 40.00

Section(s) 22, T 37 N-R 13 E. Desc. NE NE



Scale: 1" = 100' Mapped By Paul A. [unclear]

Lands currently owned by Marinette County. Proposed for trade.

Map Codes

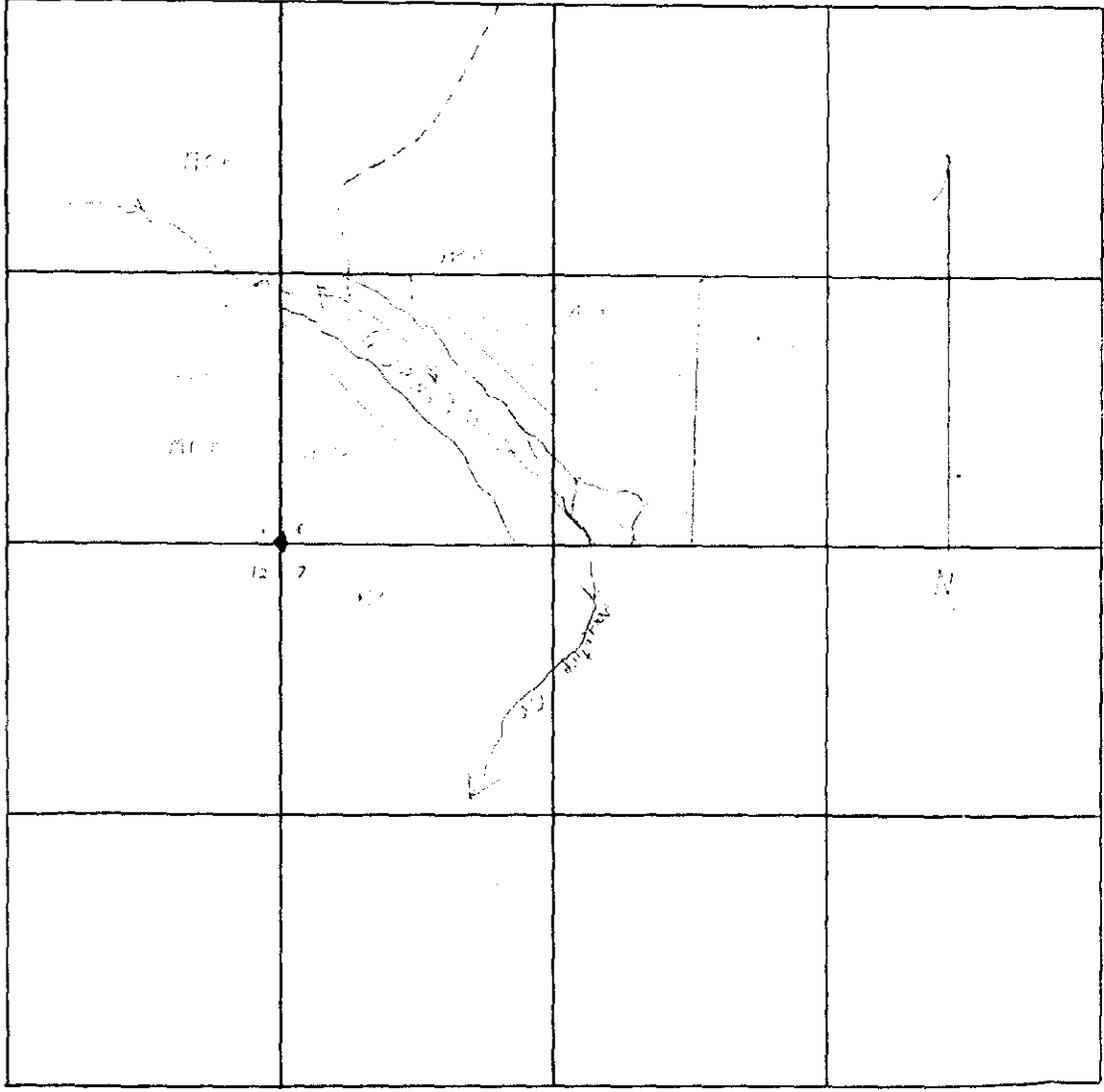
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Section(s) E, T 7 N-R 15 E. Desc. SWW, SEW



Scale: 1" = 1 mile

Mapped By *Handwritten name*

Lands currently owned by Coleman Lake Club. Proposed for trade.



Northeast corner of county land looking south towards the North Branch of the Pike River.



North Branch of the Pike River culvert under railroad tracks, facing north.



Beaver meadow near the northwest corner of Coleman Lake Club property.



MacIntire Creek on Coleman Lake Club property.