

ENVIRONMENTAL ANALYSIS AND DECISION ON THE
NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS)
Form 1600-1 Rev. 3-87

Department of Natural Resources

District or bureau: Western District
Type List Designation: NR 150.03(8)(d)(1)

Contact Person: Thomas J. Quilty
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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
4:30 pm, Aug 28 1995
(time) (date)

Applicant: Mr. Jack B. Reihl

Address: 211 Heather Drive, West Bend, WI 53095

Title of Proposal: Jack Reihl County Forest Withdrawal

Location: County Jackson Town of Manchester

Township 20 North, Range 4 West

Section 16 (South 300' of the SENE)

PROJECT SUMMARY

1. General Description (brief overview)

Mr. Jack B. Reihl, 211 Heather Drive, West Bend, WI 53095, has petitioned Jackson County to withdraw 9.1 acres located in the south 300 feet of the SE NE, Section 16, Township 20 North, Range 4 West (Town of Manchester) from the provisions of the County Forest Law. See Appendix, Map 1.

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

The purpose of the withdrawal is to deed approximately 9.1 acres of Jackson County Forest property to Mr. Jack Reihl for complete permanent access from STH "27" to his adjacent ownership. Mr. Reihl already owns the parcel immediately adjacent to STH "27" and controls an access road which connects to a trail on the subject county land parcel which leads to another Reihl owned parcel and buildings (house, garage, and shed). (See Map #2) Mr. Reihl would then invest in renovating a trail on the subject parcel. He wants to own the land because of his present investment in buildings on his property. He has stated that he will not renovate the trail unless he owns the land.

Mr. Reihl has stated that he would construct a garage/storage building on the subject parcel.

He has also stated that he and his wife may, in the future, live at the present residence on his property.

Mr. Reihl has indicated that he has no written vegetative management plans for the subject parcel but may thin the trees in the future. He has no plans to convert the present vegetation to a conifer plantation.

Mr. Reihl has indicated a willingness to grant an easement to Mr. Thomas Blewett to continue to use the trail as access from STH "27" to his property and buildings. Mr. Blewett presently has an easement to go through Mr. Reihl's property and a license to go through the subject county land parcel to his seasonal buildings. Mr. Reihl may also sell a portion of the subject parcel to Mr. Blewett so that he may build a garage near his seasonal building.

Mr. Reihl has no permit to use or renovate the woods trail that goes through the subject parcel to his property.

Mr. Reihl, although not having an easement, has been offered an easement, drawn up by County Forest Administrator, Bob Hess, on November 10, 1994. Mr. Reihl refused the easement when it was presented.

Mr. Reihl currently has an easement across County Forest land through the NW SE, Section 16, Town 20 North, Range 4 West. He would need to acquire another easement from a private landowner to gain full access to his property from Robinson Road. (See Map #2)

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

Authority for withdrawal of County Forest lands from the provisions of the County Forest Law is addressed in Chapter 28.11, Wisconsin Statutes. Authority on the county level is addressed in the Jackson County Ten Year Plan. Approval of County Forest land withdrawal from the County Forest Law is required by the Wisconsin Department of Natural Resources and the Jackson County Board of Supervisors.

Compliance with Wis. Stats, Chapter 1.01, Wis. Environmental Policy Act.

4.. Estimated Cost and Funding Source

At the request of Robert Hess, Jackson County Forest Administrator, a land appraisal for the 9.1 acre county-owned parcel was conducted by Mr. Thomas C. Walker, Sr., a private Wisconsin Certified General Appraiser. The appraisal will be paid by Mr. Jack Reihl.

The appraised fair market value is \$3,600.00 (\$395.60/Acre).(See Attachment 2)

A review of the opinion of value was done by Mr. Richard Mertig, Department of Natural Resources Area Real Estate Agent. He concurs with the final value of \$3,600.00 (See Attachment 3).

State aid payments made to the county while the parcel was under the county Forest Law will be reimbursed by Mr. Reihl if the land is withdrawn.

PROPOSED PHYSICAL CHANGES (More fully describe the proposal)

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

The 9.1 acre parcel is primarily an oak timber type. There is also a component of jack pine and white pine. Size classes range from seedling jack pine to sawtimber white pine.

The soils are Tarr sands and Mahtomedi loamy sands. Both are excessively drained soils.

Generally, the topography has slopes ranging from 0-45%. The Tarr sand soil on 15-45% slopes is considered to be highly erodible.

The ground vegetation is common to a dry sand soil. Ground species include assorted grasses, ferns, and blueberries.

Mr. Reihl has indicated that he plans to renovate the trail by removing some of the trees closest to the trail, grading, and filling where necessary and putting on gravel to maintain trail stability. He may cut into and remove a portion of a hill to widen the trail and also put in an undetermined amount of fill in an area on the western portion of the trail.

Mr. Reihl may build a garage or storage shed on the subject parcel near his buildings. This would also require grading and fill in the area. The exact location and quantities of soil to be affected have not yet been determined.

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

There are no wetlands on the subject parcel.

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

There are no buildings on the subject parcel.

A woods trail runs east-west for ¼ mile through the subject parcel. This woods trail is currently being used by Mr. Thomas Blewett who has a license to use it. Mr. Reihl does not have an easement or license to use this trail.

Mr. Reihl has built a wooden retaining wall and has deposited gravel on the subject parcel to make the trail more level and useable. Mr. Reihl has also deposited gravel on the subject parcel to build up an entrance ramp to a garage/residence which was built near the subject parcel's south boundary line. No permits were issued by Jackson County to Mr. Reihl to do this work.

If Mr. Reihl acquires the 9.1 acres of county-owned land, the woods trail may be renovated. Tree, stump, and brush removal, leveling and grading, and removal of a small crown in the center of the trail may occur.

Mr. Reihl may remove soil from a hillside that lies in the western portion of the trail. The hillside faces north and the trail runs down along the hillside. The purpose of the excavating is to widen the trail and reduce ice and snow build up in the winter. There will be unknown quantities of soil to be removed. The hillside may need to be properly graded and re-vegetated.

Mr. Reihl has indicated a need to fill in an area to reinforce a wooden retaining wall along the trail. The retaining wall helps to maintain a level and stable trail. The exact quantity of soil to be used for fill is not known.

Mr. Reihl has also mentioned that he intends to relocate the woods trail on the east end of the parcel. He intends to relocate the woods trail on his property through a pine plantation which is north of the present trail. He will then connect this new trail to the trail on the subject parcel.

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

During the trail renovation, there will be minor increases in air pollutants from vehicles and equipment doing the trail renovation work.

There is a possibility that soil may be polluted from spilled gasoline, oil, and grease from the equipment. Quantities of these possible pollutants is unknown.

There is also a possibility of soil erosion when the hillside by the trail is disturbed. Some additional erosion could occur in the area where fill is placed.

9. Other Changes

A shift of ownership from the public domain to the private sector will reduce timber production and may eliminate recreational use opportunity. Wildlife habitat is not anticipated to substantially change unless additional site development occurs beyond plans indicated.

There is no way to anticipate what changes will occur if Mr. Reihl sells a portion of the subject parcel to Mr. Blewett. Mr. Blewett may not permit hunting or fishing on the portion of the subject parcel that he might purchase.

10. 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> </u>	DNR county wetlands map
Attachment	<u> </u>	Zoning map
Attachment	<u> X </u>	Other - Pictures, timber type map, aerial photos

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

Information Based On (check all that apply):

[X] Literature/correspondence (specify major sources)

[X] Personal Contacts (list in item 28)

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

Past Experience With Site By: [X] Author [X] Other (list in item 28)

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

Topography (Map 4):

The subject parcel has slopes ranging from 0-45%.

The most extreme slope is a small area on the south side of the parcel. This is a steep south facing U-shaped slope that faces Robinson Creek. The south boundary of the parcel goes through this slope.

Another area where there is a topographic change is in the middle of the parcel where in a short space of 5 chains, there is a 20 foot plus drop in elevation, going from east to west. The woods trail drops along this area.

There are areas in the western and northeastern portions of the parcel that have 0-6% slopes. These areas are gently rolling.

Soils (Map 5):

The Natural Resource and Conservation Service lists two different soil types. The bulk of the area is Tarr Sand with a small area, about 2.7 acres, being listed as a Mahtomedi loamy Sand.

The Tarr Sands are excessively drained soils formed in sandy deposits. The soils listed as TrB have 0-6% slopes and the allowable erosion rate is 5 tons/acre/year. The Tarr Sand listed as TrF are highly erodible.

Water: There are no surface water resources on the subject parcel.

Air: The air resource is typical of forested areas.

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

The major forest type of the subject parcel is oak. The oak is primarily black oak of varying ages and size classes. Also associated with the oak are jack pine and white pine also of varying ages and size classes.

The understory growth is composed mainly of assorted grass species, some wintergreen, and hazel. Forbs are also present.

Primary fauna consists of whitetail deer and wild turkey. Black bear, fox, coyote, woodchuck, opossum, skunk, grey and red squirrel, raccoon, and mice may also use the parcel. Common raptors that use the tract include great-horned owl, red-tailed hawk, broad winged hawk, sharp-shinned hawk, and kestrel. There are periodic sightings of bald eagles in the area. It is not known if eagles nest in the area. Common songbirds are present.

The subject parcel does not contain wetlands. Also, there are no lakes, flowages, rivers, streams, or creeks on the parcel.

The parcel contains a wide variety of nectaring plants including several fairly dense stands of wild lupine. Wild lupine has a known association with Karner blue butterfly, a federally endangered species. On June 13, 1995, the site was inspected by Department and Jackson County personnel to determine the presence of Karner blue butterflies. Three female individuals were identified.

13. Cultural

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

A woods trail traverses the subject parcel from east to west providing access to private property owned by Mr. Jack Reihl and Mr. Tom Blewett. (See Section 7)

At present, the parcel is publicly owned and provides for hunting, hiking, and timber production. Public access to the parcel is available from the north and west over county property bounded by Robinson Road. By the most direct route, the parcel is about 3/8 of a mile from Robinson Road which is west of the parcel.

The Town of Manchester is zoned. The parcel is zoned as C-1, Resource Conservancy; woods trails are permitted. New structures would require either rezoning or a variance. A Copy of the C-1 Resources Conservancy District criteria is in the Appendix, see Attachment 11.

Mr. Reihl's property has three structures and a well and septic system. Two of the structures are habitable and one is a small storage shed.

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

There are no ethnic or cultural group implications concerning this proposal.

Jackson County will receive one time revenue from the land sale. The Jackson County Board of Supervisors has indicated by Board Resolution 4-1-95 passed on January 17, 1995, that the revenue will go into the land purchase fund to buy lands to be entered under the County Forest Law.

The withdrawal will cause this parcel to be added to the county tax rolls. Additional tax revenue may be partially or entirely offset by the increased valuation of Manchester Township. A higher valuation may result in higher taxation by the county and the state.

There may be a slight opportunity for local economic gain if the trail is renovated and if structures are built.

c. Archaeological/Historical

The subject parcel does not contain any archaeological or historical sites according to the State Historical Society of Wisconsin.

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

An Endangered Resource species and a species of State Special Concern has been documented to exist in Section 16, Town 20 North, Range 4 West. A survey was conducted on the parcel to determine the presence of these special resource species.

The federally endangered, Karner blue butterfly was found on the subject parcel. Stands of lupine, the larval food for the Karner blue butterfly, were also found all along the woods trail and on the hill in the western portion of the parcel.

No State Natural Areas are involved in the proposed withdrawal.

Prime agricultural lands are not involved with the proposed withdrawal.

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

15. Physical (include visual if applicable)

The trail may be widened, trees cut, and stumps and brush removed. Grading may occur.

In the area of the hillside, vegetation may be removed in order to prepare for cutting into the bank of the hill. The hillside would be further altered by removing soil and redesigning the bank. The hillside could become steeper than it presently is.

In the area where fill may be deposited, the larger vegetation may be removed.

Erosion should be minimal on the trail. The greatest potential for soil erosion will be in the areas of the hillside and retaining wall. The hillside erosion may be severe. Even if erosion occurs, it will not cause the sediment to be discharged to a waterway.

The trail renovation may range from 3/8 to 5/8 of a mile from the nearest public road and will only be seen by those using the trail or hunt on the parcel.

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

Oak, jack pine, and white pine trees would be cut if the trail is widened or the hillside is modified. Stumps, native grasses, ferns, forbs, and brush would also be removed.

Re-vegetation opportunity for native tree species is not known but would not be great because the trail would be maintained in the new renovated condition.

Trees may be thinned and this would enhance growth and maintain good health.

The Department of Natural Resources Area Wildlife Manager states that any taking of land for building development and increased human use results in habitat loss and restricted wildlife use on that area. It forces wildlife to move to other areas and reduces the wildlife carrying capacity of the land. However, taken as a whole, it is significant due to other losses locally, statewide, and nationally.

The Department of Natural Resources Area Fish Manager states that there will be no adverse effects on fishing or fisheries habitat.

Most of the planned trail renovation will occur near or adjacent to the lupine stands on the subject parcel. This would also affect the Karner blue butterfly population by destroying lupine, the larval food plant for the Karner blue butterfly.

Withdrawal of the subject parcel will in itself not affect the wild lupine stands or Karner blue butterfly. Withdrawal would allow Mr. Reihl to develop the property as he sees fit, subject to local zoning requirements. Thus, road development, not the withdrawal would constitute the lupine disturbance and associated taking of Karner blue.

The USFWS administers the federal Endangered Species Act. They have been alerted to the withdrawal proposal and will be provided a copy of this environmental assessment. Should USFWS determine Mr. Reihl must consult with them before any road construction activities, it is assumed that Mr. Reihl will be contacted.

17. Cultural

a. Land Use (include indirect and secondary impacts)

Land use will change if the parcel is withdrawn. Currently, the land is publicly owned for multiple use benefits such as timber production, wildlife habitat, aesthetics, watershed protection, and recreation.

The proposed withdrawal will allow the 9.1 acres to go into private ownership. Public timber production, wildlife habitat, and recreation will be reduced and eliminated. Portions of the area may be converted to structural use.

However, land use may increase because of private ownership if residency occurs. This may increase demand on services (i.e. law enforcement, health services, and fire protection) that the Town of Manchester and Jackson County provide to residents.

Increased use at the residences may cause the present septic system to fail. The present land use and the way that the Reihl property is situated, it is only 150' wide, will not permit another septic system to be placed on it. This will require that Mr. Reihl look toward utilizing the subject parcel for his septic absorption field. Because the soil is excessively drained, it could limit septic system siting and technologies available to service the site.

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

The withdrawal of this 9.1 acre parcel will result in the loss of long term timber harvesting income to Jackson County. Public hunting will be reduced or eliminated on the subject parcel at the discretion of the new landowner unless some public use or other arrangement is made between the county and Mr. Reihl as a condition of withdrawal. Similarly, hiking, aesthetic opportunities, skiing, bird watching, and picnicking opportunities will be impacted.

The Jackson County Forestry Committee has stated that the funds received from the land sale would be designated to purchase other lands to enter under the County Forest program. Such land purchases may offset timber harvest, aesthetic, and recreation losses described above.

Although the 9.1 acre subject parcel would be added to the regular tax rolls, the additional tax revenue will be partially or totally offset by reduced state aids caused by an increase in the Town of Manchester's valuation. Also a higher valuation in the Town will result in higher county and state taxation.

State forestry aids could be affected in the future. The amount of state forestry aid paid to the County is determined by the amount per acre requested and the acres involved. Since the area of the County Forest would be reduced, state aids would also be reduced. This could be offset if the County purchased additional acreage with the purchase money and entered the land under the Forest Crop Law. But, until this is done, the County will lose state aid money.

The Township of Manchester will also lose some state aid, which is \$.30 per acre. They will also lose severance payments from county timber sale revenues.

c. Archaeological/Historical

Information has been requested from the State Historical Society.

If sensitive resources are identified or if artifacts are discovered during land disturbance activities, suitable coordination and follow-up with the State Historical Society will be required.

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

State Natural Areas and prime agricultural lands are not involved in this proposal.

Wetlands or surface water resources are not present.

No other special resources are known to exist.

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

Loss of 9.1 acres from Jackson County Forest.

Loss of public uses such as hiking, skiing, and other recreational opportunities on the parcel.

Loss of vegetation along the road if it is renovated.

Displacement of wildlife and/or reduced populations due to loss and associated reduction in regional carrying capacity.

Potential loss of Karner blue butterfly and its habitat. (Subject to USFWS review and findings).

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

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

a. No Action

Under this alternative, Jackson County will retain ownership. Long term opportunities for income production through timber sales will be retained. The public will retain multiple uses such as hunting and other recreational opportunities. There would be no environmental damage.

Mr. Reihl will continue to use the county land to get to his property without a county land use permit.

The County Board of Supervisors ratified an agreement with Mr. Reihl on January 17, 1995. The County Board has, by ratifying the agreement, stated that they want to sell the land to Mr. Reihl. (See Attachment 12)

b. Proposed Action

Jackson County will withdraw 9.1 acres from the Jackson County Forest in the Town of Manchester.

Jack Reihl will buy the parcel for \$3,600.00. He will also pay appraisal fees, surveying fees, and state aids that are to be reimbursed to the State.

He will also relinquish a partial access easement to his property from Robinson Road granted to him by Jackson County. (See #2, last paragraph)

He will provide the county with an easement to cross his land. The county will repair any damages in the exercise of the easement.

c. Enlarge

If the proposal is enlarged, additional County Forest land would be withdrawn from the County Forest Law.

The enlargement could be as much as 40 acres, which Mr. Reihl stated that he would buy in a November 1, 1994, letter to the Jackson County Forestry and Parks Committee.

All economic benefits would increase. Public multiple use opportunities would decrease. County timber sale revenue would decrease. Property taxes would increase. Mr. Reihl would have increased costs to purchase the land.

Physical changes may increase and create increased environmental consequences.

Increased Karner blue butterfly habitat loss may occur.

d. Reduce

The present proposal would be reduced to withdraw 3 acres. This acreage would probably be just enough to accommodate Mr. Reihl's trail improvement plans.

Environmental consequences may be reduced. Timber sale revenue would not be reduced as much as the original proposal. Public multiple use benefits would not change as much.

The Karner blue butterfly habitat loss would be less but not totally eliminated.

e. Modify

1. Mr. Reihl could accept a land use license or permit such as the one offered to him on November 10, 1994 (see Attachment 13). A permit will cost nothing to either party, and can be handled internally by Jackson County. Mr. Reihl is assured that the general public will not travel over his property and the County would repair any damages to the trail if they should occur as a result of County use.

This easement proposal was previously rejected by Mr. Reihl.

Under this alternative, impacts to public timber value, recreation use, wildlife habitat, and endangered species would be minor.

2. Mr. Reihl could relinquish the partial access easement from Robinson Road in the NW SE, Section 16. He could give the county an easement to cross his property in Section 15. In return, the county would fix the trail in order to make it easier to travel upon. This could entail grading out the trail crown, depositing gravel, and leveling. Jackson County Forest Administrator has discussed this with the author and has stated that he would entertain this proposal.

Under this alternative, recreation use and wildlife habitat impacts would be minor. Jackson County would coordinate with USFWS regarding road construction activities and associated potential impacts to Karner blue butterflies.

If the property stays under County ownership, the County maintains long term investment from timber sales and public uses are retained.

3. Mr. Reihl could exchange 9.1 acres of his property for the 9.1 acre parcel. Exchanges of land have been done in the past. In order to maintain County Forest continuity, the land from Mr. Reihl should be within the established County Forest boundary and next to County Forest land.

This proposal would maintain public use and ownership of the same number of acres. County Forest revenue would be comparable. Environmental consequences would in part depend on resource values present on the replacement land parcel.

f. Other Locations and/or Methods

1. Mr. Reihl could exercise the partial access easement off Robinson Road he has with Jackson County for the NW SE, Section 16, Town 20 North, Range 4 west, and obtain an easement on adjacent private lands. This would assure Mr. Reihl of permanent complete access off Robinson Road.

This alternative involves trail renovation and the placement of water crossings. The county retains ownership, timber sales revenue, and continues public use of the land.

Because of the environmental setting of this route, environmental consequences from access development would be generally greater than those along the proposed route. This route has not been inspected for Karner blue butterflies or other sensitive environmental features.

2. Mr. Reihl could obtain an easement to cross other 40 acre descriptions of County Forest lands. This alternative retains County ownership, timber sales income, and maintains public use of the land. Environmental consequences depend on the location and resource values present along the alternate route.

EVALUATION OF PROJECT SIGNIFICANCE (Complete each item)

21. Significance of Environmental Effects

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

Physical: The proposed withdrawal and subsequent change in ownership may change the physical quality of the environment. The applicant may renovate the trail and place a structure on the parcel. This would require grading soil and removal of trees, shrubs, and grass. Any physical environmental effects are not expected to be significant.

Biological: The biological component of the parcel may be altered with the removal of the trees, shrubs, and grass. Wildlife losses may occur and the regional carrying capacity will be changed. The local fishery will not be altered. Endangered resources, the Karner blue butterfly, could be adversely affected by altering the woods trail. Habitat loss could occur. Loss of some individual butterflies may occur by altering the physical aspects of the subject parcel.

Socio-Economic: The proposed withdrawal may change the socio-economic component of the environment.

The withdrawal will shift ownership from the County Forest to a private individual. The assessed valuation in Manchester Township will increase. This may have only small effects on the taxation in the township.

There would be more money available to purchase other lands for entry under the County Forest Law.

- 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)

The short term effects that would occur are those that are associated with the renovating of the trail and constructing any structure.

Once the proposed withdrawal occurs, the reversibility of the action is unlikely. Timber production income and public recreational opportunities will be reduced. These losses may be offset by opportunities gained by any replacement forest lands acquired by using revenue from the sale of the subject parcel. Soil erosion may occur and continue until the soil is stabilized.

Some wildlife species may be disturbed and be forced to move to other areas. This movement may cause overcrowding and reduce the carrying capacity of the land. The overall impact to wildlife species and populations may not be significant.

There are no known archaeological or historic resources on the parcel.

The federally endangered species, the Karner blue butterfly, may be affected if the withdrawal is granted and Mr. Reihl could relocate and/or renovate the trail on the withdrawal property. The USFWS should contact Mr. Reihl if they have concerns or restrictions on construction activities due to the presence of the Karner blue butterfly.

22. 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.

Additional withdrawals specific to access may have important cumulative effects on the Jackson County Forest Program and significant ramifications for the statewide County Forest program.

Disrupting County Forest blocking, increasing ecosystem fragmentation, and reducing regional wildlife carrying capacity are detrimental environmental consequences that would increase with additional withdrawals.

Converting public trails to private ownership disrupts travel corridors and can potentially increase trespass; new trails may need to be constructed.

23. Significance of Risk

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

None.

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

The parcel is in a high fire danger area. The timber type has a potential for serious crown fires. In 1977, the "Airport Fire" burned 3,000 acres and started just one mile north of the subject parcel.

24. Significance of Precedent

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

The significance of the precedent that this proposal establishes is the major issue of this withdrawal.

Approving this withdrawal proposal establishes the precedent that personal use is more important than public benefit.

As other individuals become aware of this precedent, a multiplier effect would cause an interest in converting existing leases, permits, or easements on the County Forest land from public use to private benefit.

The proposal also give inappropriate significance to a singularly determined definition of better and higher use. Mr. Reihl indicated that his ownership outweighs the benefits under continued County ownership, and ensures that the land will be put to a "better and higher use." (See Attachment 14)

Mr. Reihl states that since they are granting an easement on their land, the state and county are getting access to land that they didn't have before. However, all of the County Forest land in Section 16 is currently accessible to the state, county, and public from Robinson Road. The county doesn't need to cross Mr. Reihl's land to get to its property.

Mr. Reihl also stated that he will be paying property tax on the land, therefore creating additional money from taxes. The tax increase for the 1994 taxes would have been only \$85.84 which would represent 0.02 percent of the total revenue collected by the Town of Manchester. For 1994, the Town would receive \$3.27 and the County would receive \$24.89. The remainder of the \$85.84 would go for state and school taxes.

Mr. Reihl further states that he will reimburse to the county the financial aids that must be returned to the state. These financial aids are an interest free loan to the county. They are eventually returned by the 20 percent severance tax that the county pays from their timber sale revenue. This is not a revenue making situation for the County.

- 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.

The proposed withdrawal is inconsistent and in conflict with Section 420.05 of the Jackson County Forest 10-Year Comprehensive Land Use Plan. The Requirements Section of the policy states, "Because of the high value of public lands to all the people of the county, requests for the purchase of county-owned lands which lie within the county forest boundaries will not normally be considered." Further, "When the proposed use of the land is acceptable but does not require a transfer of ownership, the county shall offer a conveyance of property rights through the appropriate legal instrument." The section also states that the instrument used shall be the one that relinquishes the least amount of County control over the land.

Section 420.05 requires that this type of land use request be dealt with by a written permit, not a County Forest withdrawal and land sale.

Furthermore, this section expresses the requirement that any withdrawal will benefit all the people of the county to a greater extent.

Mr. Reihl was offered a land use permit by the County on November 10, 1994, but refused it (see Attachment 13).

Withdrawal and land sale is in direct conflict with written county policy concerning land use permits. The proposed use does not require a transfer of ownership.

By approving the withdrawal, the county relinquishes control over the parcel which normally is dealt with a written permit.

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

Controversy exists between Mr. Reihl's interpretation of better and higher use and the Department's view.

Reihl's definition of better and higher use includes (see Attachment 14):

- a. New access for the County and State,
- b. increased property taxes paid,
- c. re-imbusement of financial aid, and
- d. \$3,600.00.

The Department has determined the following:

- a. Access to the county forest currently exists,

- b. an estimate of private taxation shows a reduction in revenues to the township and only a minimal increase in revenues to the county,
- c. financial aid is currently re-imbursed to the state through timber sale revenue payments, and
- d. the \$3,600.00 will be used to purchase more county forest land.

A second controversy is the cumulative effect which may occur in all of Jackson County or all County Forest programs statewide if this withdrawal establishes a precedent.

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

One factor that warrants emphasis is that on November 10, 1994, Mr. Reihl refused to accept a land use permit from Jackson County.

The land use permit presented by Jackson County authorized Mr. Reihl to use the trail and renovate it to a better condition. He will be able to continue to maintain the road to his standard.

Also the fact that Mr. Reihl has in the past asked for and received a land use permit indicates that he can accept a permit for access.

SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES

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

The Jackson County Board of Supervisors has passed a resolution requesting withdrawal (see Attachment 1). Presently, no comments or inputs have been received from citizens or other public agencies. A news release on this environmental assessment will be issued seeking public comment on the proposed withdrawal.

Input received will be considered in subsequent Department actions concerning the project.

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

<u>Date</u>	<u>Contact</u>	<u>Comment Summary</u>
Various times in April and May	Robert Hess, Jackson Co. Forest Administrator	Project and property information.
4/12/95	Jack B. Reihl, Applicant	Contacted for appointment for 4/13/95.
4/13/95	Jack Reihl, Pat Murphy, and Tom Lovejoy, E.I. Coordinator	Viewed subject parcel, discussed plans, alternatives, and procedures.
4/18/95	Bob Mather, DNR Public Forest Specialist	Asked for previous withdrawal information.
4/18/95 and 4/19/95	Tom Blewett, neighbor to Reihl	Discussed concerns about withdrawal.
4/18/95	Darlene Hostrawser, Jackson County Zoning Sec.	Zoning information.
4/11/95	Richard Dexter, Chief Compliance Section, State Hist. Society of WI	Written request for historical/archeological information.
4/12/95	Elizabeth Spencer, Env. Review Dispatcher and Chuck Pils, Director, Bureau of Endangered Species	Written request for Endangered and Special Resources Review information.
4/17/95	Tim Babros, DNR Area Water Mgt. Specialist	Written request for information on wetlands.
4/18/95	Richard Mertig, DNR Area Land Agent	Written request for opinion of land appraisal.
4/18/95	Gene Kohlmeyer, DNR Area Wildlife Manager	Written request for information on wildlife effects of withdrawal.
4/18/95	Jim Talley, DNR Area Fish Manager	Written request for information on the effects of the withdrawal on the fishery.
Various times in April and May	Tom Lovejoy	Discussed various aspect of the E.A.
Various times in April and May	Pat Murphy	Discussed E.A. development.

PROPOSAL: REIHL COUNTY FOREST WITHDRAWAL, JACKSON COUNTY

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 [✓]

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.

Signature of Evaluator	Date Signed
<u>Thomas J. Quilty</u>	<u>7/25/95</u>
Noted: Area Director or Bureau Director	Date Signed

Copy of news release or other notice attached? [] Yes [✓] No
 Number of responses to public notice 8
 Public response log attached? [✓] Yes [] No

Final EA revised as per 10/6/95 letter to Mr. Josh Reihl from T-Forgy, ONE. Copy attached.

Thomas G. Smey 10/6/95
 CERTIFIED TO BE IN COMPLIANCE WITH WEPA
 District Director or Director of BEAR (or designee)

District Director or Director of BEAR (or designee) Date Signed

*cc: G Meyer AD/5
G. Ponder EA/6
B Mathen FA/4
J. DeLebrater WD
T-Quilty BFF*

NOTICE OF APPEAL RIGHTS

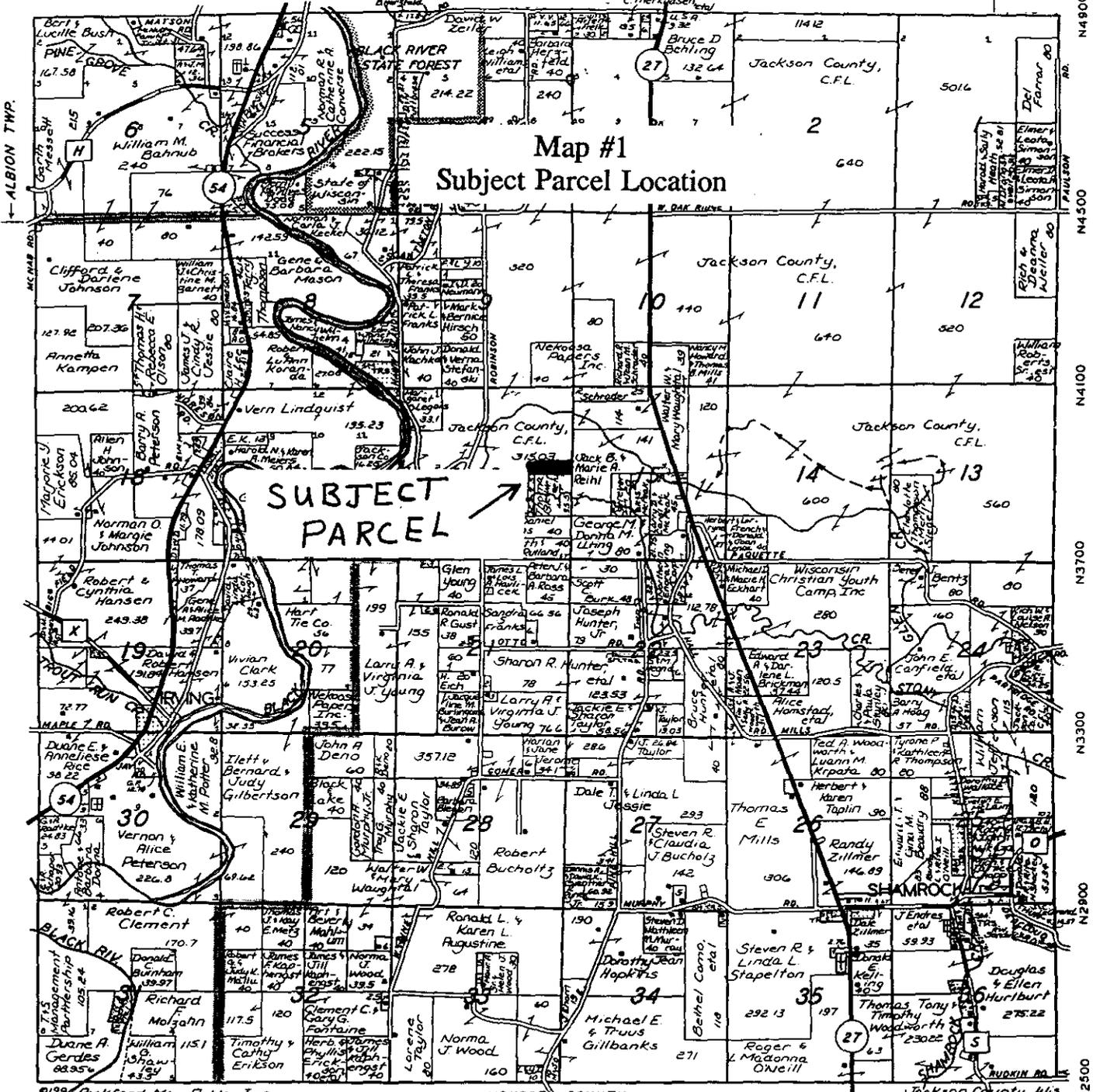
If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

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.

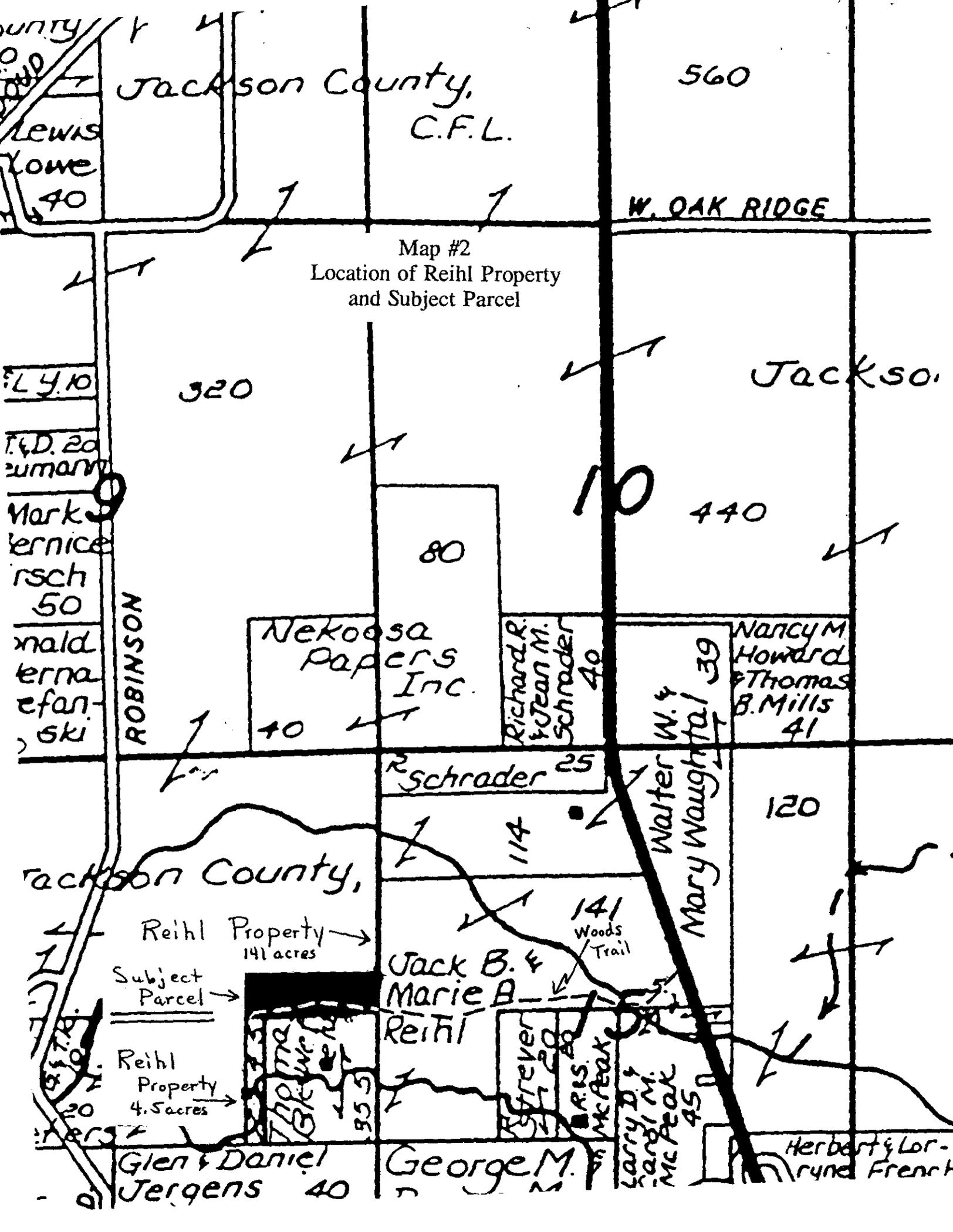
This notice is provided pursuant to section 227.48(2), Stats.



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IRVING TWP. - MANCHESTER TWP.

W12000 W11600 W11200 W10800 W10400 W10000 W9600



Jackson County,
C.F.L.

560

Lewis
Lowe
40

W. OAK RIDGE

Map #2
Location of Reihl Property
and Subject Parcel

320

Jackson

80

440

Nekooosa
Papers
Inc.

Richard R.
& Jean M.
Schrader
40

Nancy M.
Howard
& Thomas
B. Mills
41

ROBINSON

40

R. Schrader 25

Walter W. &
Mary Waughtal 39

120

Jackson County,

Reihl Property
141 acres

Subject
Parcel

Jack B. &
Marie B.
Reihl

141
Woods
Trail

Reihl
Property
4.5 acres

Streyer
20

R.S. &
McPeak
40

Larry D. &
Carol M.
McPeak
45

Glen & Daniel
Jergens 40

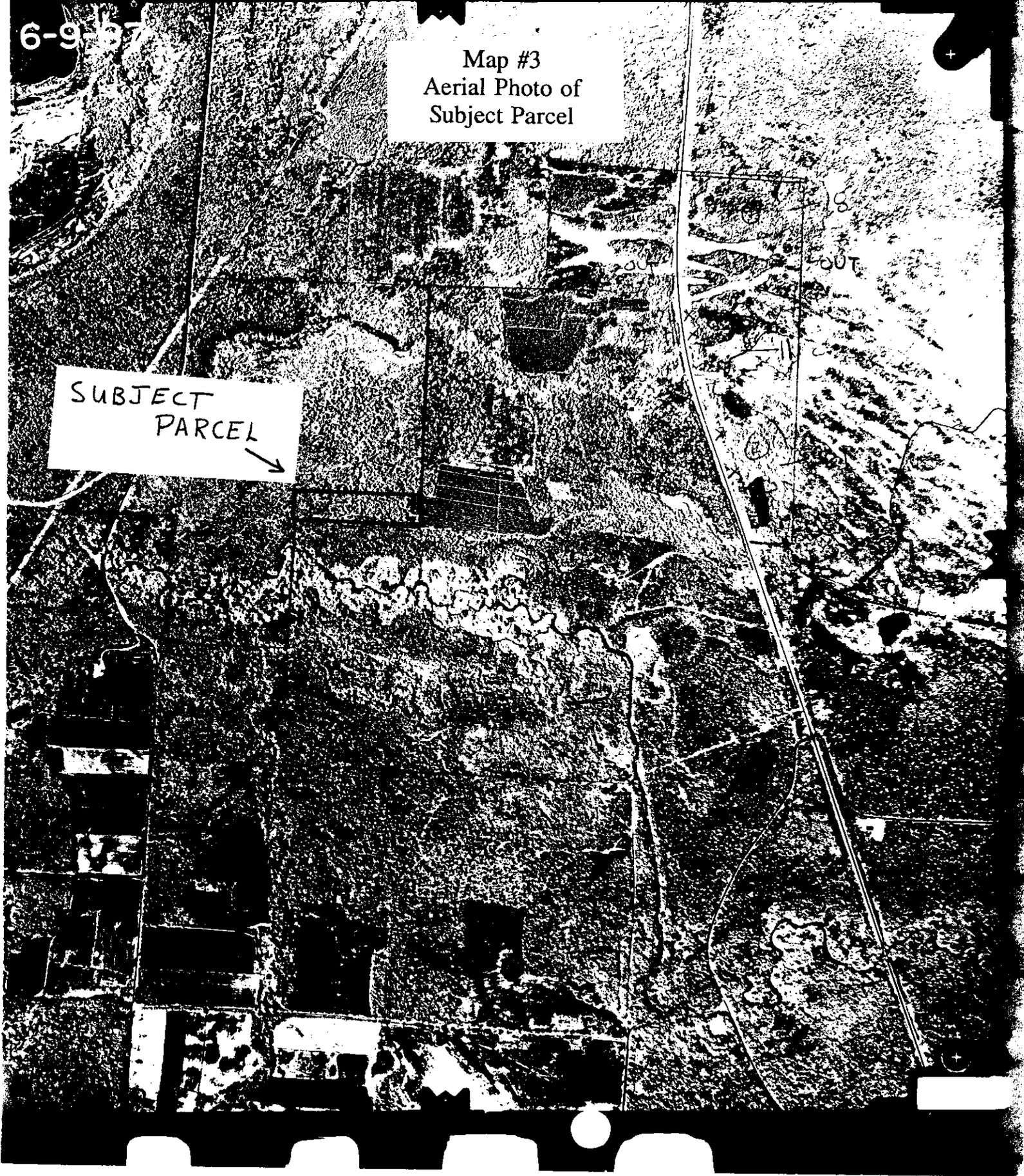
George M.

Herbert & Lorayne
French

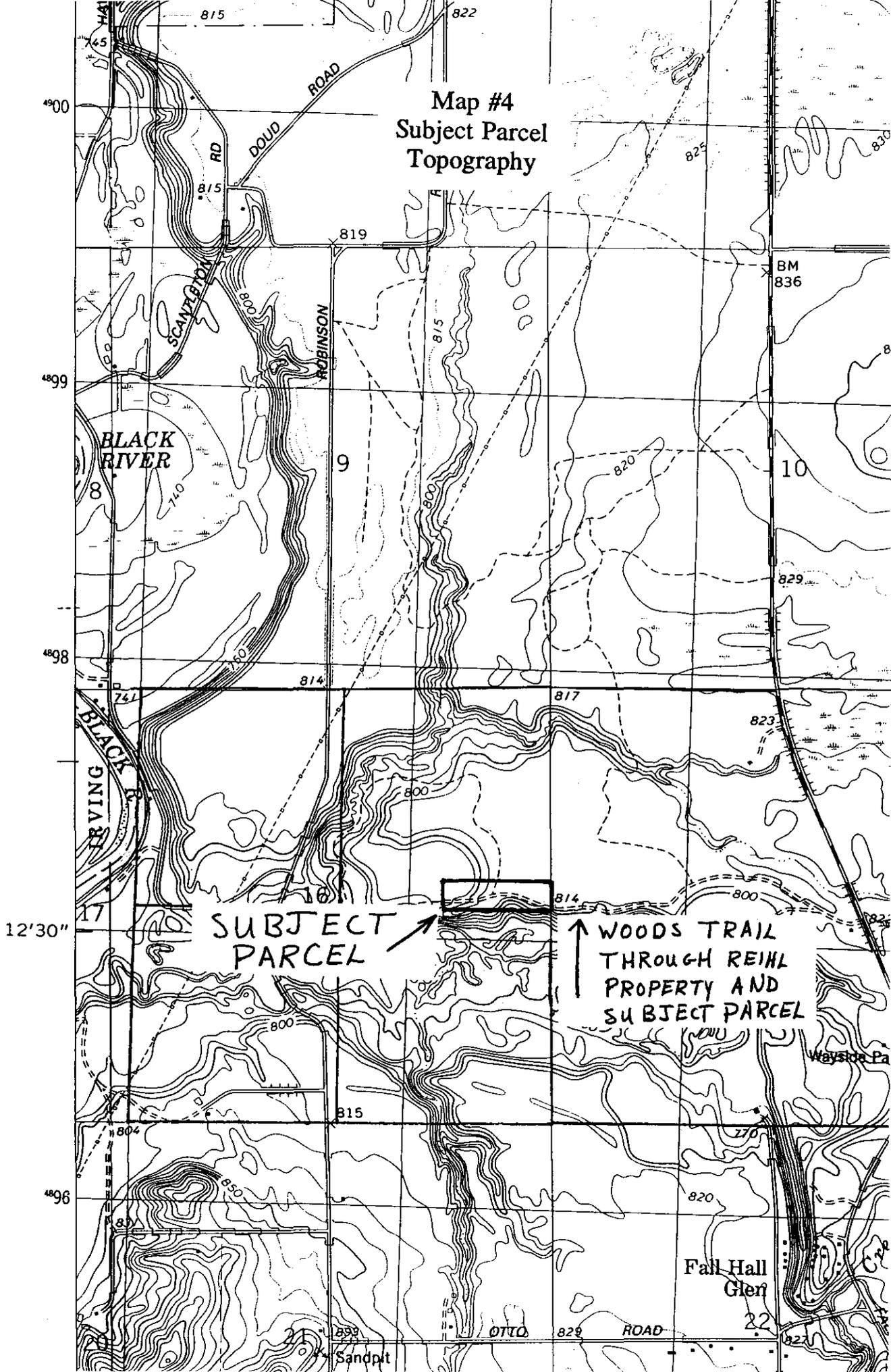
6-9-67

Map #3
Aerial Photo of
Subject Parcel

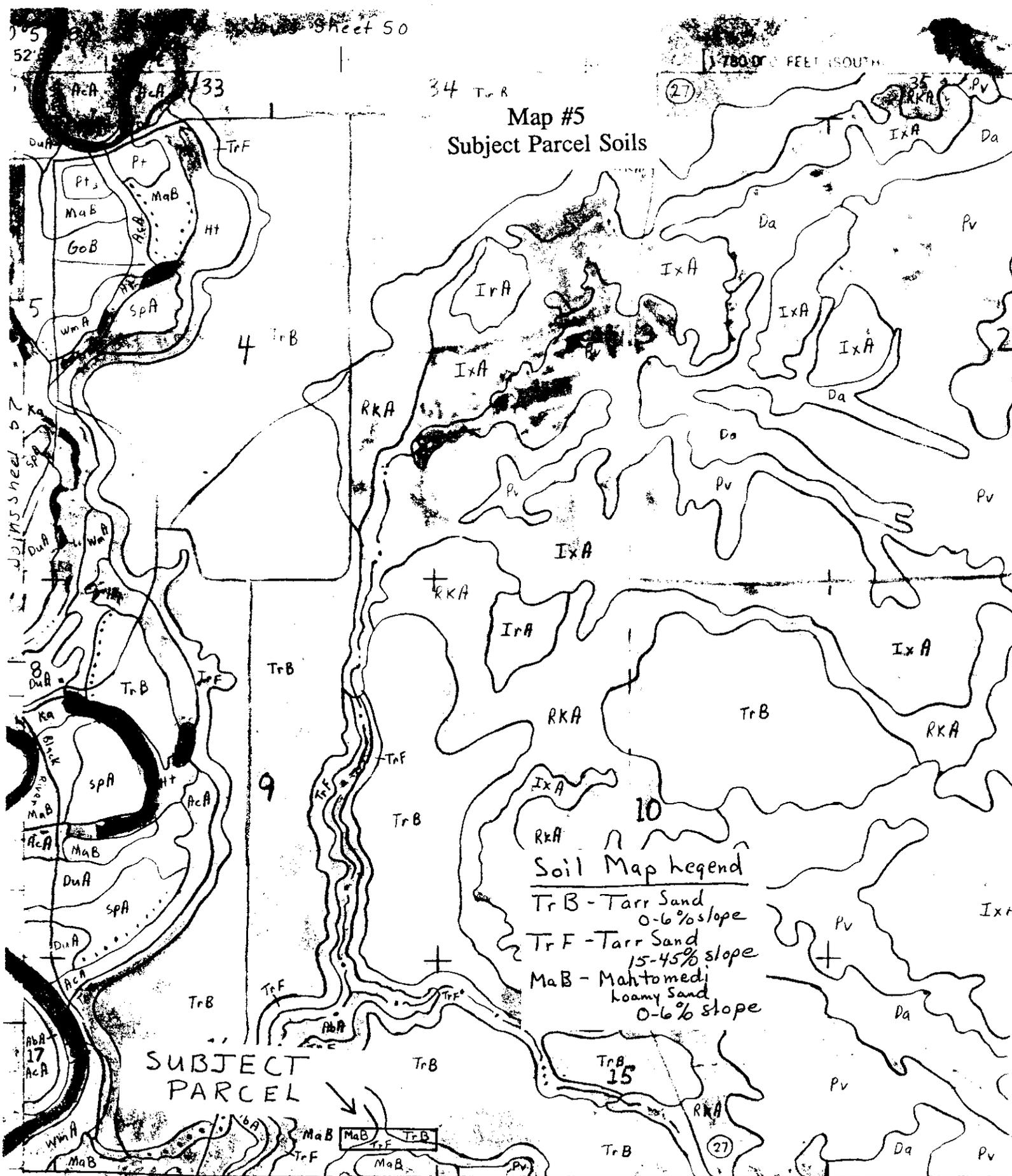
SUBJECT
PARCEL



Map #4
Subject Parcel
Topography



Map #5 Subject Parcel Soils



Soil Map legend

- TrB - Tarr Sand
0-6% slope
- TrF - Tarr Sand
15-45% slope
- MaB - Mahtomedi
loamy sand
0-6% slope

SUBJECT PARCEL

Jackson County Board Resolution

Resolution No. 11-1-95

Withdrawal of Land from County Forest

TO THE HONORABLE JACKSON COUNTY BOARD OF SUPERVISORS

Whereas Jack B. and Marie A. Reihl own property and a house in the Town of Manchester, and

Whereas their access road crosses County Forest land, and

Whereas the Reihls wish to purchase the land on which the road is built, and

Whereas an agreement has already been reached with the Reihls regarding easements for County access, appraisals and other costs, and

Whereas the parcel must be withdrawn from the County Forest before it can be sold to the Reihls.

NOW THEREFORE BE IT RESOLVED that Jackson County make application to the Wisconsin Department of Natural Resources for withdrawal of the following described parcel from provisions of Chapter 28.11, Wisconsin Statutes, to wit:

The south 300 feet of the southeast quarter of the northeast quarter of Section 16, Township 20 North, Range 4 West, Town of Manchester, Jackson County, containing approximately 9.1 acres.

BE IT FURTHER RESOLVED that the parcel, upon successful withdrawal, be sold to Jack B. and Marie A. Reihl for the sum of \$3,600.00 and that said sum be deposited in the County Forest Land Acquisition Fund for the purchase of other lands for addition to the County Forest as prescribed by existing County land policy.

Respectfully submitted:

Forestry and Parks Committee

Wallace Pfaff
Wallace Pfaff, Chairman

Donald Evenson
Donald Evenson

Allen Olson
Allen Olson

Alan Barczak
Alan Barczak

Dale Linder
Dale Linder

Attachment #2
Opinion of Value

December 26, 1994

Mr. Robert J. Hess, County Forest Administrator
Jackson County Forestry and Parks Department
307 Main Street
Black River Falls, WI 54615

RE: Jack B. and Marie A. Reihl Appraisal

Dear Mr. Hess:

In compliance with your request, I have reviewed the aerial photograph and plat map and appraised the real property located at

South 300' SE NE, S16, T20N, R4W
Town of Manchester, Jackson County, WI

The purpose of this appraisal is to estimate the market value of the aforementioned property.

The preparation of this assignment required the appraiser invoke the Departure Provision of the Uniform Standards of Professional Practice because a Sales Comparison Analysis was the only valuation method used. Because the subject is vacant land containing no structures, the Cost Approach was not applied. Due to the lack of a reliable income stream, the Income Approach was not applied.

In my opinion, the estimated market value of the subject property, based upon all assumptions contained herein, as of December 19, 1994, is

THREE THOUSAND AND SIX HUNDRED DOLLARS.....\$3,600.00

This report is a summary appraisal and has been made in accordance with FIRREA definitions and standards.

The attached report contains the description, analysis and supportive data for the conclusions and final estimate of value.

My compensation is not contingent upon the reporting of a predetermined value that favors the cause of the client, the amount of value estimate, the attainment of a stipulated result or the occurrence of a subsequent event.

It has been a pleasure to assist you; if I may be of further service to you in the future, please let me know.

Sincerely,



Thomas C. Walker, Sr.
WI Certified General Appraiser #69

Attachment #3
Review of Opinion of ValueDepartment of Natural Resources
Black River Falls Area

DATE: April 19, 1995 FILE REF:

TO: Tom Quilty

FROM: Richard Mertig 

SUBJECT: Reihl Withdrawal Proposal Appraisal

Per your request, I have given a brief review of the above appraisal as prepared by Thomas C. Walker. My findings are as follows:

This is a Limited Summary Appraisal Report as defined by Standard 2-2 of the Uniform Standards of Professional Appraisal Practices (USPAP).

The Sales Comparison Analyses (Market Approach) was the only valuation method used because the subject is unimproved and not capable of producing a sustained income, therefore eliminating the practicality of using the cost approach and income approach to value.

The three comparable sales used all occurred within 13 months of the valuation date, were within the same township as the subject, and were all landlocked as is the subject, and in my opinion, were good comparables.

The appraiser did not make a personal inspection of the subject, but drew his conclusions regarding the property based on a plat map, aerial photo, and flood insurance rate map, which he so stated. This is acceptable, but it should be realized that by not inspecting the property, certain features that influence value could have been overlooked. This is not likely if information provided to the appraiser by those familiar with the property was accurate.

I concur with the final opinion of value of \$3,600 which appears reasonable and well supported.

Please contact me if you have any additional questions or comments.

REM:jjf
RE6RM100

Attachment #4
Photos of Terrestrial Resources



Typical terrestrial resources on subject parcel.



Typical terrestrial resources on subject parcel.

Attachment #5
Photos of Trail on Hillside



Looking west and downhill at trail, near west end of subject parcel.

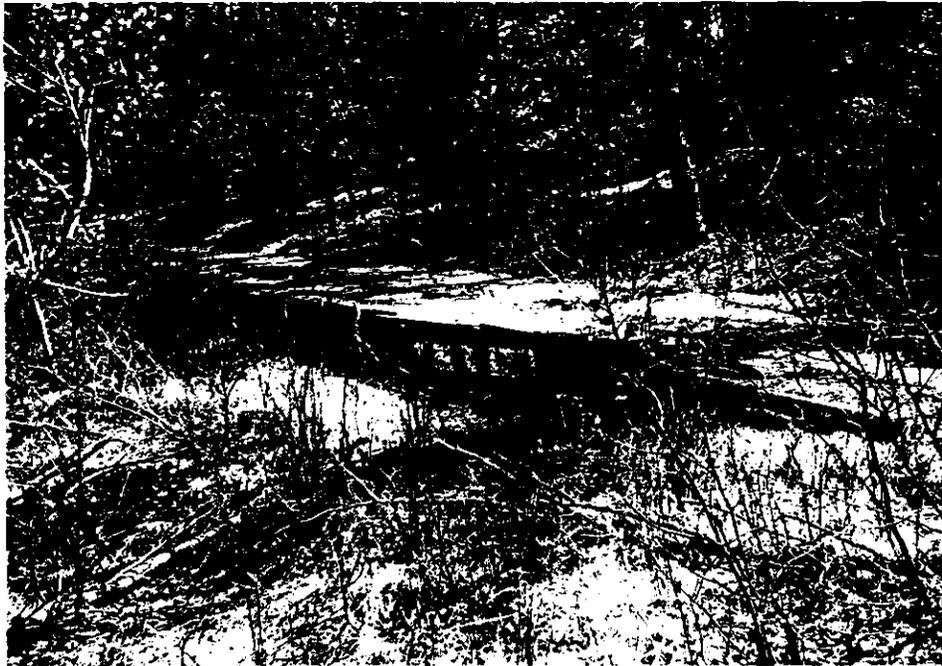


Looking east and uphill at trail, near west end of subject parcel. Retaining wall is visible in left center of photo.

Attachment #6
Photos of Retaining Wall



Looking west and downhill at retaining wall.



Retaining wall and fill constructed by Mr. Reihl.

Attachment #7
Photos of Hillside Vegetation



Terrestrial resource on hillside that would be removed. Looking southwest from top of hill. Hillside to be re-sloped.



Terrestrial resources on hillside that would be removed. Looking southeast and uphill. Hillside to be re-sloped.

Attachment #8
Photos of Reihl Buildings



Looking up at main cabin on Reihl property. Taken from slope which faces Robinson Creek.



Second cabin on Reihl property. There is a 2 car garage under this building.

Attachment #9
Photos of Entrance Ramp
and Bulldozed Clearing



Looking east from southwest corner of subject parcel. Slope is fill placed by Mr. Reihl on County property. County property is on the left 3/4's of the photo.

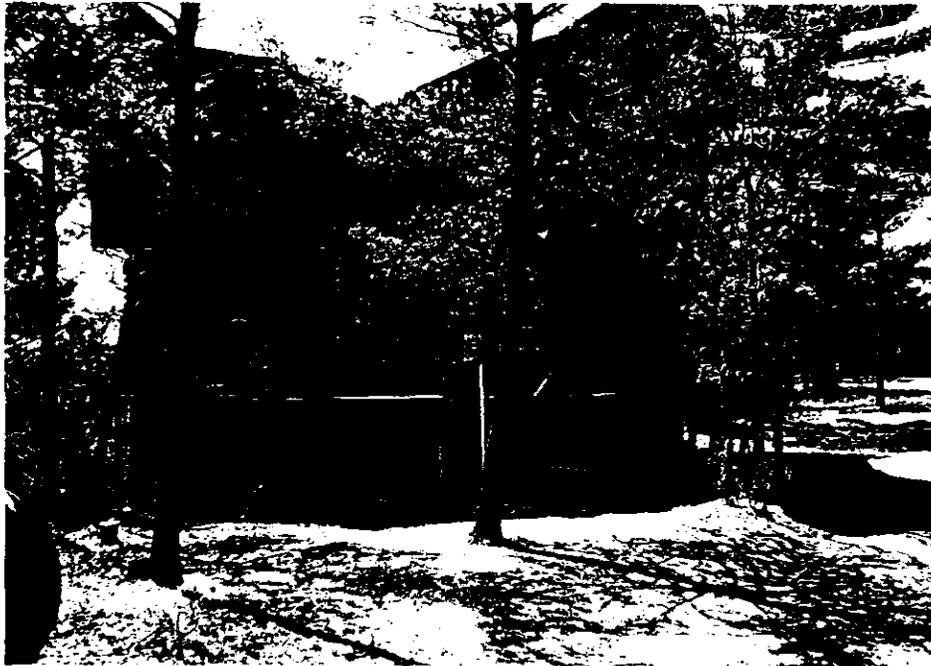


Bulldozed clearing just north of Reihl buildings. The clearing is on county property.

Attachment #10
Photos of Entrance to Blewett
Building and Blewett Building



Trail to the Blewett property.



The Blewett seasonal residence.

Attachment #11
County Zoning Ordinance ZONING CODE 17.30(2)(c)
for C-1 District

(c) Residential Lot.

1. Dwellings and mobile homes whose resident owners and laborers actually engaged in the principal permitted uses are accessory uses and shall comply with all the provisions of the R-2 Residential District.

2. Frontage minimum - 180'.

3. Area minimum - 3 acres.

(d) Yards.

1. Street minimum - 25' from setback line as required by §17.45.

2. Rear minimum - 40'.

3. Side minimum - 40'.

17.31 C-1 RESOURCE CONSERVANCY DISTRICT.

(1) PRINCIPAL USES. Fishing; hunting; preservation of scenic, historic and scientific areas; public fish hatcheries, soil and water conservation; sustained yield forestry; stream bank and lakeshore protection; water retention; floodplain; wildlife preserves; public park and campground.

(2) CONDITIONAL USES. Drainage; water measurement and control facilities; grazing; accessory structures, such as hunting or fishing lodges; orchards, truck farming, utilities and wildcrop harvesting. These uses shall not involve the dumping, filling, cultivation, mineral, soil or peat removal or any other use that would disturb the natural fauna, flora, watercourses, water regimen or topography.

(3) STRUCTURES. None permitted, except those housing essential services accessory to the principal or conditional uses. No temporary or permanent residence shall be permitted.

Attachment #12
**Agreement Between Reihl
and Jackson County**

AGREEMENT

This agreement executed on the dates indicated below by and between Jack B. Reihl and Marie A. Reihl (hereinafter the Reihls) and the County of Jackson, State of Wisconsin (hereinafter the County); and

WHEREAS, the Reihls and the County have entered into an agreement for purchase of certain lands owned by the County pending successful withdrawal of said lands from provisions of ss. 28.11, Wisconsin Statutes, more particularly described as follows:

The south 300 feet of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 16, Township 20 North, Range 4 West, Jackson County, Wisconsin, containing approximately 9.1 acres, more or less; and

WHEREAS, for good and valuable consideration the County will provide to the Reihls a Quit Claim Deed to the aforementioned property; and

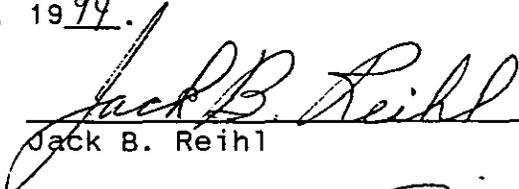
WHEREAS, said sale is contingent upon the following terms and conditions.

It is hereby agreed and covenanted by the parties as follows:

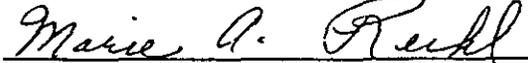
1. The Reihls agree to pay for the cost of hiring a certified appraiser to determine the fair market value of the parcel. The appraiser selected shall be acceptable to both parties.
2. The Reihls will provide to the County a Quit Claim deed to the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, of Section 16, Township 20 North, Range 4 West, Jackson County, Wisconsin, thereby relinquishing an easement granted to them previously by the County.

3. The Reihls will provide to the County an easement for ingress/egress across the south 300 feet of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 16, the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15, all in Township 20 North, Range 4 West, Jackson County, Wisconsin. The easement shall be only for official County business by County employees or its assigns and shall not be for use by the general public.
4. The County agrees to repair any damages to the roads or trails in the exercise of the easement (Item #3) and shall restore said roads or trails to original or better condition.
5. The County will retain rights of the public to enter (by pedestrian access across other County lands) the parcel to be sold to the Reihls for purposes of hunting and fishing.
6. The Reihls agree to reimburse the County for any financial aids which must be returned to the State of Wisconsin as a condition of withdrawal of the parcel from the County Forest.
7. The Reihls agree to pay for the cost of a registered survey by a licensed surveyor on the parcel to be sold to them by the County.
8. It is agreed by both parties that Item #1 shall be executed prior to action by the County Board of Supervisors on the proposal. Item #2 through Item #7 shall be executed upon approval from the State of Wisconsin, Department of Natural Resources, for withdrawal of the parcel from the County Forest pursuant to ss. 28.11, Wisconsin Statutes.

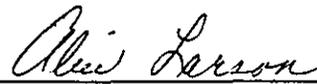
IN WITNESS WHEREOF, We have here undersaid our hands and seals
this 20th day of Dec., 1994.



Jack B. Reihl



Marie A. Reihl



Alice Larson
Jackson County Clerk

Attachment #15
Land Use Permit Proposed
on November 10, 1994

Proposal

Reihl Land Purchase Request

1. Jackson County grants formal easement for ingress/egress across county land as trail now exists.
2. Mr. Reihl grants formal easement to Jackson County for ingress/egress from Hwy 27 across existing trail.
 - A. Easement is for management and timber harvesting only, not for general public use.
 - B. County agrees to repair any damage to Reihl road from its use.
3. Mr. Reihl gives up easement across NWSE quarter of Section 16.
4. No fee required for transaction, as both parties benefit.

Attachment #14
Reihl "Higher and Better" Use Statement

Why granting land to Reihls outweighs benefits under continued entry and ensures land will be put to a "better and higher use."

- The Reihls are granting an easement, therefore, giving access to land the State and County did not have access to before.
- The Reihls will be paying property tax on land granted, therefore, State is making new money on tax rolls, even though it still has access to all parts of that land.
- The Reihls will be reimbursing County to financial aids which must be returned to State as condition of withdrawal, so again making revenue on land that State still has full access to for forestry purposes (harvest) and public has entry to for hunting and fishing.

acres.

BE IT FURTHER RESOLVED that the parcel, upon successful withdrawal, be sold to Jack E. and Marie A. Reihl for the sum of \$3,600.00 and that said sum be deposited in the County Forest Land Acquisition Fund for the purchase of other lands for addition to the County Forest as prescribed by existing County land policy.