

Department of Natural Resources

Region: Northern

Type List Designation: NR150.03(8)(d)1.c

Contact Person: Norman Bickford
Title: Burnett County Forest Liaison
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Siren, WI 54872
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NOTE TO REVIEWERS: Comments should address completeness, accuracy or the EIS decision. For your comments to be considered, they must be received by the contact person before

_____ (time) _____ (date)

Applicant: Burnett County

Address: 7410 County Road K #106

Title of Proposal: Burnett County Forest Withdrawal

Location: County Burnett Swiss Township

Township 41 North, Range 15 West

Section 34

More particularly described as follows: Irregular shaped parcel in the NW¼SE¼ containing .35 acres.

PROJECT SUMMARY

1. General Description (brief overview)

The .35 acres to be withdrawn is inside the boundaries of the Burnett County Forest as established by Resolution #13 on November 15, 1972 and boundaries identified in the 10 year Comprehensive Plan (page 900-9). Withdrawal procedures are described in ss. 28.11 (11) and the 10 Year Comprehensive Plan (page 400-2&3). The adjoining landowner (Hempel family) mistaken built a cabin, garage & outhouse on Burnett County land over 25 years ago (family members say it was 50 years ago). The mistake was not discovered until the family put the cabin up for sale. In 1998 North Country Surveying, Inc confirmed the encroachment. The parcel is zoned F1.

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

Burnett County Forestry Committee has been approached by the private party that purchased the cabin in 1998 (Joyce & Duane Fox) and who are interested in acquiring the County parcel in Section 34 of Swiss Township to correct the encroachment. A copy of the detailed survey along with plat book page are attached.

2. Authorities and Approvals (list local, state and federal permits or approvals required)
 1. Chapter 28.11 (11) Wisconsin Statutes
 2. Burnett County Forest 10 Year Comprehensive Plan
 3. Burnett County Board of Supervisors
 4. Wisconsin Department of Natural Resources

3. Estimated Cost and Funding Source

Cost of investigation and processing the proposed withdrawal is not known. The value of the land to be withdrawn is \$3000 as per land appraisal submitted by the Department of Natural Resources on June 9, 1998. Joyce & Duane Fox have agreed to purchase the parcel for the appraised value of \$3,000 plus any other associated costs.

PROPOSED PHYSICAL CHANGES (More fully describe the proposal)

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

The proposed parcel to be withdrawn is limited to only the County land which contains the cabin, garage, outhouse & has been maintained as yard over the years. The withdrawal will not directly manipulate the resources except for ownership.

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

Withdrawal of land will not manipulate any aquatic resources.

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

The buildings presently located on the parcel will meet zoning setbacks.

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

Future sanitary systems would conform to regulation of State and County Zoning.

8. Other Changes

There are no other changes anticipated at this time.

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

- | | | |
|------------|---------------|--|
| Attachment | <u> X </u> | County map showing the general area of the project |
| Attachment | <u> X </u> | USGS topographic map |
| Attachment | <u> </u> | Site development plan |
| Attachment | <u> X </u> | Plat map |
| Attachment | <u> X </u> | DNR county wetlands map |
| Attachment | <u> X </u> | Zoning map |
| Attachment | <u> X </u> | Detailed Survey Map |

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

Information Based On (check all that apply):

Literature/correspondence (specify major sources)

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)

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

Flat terrain overlying sandy soil with gentle slope towards Eagle Lake.

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

Upland plant community is comprised of scrub oak with a maintained lawn. No threatened/endangered species are known to inhabit this parcel.

12. Cultural

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

Land is presently zoned F-1. It is presently considered an encroachment.

b. Social/Economic (include ethnic and cultural groups)

At the present time the public considers this parcel as private property and do not realize it is an encroachment. Therefore the withdrawal and sale will not greatly affect who can use the land.

c. Archaeological/Historical

No on-site survey has been conducted.

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

No special resources known.

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

14. Physical (include visual if applicable)

The parcel has been considered as private in the past so withdrawal and sale will not change any physical impacts.

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

The biological aspect of this parcel will not change with new ownership. Based on current records no threatened/endangered species exist on this parcel.

16. Cultural

a. Land Use (include indirect and secondary impacts)

The .35 acres will be in private ownership which means Swiss Township will have a decrease of County Forest by .35 acres; but an increase of .35 acres on the tax rolls.

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

Legally it will clear up an encroachment onto Burnett County Forest Land.

c. Archaeological/Historical

No consequences are foreseen at this time.

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

No consequences are foreseen at the present time.

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

Change of ownership from Public to Private.

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

19. 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.

No Action Approach: Land would remain as County Forest. Burnett County would have to file legal action to have buildings removed from County Forest Land. Burnett County's Corporate Counsel believes that action would be successfully challenged in court.

Enlarge or Reduce: If the parcel was reduced, the zoning setback requirements would not be met. To enlarge the parcel would not be beneficial to Burnett County. The withdrawal request is the agreed upon acreage between Joyce & Duane Fox and Burnett County.

Modify: Option not beneficial to either party.

Other Location: Not possible.

EVALUATION OF PROJECT SIGNIFICANCE (Complete each item)

20. 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 quality of the environment should not be affected since the proposed use of the proposed withdrawal area has remained the same as in the past several years.

- 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)

There should be no environmental effects in the future if the land is withdrawn and traded.

21. Significance of Cumulative Effects.

Discuss the significance of reasonably anticipated cumulative effects on the environment. Consider cumulative effects from repeated projects of the same type. What is the likelihood that similar projects would be repeated? Would the cumulative effects be more severe or substantially change the quality of the environment? Include other activities planned or proposed in the area that would compound effects on the environment.

There is always the possibility that similar situations may arise and withdrawals of County Forest requested. Each request will be handled on its own merit.

22. 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 should be no unknowns with this withdrawal. The unknowns would be if the withdrawal is denied; it is unknown what legal action might be taken by either the County or landowner.

- 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.

Significance of problems on this parcel will be no different than any other parcel in this area. If the withdrawal and trade is approved, Burnett County will have the opportunity to eliminate possible legal action and costs.

23. 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.

This action will set a precedent but each request is handled on its own merit as explained in #22 and in the Burnett County Forest 10 Year Comprehensive Land Use Plan.

- 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.

No known conflicts exist. Any improvements to the property will have to be done according to local and state zoning regulations.

24. 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.

No known controversial effects to the environment exist.

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

The major considerations have already been explained previously in this document.

SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES

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

The Burnett County Forestry Office was contacted by Edward Hempel concerning a land use agreement for the access road to their cabin on Eagle Lake. At that time they indicated they were trying to sell the cabin and would need legal access granted. At this time there was also discussion on how close the cabin was to the property line. Mike Luedeke, County Forest Administrator sent a letter indicating the County would try to locate the line by using a GPS unit. On October 27, 1997 Greg Rich from the Burnett County Land Surveyor's Office used the GPS unit and identified that the outhouse, garage & most of the cabin appeared to be on Burnett County Forest. The Hempels were informed of this on November 21, 1997 by letter. On February 20, 1998 Joyce & Duane Fox informed Burnett County Forestry Department that they were in the process of purchasing the Hempel property and had contracted with North Country Surveying to perform a legal survey. On April 15, 1998 a land survey was registered that showed that all of the buildings were located on Burnett County Forest land. On July 20, 1998 Joyce Fox informed Burnett County Forestry that they had purchased the Hempel property and were agreeable to the parcel design that Burnett County had offered. On 1998 Burnett County Forest contacted Joyce & Duane Fox with the Committee's recommendation for offering the property for \$3,000. On January 2, 1999 Duane & Joyce Fox informed Burnett County Forest that they were agreeable to the \$3,000. On January 8, 1999 Mike Luedeke wrote to Joyce & Duane Fox to inform them that Burnett County would proceed with the withdrawal. Burnett County Forest Office has been in contact with the Department of Natural Resources since the beginning negotiations.

Burnett County Forestry Committee and County Board of Supervisors have given their approval of a withdrawal and sale to Joyce & Duane Fox.

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

<u>Date</u>	<u>Contact</u>	<u>Comment Summary</u>
10/7/97	Edward Hempel	Requesting Land Use Agreement
10/21/97	Mike Luedeke	Use GPS to locate line
10/27/97	Greg Rich & Norm Bickford (DNR)	Locate approximate line
11/21/97	Mike Luedeke	Informed Hempels on encroachment

2/20/98	Joyce Fox	Intend to purchase
1998	North Country Surveying	Surveying Line
4/15/98	Burnett County	Registered Survey
7/20/98	Joyce Fox	Purchased Hempel property
1998	Mike Luedeke	Appraisal
1/2/99	Joyce & Duane Fox	Accepted appraisal
1/8/99	Forestry Committee	Proceed with withdrawal
2/18/99	Burnett County Board	Withdrawal Resolution #99-5

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.

29. 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.

Norman K. Bickford

3/31/99

Signature of Evaluator

Date Signed

Noted: GMU Leader 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

CERTIFIED TO BE IN COMPLIANCE WITH WEPA

Region Director or Director of BEAR (or designee)

Date Signed

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 144.50 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.