

ENVIRONMENTAL ANALYSIS AND DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS)

Form 1600-1

Rev. 6-2001

Department of Natural Resources (DNR)

<b>Region or Bureau</b> West Central
<b>Type List Designation</b> Type II

**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., February 15, 2007.

<b>Contact Person:</b>	
Russell A. Kind	
<b>Title:</b>	Forester
<b>Address:</b>	910 Hwy. 54 East
	Black River Falls, WI 54615
<b>Telephone Number</b>	715-284-1415

**Applicant:** Ostrowski Cranberry, c/o Daniel Ostrowski  
**Address:** N8011 Knutes Road, Pittsville, WI 54466  
**Title of Proposal:** County Forest Law ("CFL") withdrawal  
**Location:** Jackson County, City Point Township  
**Township Range Section(s):** T22, R1E, Sections 22 & 28

**PROJECT SUMMARY**

**1. Brief overview of the proposal including the DNR action (include cost and funding source if public funds involved)**

Ostrowski Cranberry ("the applicant"), a cranberry grower, is proposing to trade (exchange) a 36.2 acre parcel of land to Jackson County for an 18.1 acre parcel currently owned by Jackson County and entered under the CFL. This 18.1 acre parcel would be used by Ostrowski Cranberry for sand extraction needed for its cranberry production.

The Department of Natural Resources is required to review all proposals for withdrawal when county lands are entered under the CFL. A type II environmental assessment is part of the Department review and becomes a basis for approval, denial, or modification of the proposal.

The applicant proposes to trade the following land to Jackson County:  
 T22, R1E, Section 22, SW1/4 lying south of the East Fork of the Black River (36.2 acres)  
 Jackson County proposes to trade the following land to the applicant:  
 T22, R1E, Section 28, the east 18.1 acres of the NWNE (18.1 acres)

See attachments 1 & 2 for additional detail.

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

Jackson County has applied to the Department of Natural Resources for an 18.1 acre CFL withdrawal for the following reasons:

1. The trade will result in a net gain of 18.1 acres into the county forest and the CFL.
2. The 36.2 acre parcel will "block in" and create a contiguous public ownership with the 159 acres to the south.
3. Significant frontage along the East Fork of the Black River will be protected and maintained in public ownership.
4. The applicant has applied to Jackson County to consider the land trade; the Jackson County Forestry and Parks Department and the Jackson County Board of Supervisors have agreed to the proposal.
5. The Department of Natural Resources is required to evaluate the proposal.

The applicant owns and operates a cranberry operation in T22, R1E, sections 21 & 28. The sand will be used for ongoing marsh operations, including dike and cranberry bed construction and maintenance.

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

State authority for withdrawal of county forest lands from the provisions of the CFL is addressed in chapter 28.11, Wisconsin Statutes. County authority is addressed in chapter 420 of the Jackson County 15-year plan. The Department of Natural Resources and the Jackson County Board of Supervisors are required to approve the proposal.

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## PROPOSED PHYSICAL CHANGES (more fully describe the proposal)

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

#### Section 22 parcel (36.2 acres)

After the trade, the above land will be owned by Jackson County and entered into the CFL. The land will remain in its current forested condition and be evaluated and managed by professional foresters; 3043 feet of frontage on the south side of the East fork of the Black River will be protected. The land may receive periodic forest management practices, including commercial harvests, in accordance with approved forestry guidelines and "Best Management Practices" along waterways. A small public canoe landing may be built adjacent to a bridge in the northwest corner of the parcel.

#### Section 28 parcel (18.1 acres)

After the trade, the above land will be owned by the applicant. The land will be cleared and sand will be mined. The land use will change from a timber resource to industrial mineral extraction. Extracting a sand resource results in:

- Dust, noise and diesel fumes while the sand is being extracted, moved and spread.
- Wind and water erosion on bare non-vegetated slopes.
- Aesthetic degradation.

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

#### Section 22 parcel (36.2 acres)

Jackson County is not planning to manipulate the aquatic resources. The shoreline on the south side of the East Fork of the Black River will remain in its current, natural condition.

#### Section 28 parcel (18.1 acres)

The parcel is removed from the East Fork of the Black River or other water sources; aquatic resources are not known to exist.

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

#### Section 22 parcel (36.2 acres)

Jackson County is not planning to construct any of the above items. Temporary woods roads may be constructed during periodic commercial harvests.

#### Section 28 parcel (18.1 acres)

The applicant will need to construct low use dirt roads in order to haul sand and allow access for heavy equipment.

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

#### Section 22 parcel (36.2 acres)

Jackson County will not incur emissions or discharges.

Section 28 parcel (18.1 acres)

The applicant will discharge exhaust emissions from motorized equipment used for digging, bulldozing, and hauling material from the site to use areas.

**8. Other Changes**

Section 22 parcel (36.2 acres)

None.

Section 28 parcel (18.1 acres)

None.

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

Attachment 1: Jackson County plat map showing the general project area

Attachment 2: Aerial photo map

Attachment 3: USGS topographic map

Attachment 4: USDA soils map

Attachment 5: DNR wetlands map

Attachment 6: County Forest Law withdrawal application

Attachment 7: Jackson County withdrawal resolution

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

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**10. Information Based On (check all that apply):**

Literature/correspondence (specify major sources)

USDA soil survey  
DNR wetlands maps  
Natural Heritage Inventory  
Wisconsin Historical Society archaeological and historic site maps

Personal Contacts (list in item 26)

Field Analysis By:  Author  Other (list in item 26)

Past Experience With Site By:  Other (list in item 26)

**11. Physical Environment (topography, soils, water, air)**

Section 22 parcel (36.2 acres)

Topography

The topography is flat. See attachment 3 for additional detail.

Soils

The parcel's soil is a mixture of Ironrun-Ponycreek complex, 0-3% slopes (symbol: lxA) and Moppet-Fordum complex 0-3% slopes (symbol: MxA).

lxA soils are deep and gently sloping. The Ironrun and Ponycreek soils occur as mixed areas that are not mapped separately.

The Ironrun surface layer is 2" of black sand covered by 2" of grayish brown mucky peat. The subsurface layer is 8" of gray sand. The subsoil is 18" of friable sand. The substratum is 60" of mottled sand.

The Ponycreek surface layer is 4" of black muck. The subsurface layer is 2" of black mucky sand. The subsoil is 23" of mottled friable sand. The substratum is 60" of brown sand.

MxA soils are deep and gently sloping on floodplains. The Moppet and Fordum soils occur as mixed areas that are not mapped separately.

The Moppet surface layer is 4" of fine sandy loam. The subsoil is 28" of partially mottled fine sandy loam. The substratum is 60" of mottled loamy fine sand or sand.

The Fordum surface layer 6" of black silt loam. The substratum is 60" of mottled fine sandy loam and/or brown sand.

See attachment 4 for additional detail.

#### Water

The parcel is adjacent to the East Fork of the Black River. Although the water is naturally stained brown, the water quality is good.

#### Air

The air quality is good.

### Section 28 parcel (18.1 acres)

#### Topography

The topography is flat to rolling. A small hillside is on the east side of the parcel. See attachment 3 for additional detail.

#### Soils

The parcel is composed of three soils: Merrilan-Veedum complex, 0-3% slopes (symbol: MrA), Ludington-Fairchild sands, 0-6% slopes (symbol: LxB), and Boone sand, 15-50% slopes (symbol: BoF).

MrA soils are deep and nearly level. The Merrilan and Veedum soils occur as mixed areas that are not mapped separately.

The Merrilan surface layer is 3" of fine sandy loam covered by 1" of grayish brown mucky peat. The subsurface layer is 2" of fine sandy loam. The subsoil is 25" of: 1.) friable fine sandy loam, 2.) mottled, firm, silty clay loam, and 3.) mottled, firm clay loam. The substratum is 60" of weakly cemented interbedded sandstone and shale.

The Veedum surface layer is 3" of black muck. The subsurface layer is 6" of black silt loam. The subsoil is 24" of mottled friable silt loam and mottled firm clay loam. The substratum is 60" of weakly cemented interbedded sandstone and shale.

LxB soils are moderately deep and nearly level at the shoulders of knolls. The Ludington and Fairchild soils occur as mixed areas that are not mapped separately.

The Ludington surface layer is 2" of sand covered by 1" of leaf litter and grass. The subsurface layer is 10" of sand. The subsoil is 26" of friable sand, mottled friable sand, and mottled firm loam. The substratum is 60" of weakly cemented interbedded sandstone and shale.

The Fairchild surface layer is 2" of sand covered by 1" of leaf litter and grass. The subsurface layer is 11" of sand. The subsoil is 22" of friable sand, mottled loose sand, and mottled firm loam. The substratum is 60" of weakly cemented interbedded sandstone and shale.

BoF soils are moderately deep and moderately steep on knolls. The surface layer is 2" of sand covered by 2" of leaf litter and grass. The subsoil is 19" of sand. The substratum is 15" of sand over 60" of weakly cemented sandstone.

See attachment 4 for additional detail.

#### Water

The water quality is good.

#### Air

The air quality is good.

## **12. Biological Environment (dominant aquatic and terrestrial plant and animal species and habitats including threatened/endangered resources; wetland amounts, types and hydraulic value)**

### Section 22 parcel (36.2 acres)

#### Dominant aquatic and terrestrial plants

Terrestrial plants include oak and bottomland hardwood species, including silver maple and river birch. The Natural Heritage Inventory lists two plant species under "special concern" status that may be present. These are: *Bartonia virginica* (Yellow Screwstem) and *Polygala cruciata* (Crossleaf Milkwort).

#### Wetlands Amounts and Types

Wetland areas include the river edge of the East Fork of the Black River, vernal pools and oxbows. DNR wetland maps indicate two wetland types are present. These are: T3K – forested, broadleaved deciduous, wet soil, palustrine, and E2Kw –

emergent/wet meadow, narrow-leaved persistent, wet soil, palustrine, floodplain complex.

See attachment 5 for additional detail.

Section 28 parcel (18.1 acres)

Dominant aquatic and terrestrial plants

Terrestrial plants include aspen and red maple saplings from a 2003 county forest harvest (tract 17-00, sale 1871). A small oak area remains on a hilltop. The Natural Heritage Inventory does list any threatened or endangered resources.

Wetlands Amounts and Types

Wetlands are not indicated on DNR wetlands maps. Wetlands were not observed during a site visit.

**13. Cultural Environment**

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

Section 22 parcel (36.2 acres)

The parcel is privately owned and remains in a forested condition. Buildings and developments are not present. City Point township is not zoned. The parcel is not entered under the Managed Forest Law or Forest Crop Law. The land use will change from private use to public timber production, wildlife habitat, and recreation.

Section 28 parcel (18.1 acres)

The parcel is owned by Jackson County and entered under the County Forest Law. The land is used for timber production, wildlife habitat, and recreation. Buildings and developments are not present. City Point township is not zoned. The land use will change from public timber production, wildlife habitat, and recreation to public hunting and fishing and private sand mining.

**b. Social/Economic (including ethnic and cultural groups)**

Section 22 parcel (36.2 acres)

Ethnic or cultural implications are not present. The Jackson County Forest acreage will incur a net increase of 18.1 acres. The 36.2 acre parcel will be entered under the County Forest Law.

Section 28 parcel (18.1 acres)

Ethnic or cultural implications are not present. The parcel will promote development of the cranberry industry. Public hunting and fishing rights will be retained by Jackson County. On a large scale over all ownerships, forested acreage will see an 18.1 acre net loss.

**c. Archaeological/Historical**

Section 22 parcel (36.2 acres)

Archaeological and historic areas are not indicated on Wisconsin Historical Society site maps or observed in the field.

Section 28 parcel (18.1 acres)

Archaeological and historic areas are not indicated on Wisconsin Historical Society site maps or observed in the field.

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

None

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

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**15. Physical (include visual if applicable)**

Section 22 parcel (36.2 acres)

The parcel would "block in" with 159 acres of adjacent county forest land to the south. About 3043' of frontage on the south side of the East Fork of the Black River will be protected. The parcel will remain in its current forested condition.

Section 28 parcel (18.1 acres)

The parcel will be converted from a vigorous 4-year-old hardwood stand to one or more sand pits. Some extraction areas will be visible from Knutes Road, a low use, paved town road to the east. Noise, dust, and diesel fumes will be present during sand mining and transportation. Wind and water erosion will occur on exposed surfaces.

**16. Biological (including impacts to threatened/endangered resources)**

Section 22 parcel (36.2 acres)

Previously listed plant species under “special concern” status would be protected. Uncommon habitats such as oxbow ponds, vernal pools, river frontage, and bottomland hardwoods would be protected also.

Section 28 parcel (18.1 acres)

Where sand extraction occurs, all vegetation will be removed. The biological resource, common or otherwise, will be permanently eliminated. The applicant is under no known plan or obligation to reclaim the site.

**17. Cultural**

**a. Land Use (including indirect and secondary impacts)**

Section 22 parcel (36.2 acres)

The land use will permanently change from private use to public timber production, wildlife habitat, and recreation.

Section 28 parcel (18.1 acres)

The land use will permanently change from public timber production, wildlife habitat, and recreation to public hunting and fishing and private sand mining.

The County Forest withdrawal application (attachment 6, page 1) states the proposed land use is: “mine sand for adjacent cranberry marsh operation”.

The Jackson County withdrawal resolution (attachment 7) states, “... Ostrowski Cranberry needs a source of sand for cranberry bed maintenance...”

Neither document listed above restricts the applicant to personal use sand extraction *only*. The documents do not restrict the applicant from selling sand, building dikes or cranberry beds, domiciles or flowages on the parcel.

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

Section 22 parcel (36.2 acres)

Ethnic or cultural implications are not present. Jackson County will receive the proceeds from any future timber sale revenue. Additional acreage will be available for public hunting and fishing. The parcel is not zoned.

Section 28 parcel (18.1 acres)

Ethnic or cultural implications are not present. Aesthetic degradation will occur. The parcel will promote development of the cranberry industry. Public hunting and fishing rights will be retained by Jackson County. On a large scale over all ownerships, forested acreage will see an 18.1 acre net loss. The parcel is not zoned.

The Jackson County withdrawal resolution states: “... Whereas, Jackson County will zone the 18.1 acre parcel to M1 for industrial extraction and will prohibit rezoning the parcel without Forestry and Parks Committee approval. ...” City Point township is not zoned. In order to be zoned, the City Point town board must adopt the Jackson County zoning ordinance. Without the township adopting the ordinance, the parcel cannot be zoned M1 or any other designation. This suggests the parcel will remain un-zoned and Jackson County will be unable to control usage through zoning or “rezone” the parcel at a later date. The portion of the resolution quoted above is unlikely to be fulfilled.

See attachment 7 for additional detail.

**c. Archaeological/Historical**

Section 22 parcel (36.2 acres)

Archaeological and historic areas are not indicated on Wisconsin Historical Society site maps or observed in the field.

Section 28 parcel (18.1 acres)

Archaeological and historic areas are not indicated on Wisconsin Historical Society site maps or observed in the field.

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

None.

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

1. Where sand extraction occurs, the biological resource, common or otherwise, will be permanently eliminated.
2. Noise, dust, and diesel fumes will be present during sand mining and transportation.
3. On a landscape scale over all ownerships, forested acreage will see an 18.1 acre net loss.
4. Aesthetic degradation will occur.
5. The applicant is under no known plan or obligation to reclaim the site.

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**DNR EVALUATION OF PROJECT SIGNIFICANCE (complete each item)**

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**20. Environmental Effects and Their Significance**

- a. Discuss which of the primary and secondary environmental effects listed in the environmental consequences section are long-term or short-term.**

Short-term consequences

1. Noise, dust, and diesel fumes will occur during sand extraction and transportation.

Long-term consequences

1. Jackson County will see a net addition of 18.1 acres entered under the County Forest Law.
2. On a landscape scale over all ownerships, forested acreage will see an 18.1 acre net loss.
3. The biological resource, common or otherwise, will be permanently eliminated in sand extraction areas.
4. Aesthetic degradation will occur in sand extraction areas.
5. The applicant is under no known plan or obligation to reclaim the sand mining site.
6. Jackson County will protect 3043' of frontage along the East Fork of the Black River as well as 36.2 acres of bottomland hardwoods and floodplain.
7. Wind and water erosion will occur on exposed surfaces in sand extraction areas.
8. Both parcels are not zoned and likely to remain so in the future.
9. Future watershed or fish habit efforts will be enhanced.

- b. Discuss which of the primary and secondary environmental effects listed in the environmental consequences section are effects on geographically scarce resources (e.g. historic or cultural resources, scenic and recreational resources, prime agricultural lands, threatened or endangered resources or ecologically sensitive areas).**

Historic or cultural resources

None.

Scenic and recreational resources

Jackson County will acquire 3043' of frontage along the East Fork of the Black River. The river is used for canoeing and fishing.

Prime agricultural lands

None.

Threatened or endangered resources

Jackson County will acquire 36.2 acres that contain resources of "special concern". See item 12.

Ecologically sensitive areas

Jackson County will acquire 36.2 acres that that contain sensitive areas such as bottomland hardwoods and floodplain.

- c. Discuss the extent to which the primary and secondary environmental effects listed in the environmental consequences section are reversible.**

All primary and secondary environmental effects are permanent, except the following environmental consequences that may be reversible:

1. The Jackson County withdrawal resolution (see attachment 7) could be rescinded and revised to address the inconsistencies listed in items 17a and 17b.
2. With a revision of the withdrawal resolution, Jackson County could require the applicant to have an approved reclamation plan. The applicant is under no known plan or obligation to reclaim the sand mining site. Although Jackson County has a non-metallic mining reclamation ordinance with permit issuance by the Jackson County Land Conservation Dept., the

applicant is not required to get a permit because he will be retaining the sand for his own use. A permit (with an approved plan) is required only when the sand resource will not be used by the applicant.

## 21. Significance of Cumulative Effects

**Discuss the significance of reasonably anticipated cumulative effects on the environment (and energy usage, if applicable). Consider cumulative effects from repeated projects of the same type. 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.**

This proposal is indicative of the multi-decade approach Jackson County has taken when dealing with cranberry production expansion. Significant current cranberry company land holdings were once part of the Jackson County Forest. With Wisconsin being the top cranberry producer in the United States, this trend is expected to continue for many years in the central sands area of Wisconsin. Similar proposals of varying sizes and locations are currently being considered by Jackson County. Repeated expansion of the cranberry industry has generated the following cumulative effects on the environment:

1. Forest land and marshes are being converted to cranberry beds, dikes, and water impoundments (flowages).
2. On a landscape scale, natural forest lands and marshes are being lost to artificial cranberry production.
3. Chemical use is increasing as cranberry production expands.
4. Forested and marsh wetlands are either lost or are being replaced by flowages.
5. User conflicts between public natural resource users, such as hunters, fishermen, and trappers, and cranberry companies are increasing and expected to increase in the future. Jackson County retains the hunting and fishing rights on some cranberry company lands.

## 22. Significance of Risk

- a. Explain the significance of any unknowns that create substantial uncertainty in predicting effects on the quality of the environment. What additional studies or analysis would eliminate or reduce these unknowns?**

When considering the entire Jackson County Forest system of 120,000 acres, the project proposal has a small and limited risk to effect the quality of the environment. The individual project risk may be small, but it does exist, and it is cumulative with similar past, current, and future projects. Cumulative environmental risk assessment over many decades of similar county forest withdrawals with commensurate cranberry expansion carries significant uncertainty.

Additional studies or analysis could evaluate and provide insight into the following questions:

- ✓ Is the *cumulative* cranberry expansion in Jackson County having a detrimental effect on the environment? If so, quantitatively evaluate the risk factors on a landscape scale.
- ✓ What *cumulative* cranberry expansion guidelines (considering all cranberry production in the county) should Jackson County use to evaluate *individual* county forest withdrawals for cranberry purposes?
- ✓ What sort of soil profiles and soil types are appropriate for sand extraction and which are not? Numerous eastern Jackson County soils contain sand, but because of clay, depth, hardness, complexes, and other factors, not all "sand" soils are usable for cranberry production.
- ✓ Should "unsuitable" soils be an appropriate reason for denying or modifying a county forest withdrawal?

- 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.**

A fuel spill could occur with the use of heavy equipment. If a spill occurs, the DNR would be notified and appropriate clean up measures would be initiated. A significant fuel spill would be a rare event.

With heavy rains, a flowage dike could fail. The additional water flow would be temporary and the dike repaired. A major dike failure would be a rare event.

## 23. Significance of Precedent

**Would a decision on this proposal influence future decisions or foreclose options that may additionally affect the quality of the environment? Describe any conflicts the proposal has with plans or policy of local, state or federal agencies. Explain the significance of each.**

A decision to accept the project proposal may influence similar future proposals made between Jackson County and other cranberry producers. The perception that Jackson County is willing to engage and perhaps promote similar proposals may encourage other cranberry producers to initiate similar land trade proposals.

## 24. Significance of Controversy Over Environmental Effects

**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.**

Controversy exists when converting land from public use to private use. Also, controversy exists when land use changes from forest land to agriculture. As part of the county forest withdrawal process, Jackson County holds a meeting to gather public input. Also, as part of the environmental assessment process, public input is requested on this document. With few members of the public commenting at either opportunity in the past, the low public input suggests the proposal is not controversial.

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## ALTERNATIVES

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### 25. Briefly describe the impacts of no action and of alternatives that would decrease or eliminate adverse environmental effects. (Refer to any appropriate alternatives from the applicant or anyone else.)

No action. Under this alternative, the 18.2 acre parcel would remain in Jackson County ownership and the 36.2 acre parcel would remain in the applicant's ownership. All of the environmental consequences discussed in items 15 – 19 would not occur.

Enlarge. Under this alternative, both parcels would increase in size. The applicant has indicated the current proposal meets current and future sand resource needs. Adverse environmental effects would increase.

Reduce. Under this proposal, both parcels would decrease in size. Adverse environmental effects would decrease. Jackson County would probably not be able to acquire the 36.2 acre parcel.

Modify. Under this proposal, the agreement would change. The Jackson County withdrawal resolution (attachment 7) could be rescinded and re-approved to include the following changes:

1. Add a sentence that outlines prohibited uses for the 18.1 acre parcel. Prohibited uses could include: impoundments, cranberry beds and dikes, and all buildings, including domiciles.
2. Eliminate part of the fourth paragraph that deals with rezoning. As stated in item 17b, rezoning is unlikely to occur.
3. Require the applicant to have a written reclamation plan approved by the Jackson County Land Conservation Department.

Other locations and/or methods. Under this alternative, other sand sources could be considered. Private land, either cranberry producer's land or other private land, offers one alternative. Generally, most cranberry growers indicate other private land is unavailable within a "reasonable" distance from their cranberry beds. Cranberry producers appear to be either unable or unwilling to purchase private land for a sand source. The Jackson County Forest sand resource becomes the readily accessible and perhaps least expensive alternative for the cranberry grower. Ending land sales and/or trades by Jackson County would require cranberry growers to be more aggressive in seeking a sand resource from their own land or other private sources.

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## SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES

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### 26. List agencies, citizen groups and individuals contacted regarding the project (include DNR personnel and title) and summarize public contacts, completed or proposed).

<u>Date</u>	<u>Contact</u>	<u>Comment Summary</u>
1/5/07	Dave Spaude, co. forester	Technical forestry information
1/5/07	Terry Schmidt, co. zoning admin.	County zoning information and procedures
1/8/07	Jason Gazdecki, DNR Water Reg. & Zoning spec.	Wetlands mapping and interpretation
1/11/07	Gaylord Olson, co. land conservationist	Non-metallic mining ordinance information and procedures
1/24/07	Dan Hatleli, DNR Fish Biologist	Fish management information

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

In accordance with s. 1.11, Stats., and Ch. NR 150, 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.

Complete either A or B below:

A. EIS Process Not Required

The attached 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.

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.

Signature of Evaluator	Date Signed
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Number of responses to news release or other notice:

Certified to be in compliance with WEPA	
Environmental Analysis and Liaison Program Staff	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 144.60 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.

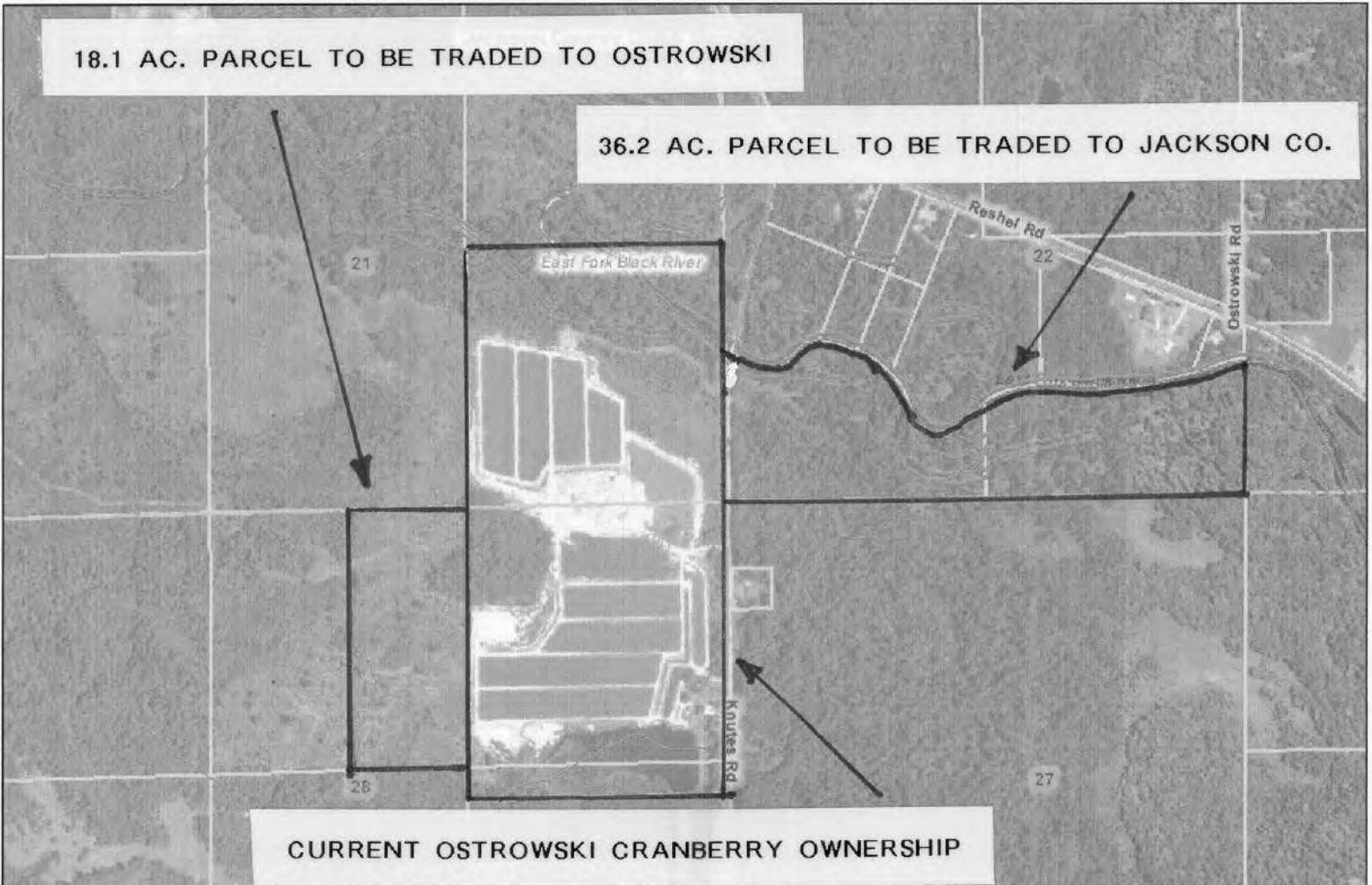


# ATTACHMENT 2

## AERIAL PHOTO MAP

18.1 AC. PARCEL TO BE TRADED TO OSTROWSKI

36.2 AC. PARCEL TO BE TRADED TO JACKSON CO.



CURRENT OSTROWSKI CRANBERRY OWNERSHIP

• Addresses	/// Town Roads	□ Lakes and Rivers	□ Cities
▬ Interstate	/// City and Village Streets	▬ Rivers and Streams	□ Villages
▬ US Highways	/// ATV Trails	□ Sections	□ Municipal Boundaries
▬ State Highways	⚡ Railroads	□ Parcels	Airphoto-1m res
▬ County Roads			

Disclaimer: The map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

# ATTACHMENT 3

## USGS TOPOGRAPHIC MAP

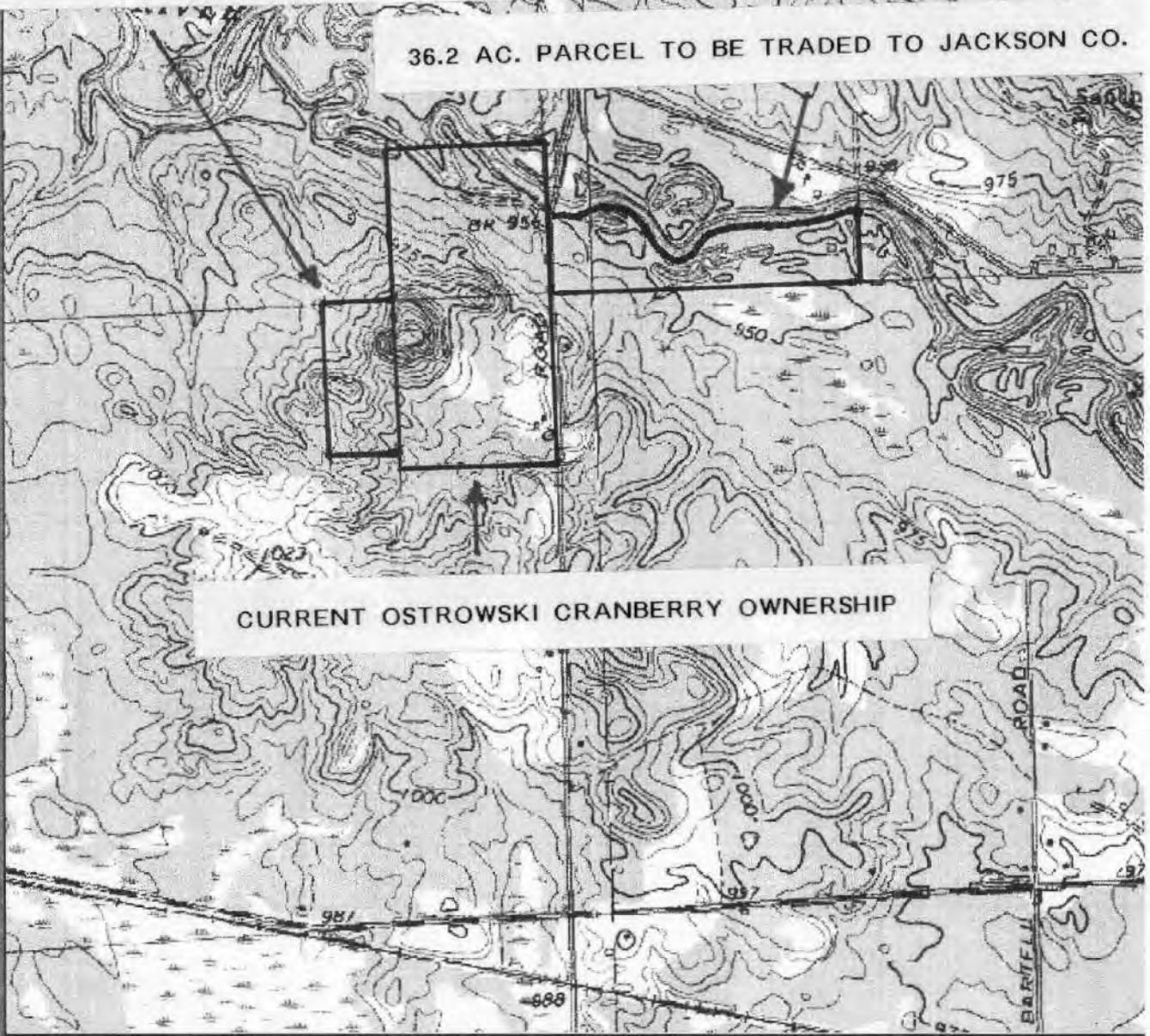
topozone

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18.1 AC. PARCEL TO BE TRADED TO OSTROWSKI

36.2 AC. PARCEL TO BE TRADED TO JACKSON CO.

CURRENT OSTROWSKI CRANBERRY OWNERSHIP



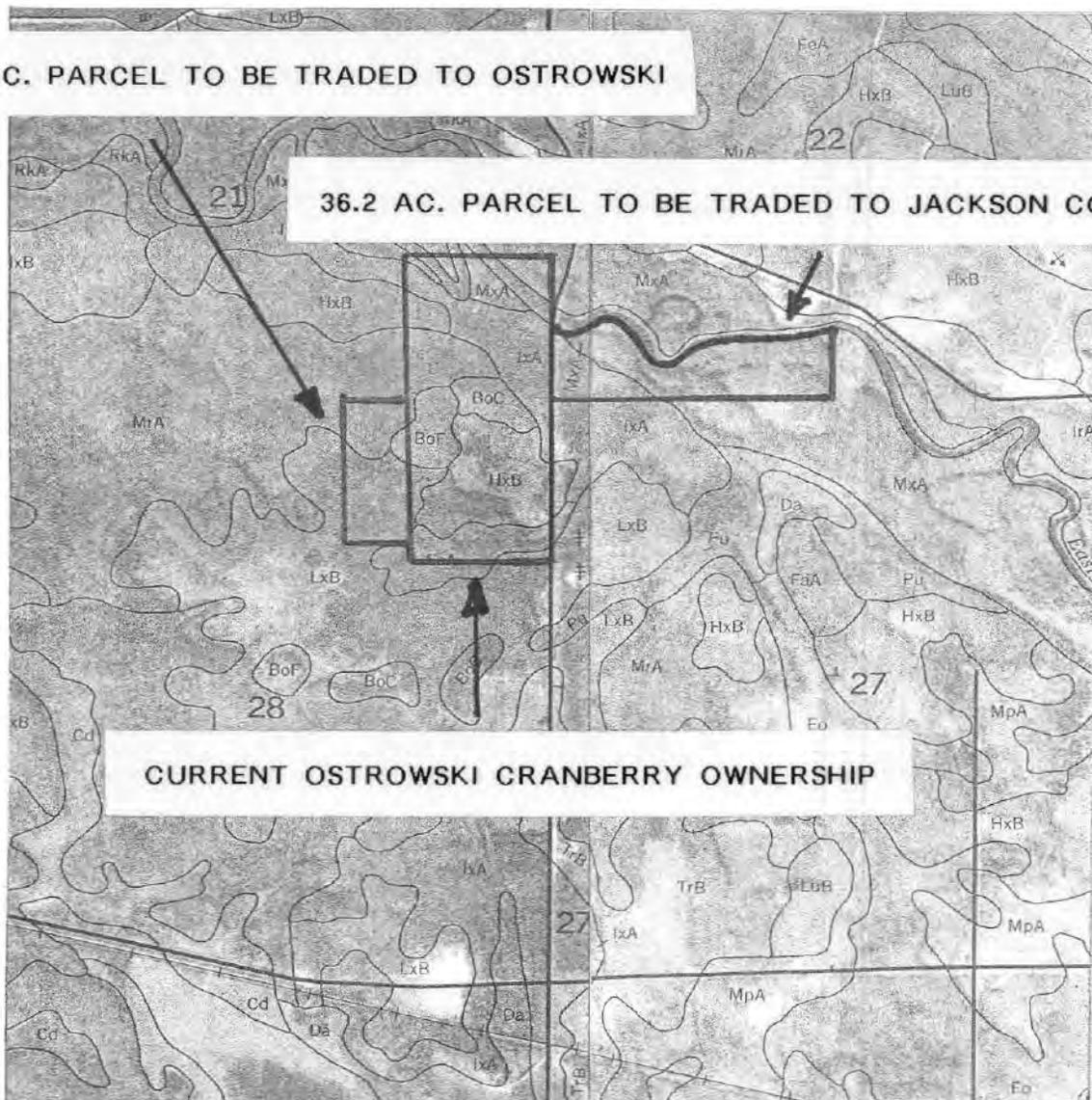
# ATTACHMENT 4

## USDA SOILS MAP

18.1 AC. PARCEL TO BE TRADED TO OSTROWSKI

36.2 AC. PARCEL TO BE TRADED TO JACKSON CO.

CURRENT OSTROWSKI CRANBERRY OWNERSHIP





# ATTACHMENT 6, PAGE 1

State of Wisconsin  
Department of Natural Resources  
Bureau of Forestry  
Box 7921  
Madison, Wisconsin 53707-7921

## COUNTY FOREST LAW WITHDRAWAL APPLICATION

Form 2453-3 Rev. 9-97

I hereby certify:

That the Board of Supervisors of Jackson County, in a meeting duly called and assembled on 12-18-06, through passage of Resolution No. 67-12-06, has authorized and directed this application (Date) to be made for the purpose of withdrawal of the hereinafter described lands from entry as county forest pursuant to Section 28.11 (11), Wisconsin Statutes:

That at the time of said meeting the total membership of said County Board was 19 members and that said resolution passed by a vote of 19 for and 0 against with 0 absent and 0 abstaining.

Signature Kyle Deno Clerk of Jackson County

Typewritten Name Kyle Deno Date Signed 12/21/06

That the following information shall be provided in connection with the land subject to this application: (attach additional sheet(s) if more space is needed)

- a. The legal description of the land, the acreage proposed to be withdrawn and the acreage remaining following withdrawal in the affected descriptions: (Include Parcel Identification Number for each parcel.)

East 18.1 acres of the North West 40 of the North East quarter in section 28 in the town of City Point T.22N.-R.1E. in Jackson County in Wisconsin. Parcel Number 012-0479.0000

- b. The proposed use of the land:

Mine sand for adjacent cranberry marsh operation.

- c. Attach a map showing the location of the land.

- d. The names and address of persons who have requested the county to withdraw the land, and the names and addresses of prospective purchasers of the land:

Daniel Ostrowski  
N8011 Knutes Road  
Pittsville, WI 54466

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- e. Any reservations on the transfer of title, such as a reversionary clause, or other mechanisms to assure compliance with restrictions or conditions of withdrawal:

Jackson County retains the right for the public to hunt and fish and that no fence will be allowed to be built on the 18.1 acres. Jackson County will have the parcel zoned for industrial extraction and will not allow rezoning without Forestry and Parks committee approval.

- f. Attach a copy of the County Resolution.

- g. The attributes of the county forest site that relate to the requested use and a comparison of the site and its attributes with other economically and environmentally feasible sites or areas if other sites or areas were considered:

Cranberry production requires regular sanding of the beds usually every three years. To be economical the sand needs to be in close proximity to the marshes. This parcel that is being withdrawn is adjacent to the marsh where the sand will be used. The prospective purchaser is familiar with the parcel and has determined that it is of sufficient quantity and quality of sand for his marsh.

- h. A description of the potential environmental and forest related benefits and impacts affecting the land:

The land will have to be cleared of vegetation in order to remove the sand. Depending on the depth of the sand there may be water on the surface after the sand is removed.

- i. The historical and archeological background of the land based upon county records and a site examination by county personnel:

There was a recent timber sale on the majority of the land in the 18 acre parcel, no archeological sites were found.

- j. Knowledge of the presence of endangered or threatened species of plants or wild animals on the land or in the waters on the land:

There is no knowledge of any endangered or threatened species on the land.

Note: The Department's investigation will include a review of the natural heritage inventory.

- k. The consideration to be received for the land. If land or money or both is to be received in exchange for the land, the county shall describe proposed use and disposition including a description and map of any proposed trade lands to be exchanged with the county:

The 18.1 acre parcel is being traded for 36.2 acres found lying south of the East Fork of the Black River in SW  $\frac{1}{4}$  in section 22, T.22N-R.1E in town of City Point in Jackson County, Wisconsin.

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1. The present and future benefits of the proposed withdrawal action as identified by the county at the time of the application and the decision making process used to identify those benefits:

The 36.2 acre parcel that the County will receive is in the Forest Blocking Boundary and will be put into the County Forest. It is adjacent to the East Fork of the Black River and will provide access point for the public to the river. Approximately 90% of the area is in a floodplain. There are numerous oxbows and vernal pools throughout. Oak sawtimber dominates the upland sites and bottom land hardwoods, particularly maple, dominate the mesic areas. The parcel was "Selectively" harvested about 20 years ago.

# ATTACHMENT 7

## JACKSON COUNTY WITHDRAWAL RESOLUTION

RESOLUTION NO: 67-12-06

### WITHDRAWAL OF LANDS FROM THE COUNTY FOREST

TO THE HONORABLE JACKSON COUNTY BOARD OF SUPERVISORS:

WHEREAS, Ostrowski Cranberry needs a source of sand for cranberry bed maintenance, and;

WHEREAS, Ostrowski Cranberry has found a readily available source of sand on an 18.1 acre parcel of County Forest Land west of and adjacent to their existing cranberry bed.

Location : The East 18.1 acres of the NW ¼ of the NE ¼ of section 28, T22N, R1E, Town of City Point in Jackson County, Wisconsin, and,

WHEREAS, the parcel of County Forest Land must be withdrawn from the County Forest Law before it can be traded, and,

WHEREAS, Jackson County will zone the 18.1 acre parcel to M1 for industrial extraction and will prohibit rezoning the parcel without Forestry and Parks Committee approval. Jackson County will retain the hunting and fishing rights on the 18.1 acre parcel and no fences can be constructed around the parcel;

BE IT FURTHER RESOLVED, that the parcel, upon successful withdrawal, be traded to Ostrowski Cranberry for a 36.2 acre parcel described as lying south of the East Fork of the Black River in the SW ¼ of section 22 of T22N, R1E, Town of City Point in Jackson County, Wisconsin and said parcel be entered into the County Forest Law.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS FOR JACKSON COUNTY AS FOLLOWS: that Jackson County make application to the Wisconsin Department of Natural Resources for withdrawal of the above described 18.1 parcel within the provisions of Chapter 28.11, Wisconsin Statutes.

Respectfully Submitted:

#### Jackson County Forestry and Parks Committee:

Douglas Hubburt  
Doug Hubburt, Chairman

Gary Olson  
Gary Olson

Dennis M. Eberhardt  
Dennis Eberhardt

William Cornell  
William Cornell

Don Evenson  
Don Evenson

#### Executive & Finance Committee:

Steven Dickinsen  
Steven Dickinsen, Chairman

Ron Carney  
Ron Carney

Shirley Sahr  
Shirley Sahr

Jeff Amo  
Jeff Amo

Alice Larson  
Alice Larson