

NATURAL RESOURCES BOARD MEETING
AMENDED DECEMBER 2013 PUBLIC APPEARANCES
3.B. SECTION TITLE ADDED TO WEDNESDAY
HANDOUT RECEIVED AT MEETING

TUESDAY, December 10, 2013

3. Action Items

B. Land Management, Recreation, Fisheries, and Wildlife

1. Request adoption of Board Order WM-05-13 related to bobcat and elk management and hunting
 1. **Scott Mcauley**, Wisconsin Rapids, representing self **(Handout)**
 2. **Don Carroll**, Mauston, representing self
 3. **Scott Zimmermann**, Reeseville, representing WI Trappers Association as Vice-President **(Handout)**
 4. **George Meyer**, Madison, representing WI Wildlife Federation as Executive Director

WEDNESDAY, December 11, 2013

3. Action Items

A. Air, Waste, Water, and Enforcement

1. Request adoption of Board Order WT-06-12, proposed rule affecting Chapter NR 115 related to revising Wisconsin's statewide minimum standards for shoreland zoning
 1. **Tom Onofrey**, Columbus, representing Wisconsin County Code Administrators (WCCA)
 2. **Elizabeth Wheeler** or **Ezra Meyer**, Madison, representing Clean Wisconsin **(Handout)**
 3. **Julie Anderson**, City of Oak Creek, representing Racine County as Director of Public Works and Development Services
 4. **Jay Verhulst**, Arbor Vitae, representing The Foundation for Common Sense (representing a number of townships and villages as a consultant) **(Handout)**
 5. **Sandra Verhulst**, Arbor Vitae, representing self
 6. **Al Anding** spoke in place of **Dr. Vernon Moore**, Philips, representing self **(Handout)**
 7. **George Meyer**, Madison, representing WI Wildlife Federation as Executive Director
 8. **Helen Sarakinis**, Madison, representing River Alliance of Wisconsin **(Handout)**
2. Request approval for Secretary's Executive Order to extend deadline for county adoption of updated ordinances under NR 115
 1. **Tom Onofrey**, Columbus, representing Wisconsin County Code Administrators (WCCA)
 2. **Elizabeth Wheeler** or **Ezra Meyer**, Madison, representing Clean Wisconsin
 3. **Julie Anderson**, City of Oak Creek, representing Racine County as Director of Public Works and Development Services
 4. **Helen Sarakinis**, Madison, representing River Alliance of Wisconsin

B. Land Management, Recreation, Fisheries, and Wildlife ADDED

4. Request approval of department recommendation to issue a Stewardship grant that will prohibit at least two nature-based outdoor activities (NBOA) on non-department land: Milwaukee County
 1. **James Keegan**, Milwaukee, representing Milwaukee County Parks, Chief of Planning and Development **(Handout)**

4. Citizen Participation
 - A. Open Testimony
 1. **Stanley Goldfarb**, Madison, representing self (**Handout**)
Topic: DNR plans for the Badger Army Ammunition Plant property

DECEMBER 2013 PUBLIC APPEARANCES

WEDNESDAY, December 11, 2013 (continued)

6. Department Secretary's Matters
 - B. Donations
 4. The Natural Resources Foundation of Wisconsin will donate \$28,309 from the Lower Wisconsin State Riverway Fund to support wildlife habitat restoration and management activities along the Lower Wisconsin State Riverway
 1. **Ruth Oppedahl**, Madison, representing Natural Resources Foundation of Wisconsin as Executive Director
 5. The Watertown Outboarders Club will donate \$25,000 to be used to install an accessible pier and boat launching facility; any remaining funds will be used for other improvements on site as determined by the department
 1. **Keith Kuerschner**, Watertown Outboarders Club Commodore (to answer questions and to accept acknowledgement of gift)

Tues. 3/4

• STATE WIDE POPULATION

EASIER / MORE VALUED #3

THAN SMALL ZONES.

• SIMPLIFY -

• RUN THE SHOW BOOTH - ALWAYS
TALKING WITH PEOPLE SEEING CATS

• 10 YEARS? SINCE THE BOBCAT SUMMIT
IN ST. POINT

• I SEE CAT TRACKS EVERY DAY ±
HUNT/TRAP

• 64 LB CAT -

• BIG CATS ARE BIG PREDATORS

• WTA SUPPORTED CAT RESEARCH FINANCIALLY
YEARS AGO

• GREAT TO WORK TOGETHER WITH DEPT.
TO ACHIEVE A GOAL OF A "STATEWIDE SEASON"

THANK YOU

SCOTT McCLURE

Tues. 3B1

Natural Resources Broad Members

I would like to ask you to support item 3B 1 or wm-05-13 to create two Bobcats zones one north of Hwy 64 and one south of Hwy 64 to the state line, at are fall meeting in Marshfield WI are members voted to support item 3 B 1 with two zones this should Create more oportune to harvest a few more cats in the southern part of the state

Also at the Aug. Meeting of the WCC fur harvest the committee also supported two zones

With using the same framework we have in the north so with that said please adopt thank you

Scott Zimmermann
WTA Vice President
And Member of the fur harvest committee of WCC



3A1-2

December 11, 2013

Clean Wisconsin testimony to the Natural Resources Board

Subject: Concerning the recommendation of adoption of revisions to NR 115.

Chairman Cole, and members of the Board,

Thank you for the opportunity to address you today.

My name is Ezra Meyer. I am the Water Resources Specialist for Clean Wisconsin, one of Wisconsin's oldest and largest environmental organizations, now representing over 20,000 members and supporters statewide.

Clean Wisconsin is deeply concerned about the revisions to NR 115 that you are considering today, and we feel that an environmental assessment is required before further deliberations or decisions on the proposed revisions can be made.

In 2009, the DNR undertook an extensive stakeholder process to evaluate the impacts of shoreland zoning on water quality, and how best to balance those impacts against the property rights of individuals hoping to develop their shoreland lots. This process resulted in the minimum standards currently found in NR 115. These standards were extensively analyzed, considered, and negotiated among a robust and diverse group of stakeholders. Today, the DNR proposes to use its broad authority under Chapter 281 to roll back some of the environmental protections that were agreed upon in 2009.

Wis. Stats. section 281.31 directs the Department to develop statewide standards for shoreland zoning that fulfill the state's role as trustee of navigable waters, and to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and reserve shore cover and natural beauty. Prior to the 2009 rulemaking action, the Department found that the existing rules were not sufficient to fulfill this statutory obligation, according to the Environmental Assessment from the previous rulemaking effort. It can be inferred, therefore, that the current rules were, in 2009, what the Department considered to be the minimum protections necessary to meet the standards articulated in ch. 281. These standards, including the key element – the impervious surface standard – are subject to substantial Department discretion and are not only important, but are critical components of this rule in meeting the Department's mandate in 281.31.

(over)

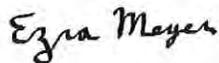
The DNR is now proposing to significantly change key elements of the well-vetted 2009 rulemaking. Colleagues from other environmental conservation organizations testifying today will no doubt raise substantive concerns with some of the most significant changes, as well as questions that have been unanswered throughout this process pertaining to the magnitude of those changes.

However, there is no doubt that the proposed changes meet criteria set forth in NR 150, the rule governing Environmental Analysis and Review Procedures for Department Actions, that make the present rulemaking a Type II action requiring an environmental analysis for the purposes of the Wisconsin Environmental Policy Act. NR 150 provides that a rulemaking is a Type II action if 1) it has the potential to “materially impact the human environment” and 2) the Department has “substantial discretion in formulating important provisions of the rule.” Clean Wisconsin believes that the current action readily meets both of these criteria.

Unfortunately, DNR has not performed the requisite environmental analysis for this Type II action, and in doing so, has failed to perform its mandatory duty under the Wisconsin Environmental Policy Act. Clean Wisconsin respectfully requests the Natural Resources Board to not authorize adoption of this rule package and to instead direct Department staff to conduct the required analysis.

Thank you for your consideration of our testimony today.

Respectfully,



Ezra Meyer
Water Resources Specialist
Clean Wisconsin

Testimony by Jay Verhulst for the NRB meeting, Dec. 11, 2013

The Foundation for Common Sense, Inc has been hired as a consultant to a fair number of towns and villages that are going to be directly impacted by revision to NR115.

I have been involved in an advisory capacity to towns, villages, counties, and the DNR over the entire time frame of the not yet imposed and the new revisions to the administrative rule.

Over this period of time I along with all the participants asking the Foundations advice have been looking for an orderly method to resolve these conflicts. Most of these local units of government have, in that effort, engaged in a strategy called coordination. The word "coordinate" is a word of common usage, and when interpreted by the courts, the common dictionary definition is adopted. Webster's New International Dictionary defines "coordinate" as "of equal importance, rank or degree, not subordinate."

State Statute 281.31 gives clear legislative direction that requires the department to prepare a **comprehensive plan as a guide** for the application of municipal ordinances regulating **navigable waters** and their shorelands as defined in this section for the preventive control of pollution (s. 281.31(5)(a), and the department shall apply to the plan the standards and criteria set forth in s. 281.31(6) that states, "within the purposes of s. 281.31(1), the department shall prepare and provide to municipalities **general recommendations, standards and criteria** for navigable water protection studies and planning and for navigable water protection regulations and their administration. ...and **suggested regulations and suggestions for the effective administration and enforcement** of such regulations." Section. 281.31(7) also states: "The department, the municipalities and all state agencies **shall mutually cooperate** to accomplish the objective of this section. To that end, the department **shall consult** with the governing bodies of municipalities to secure **voluntary uniformity** of regulations, so far as practicable, and shall extend all possible assistance therefor.

Although all these municipalities have asked over the years and there have been a very few face to face meetings where the DNR has stated repetitiously they "are not coordinating" they have never allowed these units of government to work with the department to write a rule that follows the law without the burdensome affects of **selective science**.

As appointees to oversee these activates you should also be aware that in meetings with legislators regarding these issues a senior lawyer from the Legislative Reference Bureau stated that the department cannot create or administrate any rule that is arbitrary or capricious. In light of the recent State Supreme Court decision for Lake Koshkonong and the Public Trust wouldn't returning to table to follow 281.31 (7) and consult with the governing bodies of municipalities to secure voluntary uniformity of regulations. As has been demonstrated by Dr. Moore's testimony the science is extremely selective, the statutes ignored (or at least very liberally interpreted).

Verhulst 2062

The State receives millions of dollars from the federal government annually to act as their agent in enforcement of federal law. NEPA, the Clean Water Act, and others call for coordination and compliance with federal law for acceptance of these funds. The Council on Environmental Quality has specific congressional instruction to be certain that EPA balance the "natural and the human environment". Sec. 1500.2 of CEQ - Regulations for Implementing NEPA Policy states

(b) Implement procedures to make the NEPA process more useful to decision makers and the public; to reduce paperwork and the accumulation of extraneous background data; and to emphasize real environmental issues and alternatives. Environmental impact statements shall be concise, clear, and to the point, **and shall be supported by evidence that agencies have made the necessary environmental analyses.**

(e) **Use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment.**

(f) **Use all practicable means, consistent with the requirements of the Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment.**

The department has supplied the process now in the rule making process in making their notice Soliciting Comments Regarding an Economic Impact Analysis of October 28, 2013. In the third paragraph it states "Pursuant to s. 227.137, Wis. Stats., the department is required to solicit comments on the economic impact of proposed rule SS-04-12 and, if requested, to coordinate with local governments in the preparation of the EIA."

These Municipalities believe they have respectfully requested coordination with the Department and the Natural Resource Board, in the material presented at the June 25th Wausau meeting, and this testimony today should show;

1. Clear discrimination against rural communities which are not the problem and,
2. Failure to address the nexus of the problem.

The Municipalities respectfully request that the NRB deny the Departments petition to amend NR115 and direct them to return to the table with the local units of government who have served notice to use the CEQ directive 1500.2

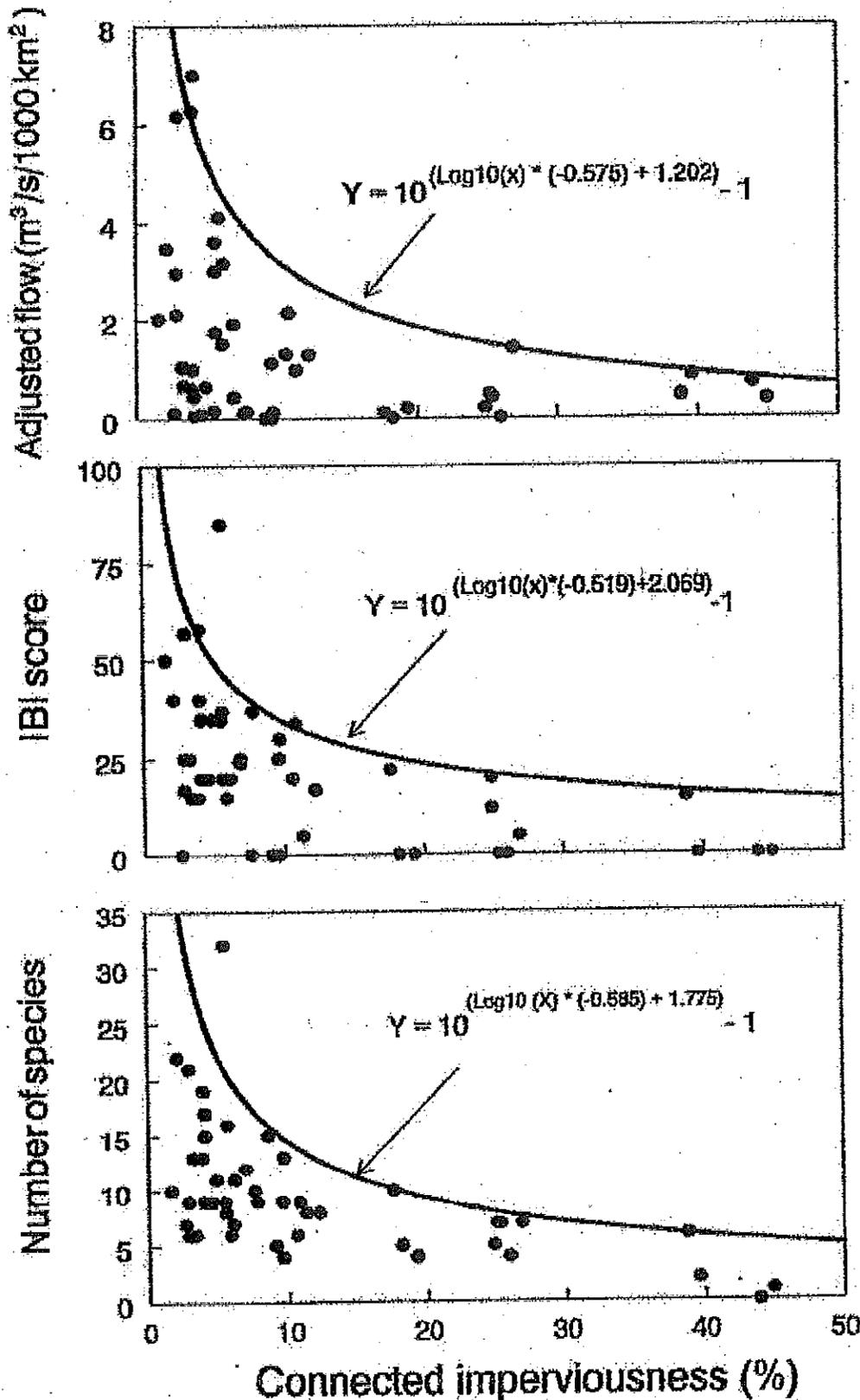
(e) Use the NEPA process (which is consistent with WEPA) to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment.

Ross, Laurie J - DNR

Al Anding → Moore - 1/18 3A1

From: Vern Moore <mooreve@pctcnet.net>
Sent: Sunday, December 08, 2013 6:02 AM
To: Ross, Laurie J - DNR
Subject: Re: Wednesday 3A1 Confirmation - Jay Verhulst/The Foundation for Common Sense, Sandra Verhulst, and Dr. Vernon Moore
Attachments: NRB meeting, 12 11 2013.docx; NR115 impervious Surfaces, 12 2 2013 copy.docx

Thanks Laurie. I sent this email to Jay and asked him to send handouts. In case he doesn't, here are mine. Vern



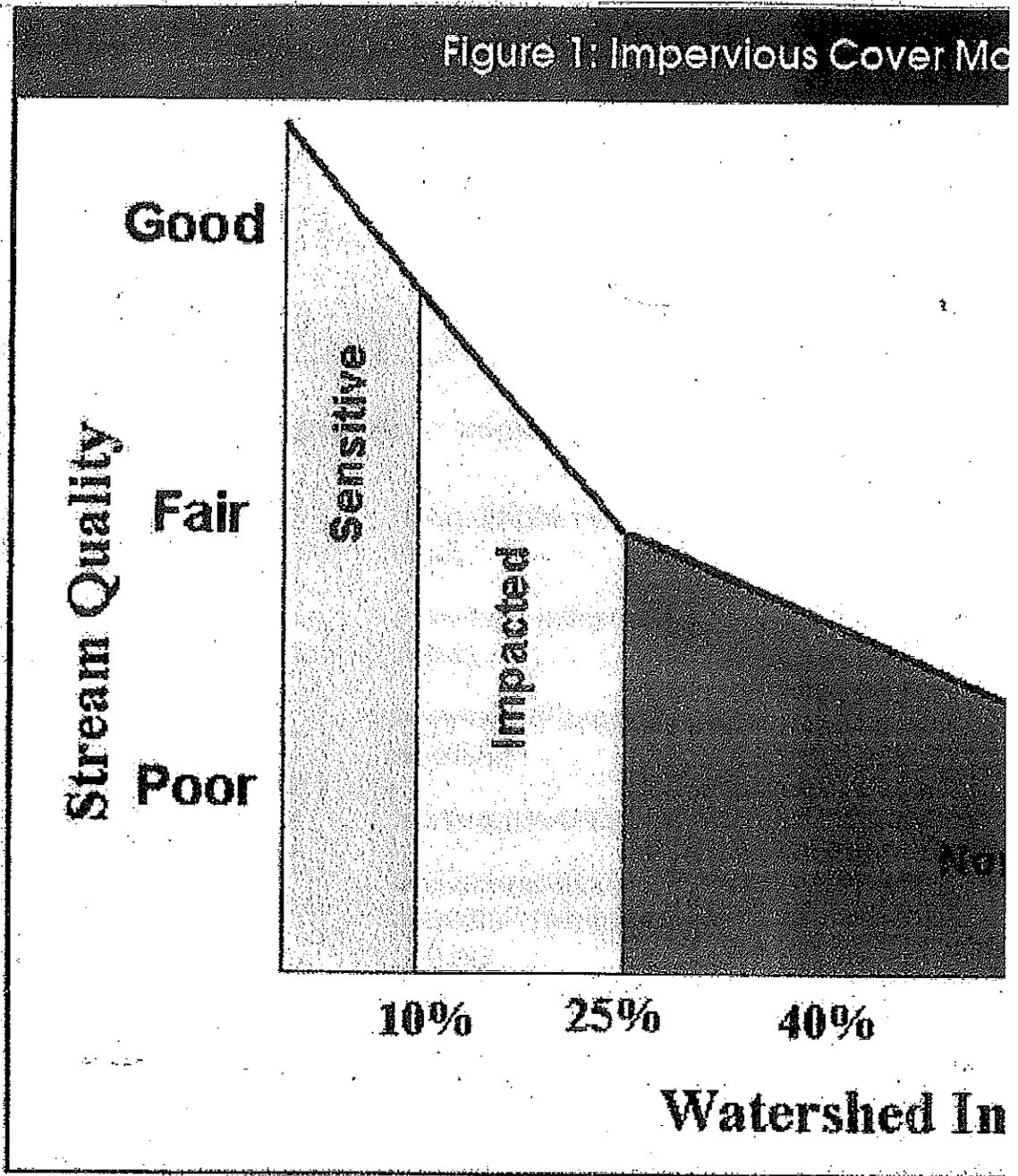
- Connecte
- Highway; :
- Commerci
- Urban land
- Agriculture
- Residential
- Governme
- Environme
- Woodland
- Vegetated
- Industry
- Water/we
- Recreation
- Pasture

Connected parking lots filtered by g into public v

Baseflow — streams

IBI – index c

Figure 1: Impervious Cover Me



STREAM QUALITY – hydrologic, physical, ch

@ $\geq 25\%$ impervious cover, stream quality
by other watershed metrics such as forest



LA CROSSE

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Disconnected Impervious

Directing run-off from impervious surface and landscaping rather than collecting into sewers allows a portion of this run-off to be treated in green space. Adequate green space in a catchment area can earn this credit.

Credit is available for disconnecting impervious surface from a sewer system.

1. The receiving green space must be a pervious area.
2. The slope of the receiving area must be adequate to prevent ponding.
3. No more than 1000 square feet of impervious area may be disconnected.
4. Runoff cannot travel more than 100 feet from the impervious area to the receiving green space.
5. Downspout discharge must be directed to the receiving green space.
6. Site and contributing area must be approved by the City Engineer.
7. Additional credit would be available for disconnecting impervious area from a sewer system.

The following credits apply to disconnecting impervious surface from a sewer system:

NRB meeting, Dec. 11, 2013

I will discuss the impervious surface provisions in NR115.

I distinguish between CONNECTED and UNCONNECTED impervious surfaces. CONNECTED is characterized by a direct connection of water containing pollutants running into public waters without any intervening infiltration and cleansing.

UNCONNECTED is where water runoff from roofs, driveways is filtered and cleansed by the ground prior to entrance into public waters.

Most residences in rural Wisconsin, and many in urbanized areas, are UNCONNECTED imperviousness.

All of the research on impervious surfaces that I'm aware of has been conducted on CONNECTED imperviousness. There is no question that direct runoff of water carrying pollutants is damaging to water quality and needs to be regulated. I'm referring to studies by Li Wang and his colleagues in the DNR laboratories here and by other studies e.g. Thomas Schueler and his colleagues in Maryland around the Chesapeake Bay.

However, there is no data that I'm aware of that UNCONNECTED imperviousness is damaging to public waters; it has not been studied. Water from UNCONNECTED imperviousness is filtered and cleansed by the ground prior to entrance into ground water or into public waters. After all, isn't one of the key purposes of the 75-ft. setback and the 35 ft. buffer zone to filter water on its route to either ground water or public waters?

Another point is that the City of La Crosse gets it. They award merits to homeowners who will disconnect their water from sewers and allow it to be filtered by local ground, rather than allow it to be connected and pass into the storm sewer system and public waters, I presume the Mississippi. In

other words, they are converting CONNECTED imperviousness into more desirable UNCONNECTED imperviousness.

A final point is that CONNECTED imperviousness at the concentration of $\leq 10\%$ is not a reliable marker of water quality. Schueler's group reported this as early as 1994 and this has remained so in this group's latest study. In addition, a re-examination of the Wang et al. study shows clearly that concentrations of 10% CONNECTED imperviousness is not a reliable marker for water quality. This is important as the DNR is using 8 to 12% imperviousness as their baseline for the 15, 30 % allowable imperviousness in NR115.

I implore the DNR to concentrate on CONNECTED and not UNCONNECTED imperviousness unless or until there is reliable data that regulation of the latter is needed. It is unfair to impose restrictions on property owners without sound scientific evidence that it's needed.

Moore

WISCONSIN DNR IS IGNORING SCIENCE IN ITS IMPOSITION OF IMPERVIOUS SURFACE RESTRICTIONS

Under the provisions of Administrative Rule NR115, the Wisconsin DNR proposes to impose impervious surface restrictions on *all* unincorporated shoreland (almost exclusively towns) properties in the state.

Unconnected imperviousness has not been shown to be deleterious to water quality.

These impositions are being proposed even though the DNR and many legislators have been informed that there is no valid scientific evidence that properties with unconnected imperviousness pose dangers to water quality. The complaints of citizens and local municipalities have been usually dismissed. The studies that were conducted in the DNR laboratories by Lizhu Wang, et al. were on *connected imperviousness* and not on *unconnected imperviousness* (Wang L., Lyons J., Kanehl P., Bannerman R. 2001. *Impacts of Urbanization on Stream habitat and Fish Across Multiple Spatial Scales. Environmental Management 28: 255-266*).

It is important to distinguish *connected* from *unconnected imperviousness*. *Connected imperviousness* is where there is a direct hydraulic connection of water runoff to water bodies via sewers and runoff from parking lots, streets, and roads. On the other hand, *unconnected imperviousness* is that in which water that runs off streets, driveways, and roofs and is filtered by the ground prior to entrance into either public waters or ground water. The 75-ft. setback and the 35 ft. buffers were designed to filter runoff.

There is no question that substantial levels of *connected imperviousness* (8 to 12% or greater) are deleterious to water quality and should be controlled.

When the DNR decided to regulate impervious surfaces, they conveniently neglected - likely intentionally - to separate *connected* from *unconnected* surfaces.

Low concentrations of imperviousness are not reliable markers of water quality.

In addition to the above comments, the quantity of connected imperviousness the DNR are using from scientific studies (about 10% imperviousness) are not reliable markers of water quality.

The DNR is relying on studies conducted in its own laboratory by Wang and his colleagues. This publication summarizes data in the field up to 2001 and also provides the key data the DNR is using to impose impervious surface restrictions.

Wang, *et al.* reported that concentrations of **connected imperviousness** from 8 to 12% were damaging to water quality as assessed by species and numbers of fish and also resulted in deterioration of base flow, a measure of the flow of ground water into surface streams. It is important to emphasize that their studies were conducted on **connected imperviousness**, and not on **unconnected imperviousness**.

As early as 1994, Thomas Schueler and his colleagues investigated the effects of imperviousness on water quality (Schueler, T.R. *An integrated framework to restore small urban watersheds*, Center for Watershed Protection, Ellicott City MD, 1994; *Impacts of Impervious Cover on Aquatic Systems*, Center for Watershed Protection – Baltimore, March 2003; Schueler T.R., *et al.* *Is Impervious Cover Still Important? Review of recent re-search*. *J. Hydrologic Engineering*, 14: 309-315, 2009). His group concluded in both of the above studies that % imperviousness $\leq 10\%$ is not a reliable marker of water quality.

A re-examination of the data in the Wang, *et al.* publication (Fig. 1 of the publication) also shows clearly that concentrations of connected imperviousness $\leq 10\%$ are not reliable markers of water quality, in agreement with the studies of Schueler, *et al.* It is clear that higher concentrations ($>10\%$) of **connected imperviousness**, are harmful to water quality.

La Crosse Gets it.

The City of La Crosse, which is not under the jurisdiction of the DNR, has recognized the critical difference between connected and unconnected imperviousness. They are giving credits to shoreland owners who disconnect water from their sewers and allow it to be filtered by the ground locally prior to its entrance into public waters or ground water. In other words, they are converting **connected imperviousness** into more desirable **unconnected imperviousness**.

7

A Recalcitrant and Unrepentant DNR

The DNR has been apprised of these studies and should realize and acknowledge they do not have a sound scientific basis for the imposition of impervious surface restrictions on properties with *unconnected* imperviousness. *Unconnected* imperviousness is prevalent in most rural and some urban areas of the state. Even though this agency has been alerted to their lack of sound science, they continue to ignore the science and aggressively pursue their incessant pathway of taking away more and more private property liberties.

When in Madison in a conference with a senior attorney from the Legislative Council, we asked him if there were statutes that prohibited promulgation of Rules that had no scientific basis. His answer – they can't promulgate Rules that are arbitrary and capricious. A Rule that is arbitrary and capricious has no sound scientific basis and is a *de facto* violation of statutory law (e.g. s. 227.19(4)(d)6., Wisc. Stat.). Stated differently, it is unlawful to impose impervious surface restrictions on shoreland properties with unconnected imperviousness as this would be arbitrary and capricious.

The DNR is forging ahead with these provisions in NR115 but will delay implementation until May 2016. This is an underhanded way of admitting this Rule is problematic. But the agency will deviously trade time if the legislature and governor will just let them have their way. The regulation of unconnected impervious surfaces is not based on science; it is based on the whims of environmental extremists and aestheticians to further restrict property rights of shoreland owners.

Although these amendments may be passed by the Natural Resources Board on Dec. 11, they will then go to the governor and legislature for their approval or disapproval. Either the governor or legislature can stop this Rule if they have the will. If they do not stop it, it will become law and will be implemented in 2016. Hundreds of thousands of shore-land property owners will then be forced to abide by these arbitrary, capricious and burdensome Rules.

Mose

8.16.16



3A1-8

Dec. 11, 2013

RE: NR115 comments and Questions for Dec 2013 NRB meeting

Chairman Cole and the members of the NRB,

Thank you for the opportunity to testify before you this morning. The River Alliance of Wisconsin has more than 2000 individual, business and organizational members statewide who use, protect, and restore rivers in Wisconsin. River Alliance was also at the table with the DNR and other stakeholders on the drafting of the shoreland zoning rules since 2003 and we supported the compromise that became the 2009 NR115 rules.

We are deeply concerned and dismayed at the rule revisions before you for approval today. Despite DNR's assertions of minor changes, these revisions will result in rollbacks to shoreland protection and, ultimately, to clean lakes and rivers. Revised shoreland rules will:

- decrease the number of properties that need to follow any reasonable shoreland management;
- allow more paving over and building out of waterfront properties;
- provide a means for some unincorporated waterfront areas to develop like big cities; and,
- create a giant loophole to blow the cap off any limit to paving over waterfront property whatsoever with little to no accountability.

Many unanswered questions

We have laid these concerns out in detail to the DNR with little avail. Today, however, I want to make a couple of different points. All of these changes have been made ostensibly to address implementation issues with the current rule. But DNR, with these rule revisions, has taken action that will materially affect the environment. What are the impacts to water of these rule changes? The agency decided not to do an environmental assessment on the rule change citing minor changes from the rule passed in 2009. As a consequence, the public is given no information about the scale of change or of potential impact.

- **How many areas in the state will be reclassified as "highly developed areas"?**
- **How many lakes will have weaker protections for clean water?**

- **How many properties have been removed from having any accountability for managing runoff and pollution to the water?**

We have no idea.

Even worse, I suspect the DNR has no idea. In fact, the 2013 Economic Impact Analysis says: "Consequently, the department does not have the resources available to it to accurately portray the costs of declining water quality, habitat and natural scenic beauty on all 15,000 lakes in Wisconsin, not to mention the thousands of miles of rivers and streams"

In other words, we don't know and since we can't put a dollar value on it, it isn't important. Or as important as the costs to county zoning offices having too many permits to process.

DNR has the obligation to protect the public trust. Where is the analysis of the effect of these changes to NR115 on the state's waters? Waukesha County provided to the agency an analysis showing that with the revised rules, "most of the lakes and some of the rivers within Waukesha County would be considered highly developed shorelines" (EIA, 2013). **Why didn't our own DNR do this analysis on other counties in the state?**

NR115(1)(e)3m

Allows you to exceed impervious surface std maxima if you treat surface runoff.

- **How would this be implemented practically?**
- **Is there a cap?**
- **Who calculates the treatment offset?**
- **Who approves?**
- **Who enforces?**
- **What will be the cost to county zoning offices of having to carry out these additional analyses and monitoring and enforcement for these engineered treatment systems (we assume the counties would be tasked to carry this out)?**

NR115(1)(e)3c - the previous section of the rule that addresses mitigation - at least gives a process for mitigation if a property exceeds the impervious surface standard. NR115(1)(e)3m gives nothing.

NR115.05(1)(g)

With the passage of Wisconsin Act 170 in 2012, the provisions for substandard lots and nonconforming structures in NR115 are now the statewide *maximum* standards. Not only can counties now have looser provisions, but these proposed rule revisions will lower that maximum and further tie the hands of counties that want stronger water quality protections. The changes in this section will obligate the counties that have updated their zoning ordinances to open them up again. This is completely absurd. The language should remain unchanged in the rule.

Why is DNR further weakening the nonconforming structure standards that are statewide maximums already adopted by many counties?

These are the kinds of questions that would be addressed in a formal EA, which the DNR decided was not necessary, but we respectfully ask that the NRB ask the DNR to answer some of these questions before sending the rule revisions to the legislature. It is not fair to the citizens of Wisconsin to accept a rollback to shoreland protections and to swallow the unknown cost of dealing with the consequences: nuisance algae blooms, poor fishing, decreased property values, dirtier water.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Helen Sarakinos". The signature is stylized with a large loop and a long horizontal stroke extending to the right.

Helen Sarakinos

CHRIS ABELE, MILWAUKEE COUNTY EXECUTIVE
JOHN DARGLE, JR., DIRECTOR OF PARKS, RECREATION AND CULTURE

December 11, 2013 Agenda Item

3.B.4, Stewardship Grant to Milwaukee County

Project Name:

Milwaukee County Oak Leaf Trail – Lakefront to Ozaukee Interurban Connector Phase 4 (Acquisition)

Primary Purpose and Goals

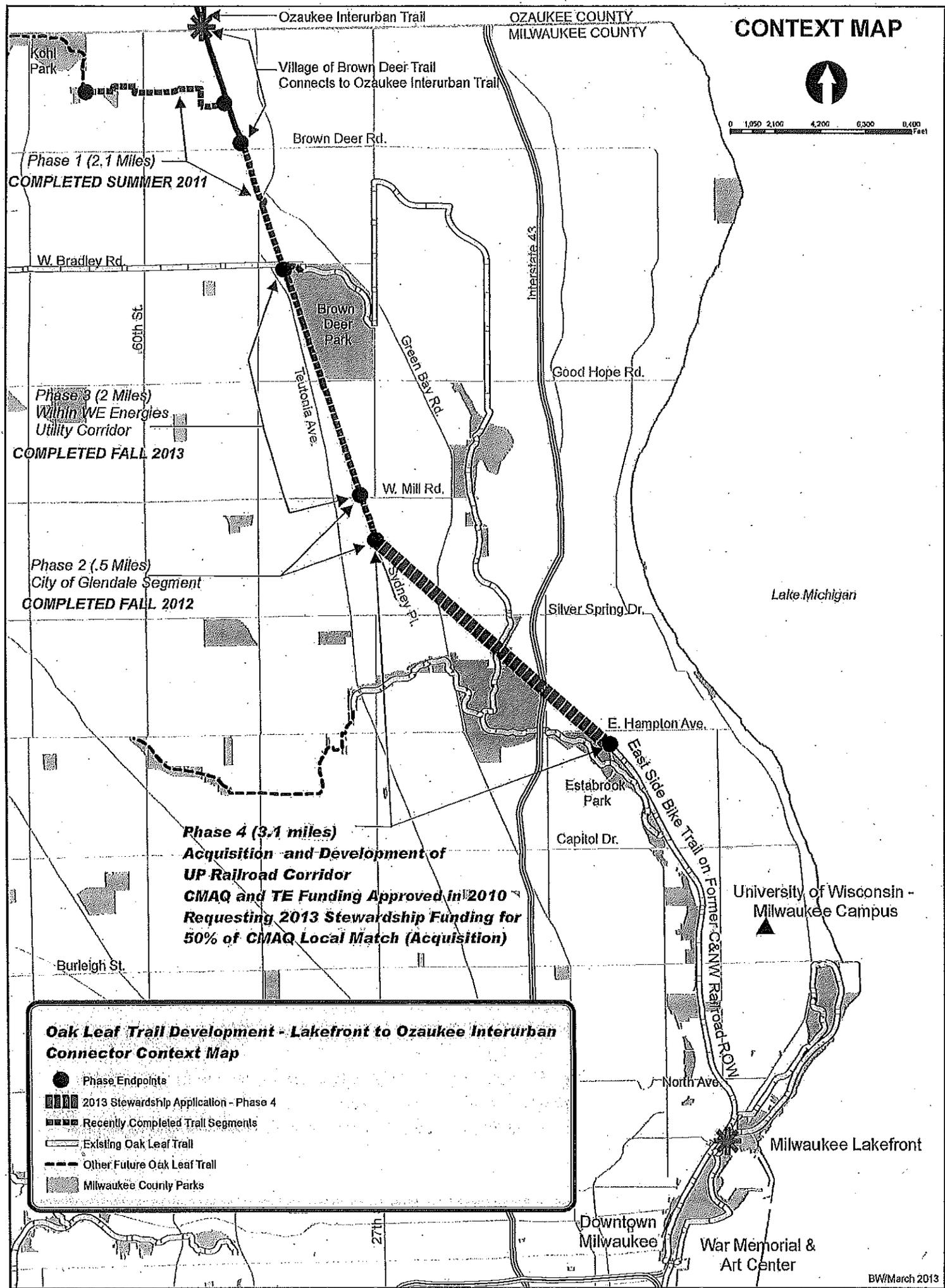
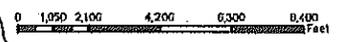
The Milwaukee County Department of Parks, Recreation & Culture (DPRC) is seeking Stewardship Program funding for the acquisition of a former railroad corridor. The subject corridor is 3.1 miles in length and runs in a northwesterly direction from Estabrook Park to the intersection of Teutonia Avenue and Mill Road in the City of Glendale. Once acquired, the corridor would be converted into a 10' wide paved asphalt non-motorized multiple-use trail.

The acquisition of the corridor and its conversion into a non-motorized multiple-use trail facility is the final phase of a 4-phase initiative that extends 11 miles in northeast Milwaukee County, and connects the Milwaukee County Oak Leaf Trail System with the Ozaukee Interurban Trail.

Project Benefits

- Provide expanded trail-related recreational opportunities for the local community such as walking, jogging, bicycling, and cross-country skiing.
- Serve as non-motorized access to the high-density residential, recreational, commercial, employment, and educational areas through which it traverses.
- Expand the regional trail network by connecting two major trail system, and, thereby positively impacting tourism in the region.
- Link trail facilities and destinations on the northwest side of Milwaukee County such as the Ozaukee County Interurban Trail System, the City of Mequon Nature Preserve, the Village of Brown Deer, Kohl Park, Brown Deer Park, and the Granville Shopping Center with trail facilities and destinations in the east region of the County such the DPRC's Oak Leaf Trail System, the Milwaukee River Parkway, the University of Wisconsin – Milwaukee, and the City of Milwaukee's downtown and Lake Michigan lakefront recreational areas.
- Transform an unused and derelict railroad corridor into a public asset that will be used by a projected 500,000 people annually.
- Offer unique views of the surrounding landscape and the Milwaukee River by virtue of the fact that the corridor is significantly higher in elevation than adjacent lands.
- Expand access to the Milwaukee River for wildlife viewing, shore fishing, and canoe/kayak launching and landing.

CONTEXT MAP



Phase 4 (3.1 miles)
Acquisition and Development of
UP Railroad Corridor
CMAQ and TE Funding Approved in 2010
Requesting 2013 Stewardship Funding for
50% of CMAQ Local Match (Acquisition)

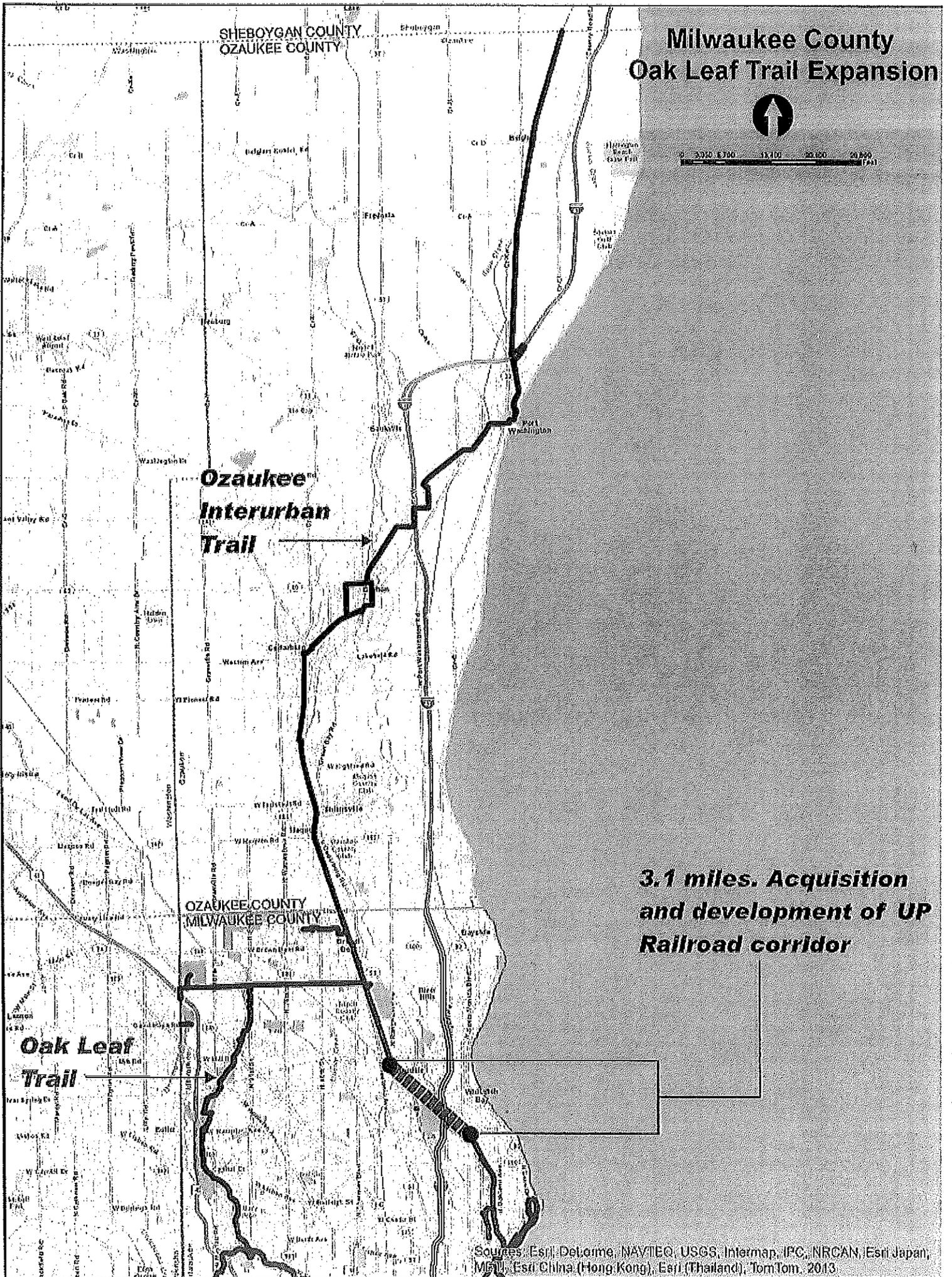
Oak Leaf Trail Development - Lakefront to Ozaukee Interurban Connector Context Map

- Phase Endpoints
- ▨▨▨▨ 2013 Stewardship Application - Phase 4
- ▩▩▩▩ Recently Completed Trail Segments
- Existing Oak Leaf Trail
- - - Other Future Oak Leaf Trail
- Milwaukee County Parks

Milwaukee County Oak Leaf Trail Expansion



0 5,000 10,000 15,000 20,000 Feet



4A

Presentation to WNRB on 12/11/13 By: Stanley Goldfarb (1909 Regent St Madison WI 53726)

Plans for future use of Sauk Prairie Recreation area

My name is Stan Goldfarb- I'm an emeritus professor in the UW medical school. I wish to address the planned future use of the Sauk Prairie Recreational Area. As you know, the idea of using the property for nonconventional purposes such as an ATV vehicle track and a firing range has been **RESOUNDINGLY REJECTED** by both public testimony before this Board, by DNR solicited comments in August of this year, and by contiguous governmental and concerned nonprofit entities.

Despite this outcry, DNR spokespersons have repeatedly stressed that public opinion is only one of the factors that go into the decision making process. **THEY ARE CORRECT!** There **ARE** other important considerations.

These include that the property is unique in its ecologic transitioning from our flagship state park at Devils Lake down to the Wisconsin River, in its one billion year old geologic history, in its habitat for threatened wildlife, in its historical significance for dispossessed native Americans and farmers, for wartime workers and for its proximity to our well funded university campus with academics eager to assist in the restoration of the property.

Accordingly, I suggest that this is the appropriate time to take a deep breath, step back and reconsider where we stand in the entire decision making process. Was it a mistake in the first place to classify the property as a recreational area? The designation conjures an image of a multi- use sport dominated area. That is appropriate for a place like, for example, the Richard Bong Recreational Area. But is that the template that we wish to use? I don't think so. Why not give this area a unique designation- say The Sauk Prairie Restoration and Reconciliation Area. Isn't it time for a paradigm shift in our thinking about Badger?