

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

Form 1600-1

Rev. 7-2006

Department of Natural Resources (DNR)

Region or Bureau NOR
Type List Designation 150.03(8)(d)(1c)

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., November 7th, 2008.

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Applicant: VILAS COUNTY FORESTRY DEPARTMENT

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COUNTY FOREST ADMINISTRATOR: LARRY STEVENS
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Title of Proposal: VILAS COUNTY FOREST WITHDRAWAL AND TRADE

Location: County: VILAS Township: CONOVER

Township, Range, Sections: T 42N, R10E, SECTION 27: NESW (40 ACRES), NWSW (PART LYING EAST OF US HWY 45 AND EAST OF OLD HWY 45 - 24 ACRES), SWSW (PART LYING EAST OF OLD HIGHWAY 45 - 22 ACRES); SECTION 34: NWNE (PART LYING NORTH OF FIRE LANE ROAD - 13 ACRES).

Private Lands to be acquired in Trade: Townships, Range, Sections: T41N, R10E, SECTION 17, NWNW (40 ACRES); T42N, R10E, SECTION 25, NENE, NWNE (80) ACRES, T42N, R10E, SECTION 4, E 1/2 SW 1/4, PT OF (2.4 ACRES).

PROJECT SUMMARY

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

This project involves the trade of ownership of 99 acres currently owned by Vilas County and enrolled in the County Forest Law to Mr. Wayne Oldenburg, Oldenburg Group, Inc., 1717 W Civic Drive, Glendale, WI 53209 in exchange for 122 acres he currently owns within the Vilas County Forest boundary, along with a cash sum of \$325,000.00. \$150,000.00 of this cash total will be for the specific purpose of purchasing 54 acres of land adjacent to but outside the current Vilas County Forest boundary to be used as a youth and adult recreational facility (primarily soccer and baseball/softball fields). Topography on this property is very nearly level. Part of this 54-acre parcel is open field (approximately 29 acres) that has been developed into about 12 soccer fields of various sizes and is currently leased by the youth soccer program for that purpose. The remainder of the parcel is wooded with mixed aspen, red maple, white birch, balsam fir and spruce upland and small areas of mixed conifer and black ash lowland). The owner of this parcel wishes to discontinue leasing and sell the property and the Oldenburg Group, Inc. has offered to give Vilas County cash to complete this purchase as part of this land trade agreement. An additional part of this land trade agreement, the Oldenburg Group, Inc. has offered an additional sum of \$175,000.00 to be used specifically to assist Vilas County for costs involved with infrastructure, expansion, and development of this 54-acre parcel as primarily a recreational site for the above stated uses. It is possible that some of the remaining woodland acreage at this site could be developed for some sort of more typical outdoor recreational uses, such as picnicking, with a seasonal hiking and snowshoe trail system. Vilas County would enroll any (or all) of this parcel into County Forest Special Use Lands should it be eligible for such entry consideration. The three parcels totaling 122 acres received by Vilas County from the Oldenburg Group, Inc. in this land trade agreement would be entered

into the County Forest Law and become part of the Vilas County Forest (VCF). Finally, as part of this land trade agreement, a legal description (approximately 32 acres) Vilas County acquired by tax foreclosure several years ago that was being briefly held by the county for the completion of a timber harvest and then offered for sale, will instead be retained by Vilas County and enrolled in the County Forest Law. This parcel is within the current VCF boundary though separated from the closest, currently owned and entered VCF lands by one-quarter mile. With this action as proposed in its entirety, there would be a net increase of approximately 55 acres enrolled in the Vilas County Forest as a result of this withdrawal and trade along with the acquisition of 54 acres of land. The proposed action involves the withdrawal of the above listed 99 acres of VCF land to complete the entire land trade and monetary donation process.

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

Mr. Wayne Oldenburg of Oldenburg Group, Inc. approached Vilas County regarding the possible purchase of some county forest land adjacent to his property. He has no specific use proposed for this county land except to provide additional privacy around the adjacent 400 acres he had recently acquired. Being advised that this type of simple land sale transaction was not possible, it was suggested that if he owned suitable property within the Vilas County Forest boundary that a possible land trade may be feasible. The Vilas County Forestry Department (VCFD) suggested several parcels that blocked in well with existing VCF lands that, if acquired by Mr. Oldenburg, they would be considered in trade for the county lands adjacent to his property. Mr Oldenburg was very interested in continuing with this land trade transaction and actively pursued the purchase of several parcels suggested by the VCFD. Three of the recommend parcels totaling 122 acres had willing sellers and were acquired by the Oldenburg Group, Inc. One of the parcels he has acquired (Section 17, T41N, R10E, NWNW) is a key parcel that VCF has been trying to acquire through purchase or trade for the past decade or more to avoid potential access issue problems in the future.

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

The Vilas County Board of Supervisors has passed a resolution to apply to the Wisconsin DNR to withdraw their 99 acres from VCF and trade it to the Oldenburg Group, Inc. for his 122 acres within the VCF boundary along with an additional \$325,000 cash payment. The resolution is required in order to withdraw lands from County Forest per Wisconsin Statutes Chapter 28.11(11). This same statute requires the DNR to investigate the County's application to withdraw to determine if the benefits of withdrawal outweigh the benefits of continued entry of the land. If the DNR determines the land will be put to a higher and better use after withdrawal then it shall make an order withdrawing such lands from entry under the County Forest. Part of the DNR investigation is this Environmental Assessment process.

PROPOSED PHYSICAL CHANGES (more fully describe the proposal)

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

The primary use of the county parcel has been timber production with related dispersed recreation (mainly hunting) and a portion of a funded snowmobile trail. An easement for continuing the use of the existing snowmobile trail will be granted by the Oldenburg Group, Inc. to Vilas County if the land is withdrawn. This past year a jack pine budworm salvage and regeneration timber harvest was completed on 54 acres of the 99 acres of county forest land proposed for withdrawal. This proposed VCF withdrawal will change the parcel from public land to private ownership. However, this change does not imply that a specific manipulation of the terrestrial resources will occur. The new owner would be subject to the local zoning rules and regulations relating to any development of the parcel.

The primary uses of the private parcels have been very limited incidental recreational use by previous private landowners primarily due to their limited and difficult access. There has been some past timber management on the 40-acre parcel in Section 17, 41-10, which involved the harvest of mature aspen, jack pine and black spruce which has resulted in good stocking regeneration of those species in the harvested areas. The 80-acre parcel in Section 25, 42-10, has received no timber management in the past since this property is dominated by black spruce and tamarack poletimber that is just now becoming mature. The trade parcel to be acquired by Vilas County would be managed for wood products and related multiple-use and dispersed recreation typical of other undeveloped Vilas County Forest land. There would be some manipulation of the terrestrial resources from time to time the result of periodic timber harvests. Such manipulation could include some bulldozing for roads and landing related to timber management operations. Any silvicultural treatments on the wetland areas would follow Wisconsin Forestry Best Management Practices for Water Quality to prevent erosion or water quality deterioration. The 2.4-acre RR grade segment would probably require some leveling, filling or other physical manipulation for development as a trail link connecting the county owned portion of this grade to the east and Highway 45 on the west.

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

There will be no anticipated manipulation of aquatic resources as a result of this action. There is a small (.25 acre) bog pond and approximately 700 feet of Haymeadow Creek, a coldwater trout stream on the larger VCF withdrawal parcel. There are no surface waters on the private lands proposed for trade to Vilas County, except that there is a wetland drainageway that traverses Sections 7, 8 and 17, T41N,R10E leading to the Wisconsin River. Although not mapped as a surface water stream, this drainage has periodically been dammed by beaver, causing water to back up and flood into the southeast corner of the 40-acre private parcel as well as adjacent VCF land. There are no foreseen impacts by manipulation of the surface water areas involved with this action.

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

There are no buildings on any parcels involved with this assessment. US Highway 45 and two town roads (Old Highway 45 and Fire Lane Road) border the VCF parcels and a town road (Lawler Lake Road) traverses the larger VCF parcel from Old Highway 45 that provides access to the current Oldenburg Group, Inc. property. It is not known whether any new developments or buildings are planned on the withdrawal acreage following the change to private ownership. There are no buildings, roads or other structures existing on the 40 or 80-acre private parcels. However the small, private 2.4-acre parcel included with this trade proposal is a short segment of abandoned railroad grade that will allow the connection of a recently purchased 7.4 mile railroad grade recreational trail corridor to US Highway 45. This parcel is abandoned railroad grade bed and if acquired would probably be developed in the future for a multi-use recreational trail.

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

Minor emissions from time to time would likely occur from the operation of logging equipment during periodic timber harvests on the parcels acquired for entry into the VCF program. It is unknown if any emissions or discharges would occur on the withdrawn VCF lands. They could remain in their present condition for quite some time or could see some development to other non-forest uses under private ownership.

8. Other Changes

Public access to the 99 acres in Conover will no longer be allowed there since it will become private land. This acreage lost to public use will be more than offset by the addition of 122 acres of land available for public use within the township of Conover.

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

- Attachment A Vilas County Forest Map showing the general area of the project
- Attachment B Compartment 34: withdrawal parcels & railroad grade trade parcel
- Attachment C Compartment 36: Including 80-acre trade parcel with forest cover types
- Attachment D Compartment 15: 40-acre trade parcel with forest cover types
- Attachment E Compartment 9: tax deed entry parcel and recreational field acquisition parcel with forest cover types

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

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

Literature/correspondence (specify major sources)

Vilas County Forest 15-Year Plan

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)

All the parcels involved with this withdrawal proposal and land trade transaction lie within the Northern Highland Land Type Association (LTA). This landscape is known for its pitted outwash plains and kettle lakes mixed with extensive forests and large peatlands. This county withdrawal parcels lies in an area of braided stream sediment plain from undifferentiated deposits of the Ontonagon, Langlade and/or Wisconsin Valley Lobes of the Copper Falls Formation during Wisconsin Glaciation. This landscape consists of well to moderately well sorted, well stratified sand and gravelly sand in gently sloping plains. In this landscape, collapsed areas are common and contain numerous lakes and bogs. The soil type on the upland areas are primarily Rubicon sand and Sayner Rubicon complex which are excessively drained to well drained and have low nutrients content. Topography is quite level. The lowland areas dominated by poorly growing black spruce contain the organic Loxley peat soil type which is very acidic and very poorly drained. An area of alder thicket lowland along Haymeadow Creek contains the Seelyeville muck soil and is also very poorly drained. Surface water bodies on the VCF withdrawal parcels include a very small bog lake (~.25 acres) within one of the black spruce bogs along with a segment (approximately 700 feet in length) of Haymeadow Creek upstream from Highway 45 to the north line of the VCF property.

The private parcels lay within the same Northern Highland LTA and undifferentiated braided stream glacial deposits as stated above, but most of all three parcels are within larger peatland areas dominated by postglacial organic sediment typical of this LTA. Topography on all three parcels is nearly level. Since these parcels are predominantly lowland forest the soil types are primarily Seelyeville muck, Loxley peat and poorly drained sands (Kinross, Au Gres and Croswell). The 80-acre parcel in Section 25 is comprised entirely of these two organic soil types while the 40-acre parcel is comprised of the poorly drained sands. Kinross mucky sand occurs on much of the parcel and is dominated by slow growing black spruce and tamarack; Croswell sand occurs on the area of highest elevation in this flat landscape and is dominated by aspen, jack pine and black spruce regeneration that is growing well. The Au Gres sand occurs on slightly lower edge areas adjacent to the Croswell. The 2.4 acre railroad grade parcel adjacent to Highway 45 on the north edge of the village of Conover also occurs in an area of Au Gres soil but the grade itself had been built up as a railroad bed years earlier. Since this small parcel appears to have been some sort of railroad switching area where the east-west rail line segment from Phelps intersected the main north-south rail line in Conover, there is a possibility of some sort of soil contamination, including possibly hazardous materials, on this parcel due to more concentrated rail traffic activity near this intersection. It is unknown if such a situation exists on this parcel, but Vilas County contracts with an environmental engineering firm to complete a Transaction Screen Environmental Site Assessment Report on all parcels they may acquire (primarily tax deed parcels) and would do so on this parcel. Since it has been identified by Vilas County as a key acquisition parcel and was purchased by the Oldenburg Group, Inc. as a parcel recommended by Vilas County for acquiring for this withdrawal and trade, should any such contamination be found, Vilas County would deal with any clean-up or other mitigation needs.

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

The 99 acres to be withdrawn occurs in VCF Compartment 34 and involves parts of stands 7 & 8 in that part of the NWNE lying north of Fire Lane Road (13 acres) and stands 21, 22, 23, 28 and 34 in the larger parcel adjacent to US Highway 45 and Old Hwy 45 Road (86 acres). Stand 7 is a natural stand of 81-year old large sawtimber-sized red pine that is very well stocked. Red pine is the dominate tree species present with minor associates including white pine, jack pine, aspen, red maple and white birch. Only a small part (2 acres) of this stand is located in the portion of this description being proposed for withdrawal. Stand 8 (9.5 acres) is dominated by 50-year old aspen poletimber with some associated red and white pine sawtimber along with inclusions of jack pine, white birch and red maple poletimber. Both stands 7 & 8 occur on Rubicon sand soil which has a sand texture, very low nutrient content and excessive drainage. The remainder of the 13 acres proposed for withdrawal in this description is muskeg bog wetland on Loxley peat soil (1.5 acres). In the larger parcel, Stand 21 is a 14-acre red pine plantation that was established by forced conversion in 1982 following the harvest of the poorly stocked mixed jack pine - aspen stand that was previously growing on this site. The site was mechanically scarified and hand planted in the spring of 1982 with some replanting done in spring of 1984. This was followed by a ground based chemical release in late summer of 1984, followed by a mechanical, non-commercial release and thinning in 2000. This stand is currently dominated by red pine poletimber and large saplings (the result of planting) along with associated jack pine poletimber and large saplings that naturally reseeded following the 1982 harvest. The soil type in this stand is the Sayner-Rubicon complex which has a sand to loamy sand texture, with low nutrient content, and excessive drainage. Stand 22 & 34 are two jack pine stands that received a jack pine budworm salvage and regeneration harvest during the late summer of 2007. They occur on a Rubicon sand soil. These two stands have been combined into one stand (stand 22) for management purposes and is currently considered poorly stocked with jack pine seedlings following the recent salvage harvest. If this stand remains in VCF ownership it will be reforested by a site scarification treatment and hand planting of jack pine seedlings within the next 2 to 3 years. Stand 23 consists of two separate spruce bog wetlands (totaling 11 acres) with stunted, slow growing 70+ year old black spruce and associated tamarack saplings on a Loxley peat soil. Stand 28 consists of a small area (4 acres) of alder thicket lowland bordering Haymeadow Creek adjacent to US Highway 45.

Understory vegetation on these upland stands of VCF ownership are typical of northern dry forest communities and include sedges, trailing arbutus, bearberry, bracken fern, sweet fern, beaked and American hazelnut, chokecherry, juneberry, blueberry, wintergreen, barren strawberry, and other associates. Mammals potentially utilizing these parcels as part of their territory include gray wolf, black bear, fisher, badger, coyote, red fox, red squirrel, and whitetail deer. Numerous permanent resident and migrant birds (including neo-tropical migrants) utilize this area as part of their breeding grounds including Hermit Thrush, Nashville Warbler, Chestnut-sided Warbler, Pine Warbler, Yellow-rumped Warbler, and Lincoln's Sparrow among many others. In the 54-acre area of poorly stocked jack pine the result of a recent budworm salvage harvest, a group of grassland bird species including Common Nighthawk, Vesper Sparrow and Brewer's Blackbird will be present during the nesting season until this site again grows back into conifer forest. A review of the NHI shows no rare, threatened or endangered species within the project area. Species found listed with a 1-mile buffer of the withdrawal parcels include Connecticut Warbler, Black-backed Woodpecker and Boreal Chickadee all Special Concern species typical of northern conifer dominated forests in this area; Spruce Grouse a State Threatened bird species that has a fairly healthy local population within the large conifer dominated upland and lowland forest landscape surrounding the project area; Round Pigtoe an aquatic mussel and Small Yellow Water Crowfoot an endangered aquatic plant listed as last observed in 1893.

The three private parcels totaling 122 acres proposed for trade are dominated by lowland forest communities and related plant and animal species. The 80-acre parcel in Section 27 lies within a large landscape of wetland communities within the Haymeadow Creek drainage and is bordered on its north side by one-half mile of VCF land and currently has no developed access road or trail. Implementation of any forest management activities would probably be best accomplished off Blong Road to the east either through Chequamegon-Nicolet National Forest Land that borders the road and this parcel on its east side or through existing VCF lands to the north. Both of these access routes would require use during winter time, frozen ground conditions since the entire parcel and surrounding properties consists entirely of wet, organic soil types that support forest vegetation typical of these muck and peat soil types. 80% of this parcel contains a very good to medium stocking of nearly mature (85-90 year old) black spruce and tamarack poletimber with some associated balsam fir, paper birch and northern white cedar intermixed. This parcel contains the highest volume and timber value of all the descriptions involved with this withdrawal and trade proposal. There appears to have been no timber harvesting in the past on this parcel. 20 % of the tract is comprised of stunted, poorly productive black spruce muskeg growing on a peat soil (8 acres) and several patches of alder thicket lowland totaling 9 acres. Understory vegetation on the parcel is typical of northern wetland forest communities and includes sphagnum and feather mosses, numerous sedge and grass species, bunchberry, goldthread, winterberry, Labrador tea, bog laurel, bog rosemary, leatherleaf and speckled alder among many others. Mammals potentially utilizing these parcels as part of their territory include black bear, fisher, bobcat, coyote, red squirrel, and whitetail deer. The NHI lists only the Arctic shrew, a special concern mammal species, as being present within the project area with the last observation dated 1947. NHI element occurrences within the one-mile buffer include Osprey, Black-backed Woodpecker and Canada mountain ricegrass a special concern plant species usually found on sandy, dry, upland sites. Though not listed in the NHI data base several other rare and special concern species are probably present on this property as they have been observed from time to time on adjacent VCF and National Forest Lands. These include Spruce Grouse a State Threatened species that has been observed on USFS property on several occasions along Blong Road within ¼ mile from this parcel along with Gray Jay, Boreal Chickadee, Yellow-bellied Flycatcher, Pine Siskin, and Evening Grosbeak.

The private 40-acre parcel in Section 17, 41-10E, is completely surrounded by VCF lands and is considered a key acquisition as part of this withdrawal and trade proposal. This parcel lies in an area dominated by organic and wetter mineral soils with rather poor access entirely across other VCF lands. Although never having been developed, under private ownership a seasonal use cabin could easily be constructed on this parcel resulting in Vilas County being required to provide access through other VCF lands to one individual (the property owner). This situation, with one individual having a special vehicle access privilege across a mile or more of VCF land where all other forest users are locked out for anything other than foot travel, has usually caused administrative problems. Acquisition of this key description by VCF as part of this land trade agreement would eliminate this potential future problem. This description has had some limited past timber management, which involved the harvesting of mature aspen, jack pine, tamarack, and black spruce that has resulted in good stocking regeneration of those species in the 17-acre harvested area. The remaining 13 acres consist of 8 acres of 70-year old black spruce poletimber and large saplings and 5 acres of alder thicket lowland. Mammals and other wildlife species using this parcel will be very similar to those species listed above for the private 80-acre tract in Sec. 25, 42-10E. The NHI lists only the Small Yellow Water Crowfoot, an endangered aquatic plant species that occurs in cold brooks and springs as well as shallow water and muddy shorelines of lakes and streams. This plant is listed as being present within the project area with the last observation dated 1893. There are no mapped surface waters on this 40-acre parcel so the actual occurrence may have been along the nearby Wisconsin River so, if still present, should not be impacted by this acquisition. Species listed within the 1-mile buffer of this parcel are Bald Eagle and Hidden-fruited Bladderwort (another aquatic plant).

The third private parcel acquired for this withdrawal and trade project is a 2.4-acre abandoned railroad grade switching area adjacent to US Highway 45 on the north edge of the village of Conover. This parcel, though small and with no real timber

management opportunities, is also considered a very important acquisition because it provides Vilas County and the public with a continuous recreational trail link from Highway 45 to the west end of the 7.4 mile abandoned railroad grade recently purchased by Vilas County with Project Loan monies. This rail road grade purchase allows the potential development of a recreational trail from US highway 45 at Conover to the community of Phelps. This parcel also improves timber hauling access in an area of the VCF northeast of Conover that has very limited seasonal access at present.

13. Cultural Environment

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

The VCF parcels are zoned Forestry. The private 80-acre and 40-acre descriptions are also zoned Forestry while the 2.4 acre railroad grade segment is zoned All-Purpose. Current land use is for growing of forest products, dispersed recreational and a short segment of snowmobile trail. An easement for continuing the use of the existing snowmobile trail will be granted by the Oldenburg Group, Inc. to Vilas County if the land is withdrawn.

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

The surrounding ownership of the VCF parcel is a mixture of other County Forest land, Miscellaneous State Land, non-industrial private forest land and permanent and seasonal homes and cottages. No particular ethnic group uses this area over another. Private businesses engaged in the harvesting of forest products may not be able to harvest recurring crops from this parcel should it be withdrawn and developed for some other use.

c. Archaeological/Historical

Facilities and Lands maps were reviewed and there are no known A/H sites on the parcels owned by Vilas County that are proposed for withdrawal nor on any of the 3 private land parcels proposed for trade to Vilas County.

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

No SNA, prime agricultural land or other special resources are involved within this project. The 80-acre private land parcel to be acquired by Vilas County to complete this trade proposal lies within the large wetland complex of the Haymeadow Creek drainage that contains the newly acquired and proposed 400-acre Spruce Grouse Management Natural Area. The west edge of this 80-acre parcel is one-half mile east of the closest State of Wisconsin lands that comprise this SNA.

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

15. Physical (include visual if applicable)

The primary use of all parcels is timber production and dispersed recreation, although the land withdrawn and subsequently acquired by the Oldenburg Group, Inc., could possibly be developed for uses other than forestry. They would be required to follow local zoning regulations, including wetland protection. The lands acquired by Vilas County would be entered into the County Forest Law and actively managed for multiple-use including timber production. As such, the biotic conditions would change on these lands from time to time due to the harvesting of mature timber and other forestry practices needed for the establishment and growth of successful forest regeneration, thus changing the habitats for various plants and animals that occupy these properties. The acquired lands are primarily wet forest communities and any management thereon would follow Best Management Practices for Water Quality.

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

As stated above the primary use of all parcels has been logging and dispersed recreation, although the land withdrawn and subsequently acquired by the Oldenburg Group, Inc., could possibly be developed for a use other than forestry. This ownership would be required to follow local zoning regulations, including wetland protection. Applied forest management activities on the private lands acquired by Vilas County would result in periodic biotic changes on these lands but such activities would follow sound silvicultural guidelines, including consideration of the habitat needs of any special biotic resources that may be found on any of these sites in the future. At present there are no threatened or endangered resources known to be present on any of the parcels involved with this action, although the private lands being acquired are within larger forested wetland landscapes where

encountering plant and animal forest species of threatened, endangered and special concern status is more likely. Dispersed recreational use on all parcels (except the railroad grade) is primarily hunting and the populations of wildlife game species on the current VCF parcel and the Oldenburg Trade parcels are probably comparable. Each parcel by itself is not large enough to support significant forest game populations but is part of the larger landscape that provides diverse habitats for forest game animals. Because of this there would be no significant difference in game species densities on the lands proposed for withdrawal or to be acquired in trade.

17. Cultural

a. Land Use (including indirect and secondary impacts)

Public access and use to the 99 acres of VCF land following withdrawal would be prohibited since it will become private property. However this loss is more than offset with the acquisition and entry of the 122 acres acquired in this trade to the VCF program.

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

The 99 acres withdrawn will not be available for dispersed public recreational uses and the long-term production of forest products may no longer be considered a goal under private ownership, however this loss will be more than offset by the entry of the 122 acres proposed for acquisition in this trade into the VCF program. From an economic standpoint in regards to timber production, most of the mature forest products were harvested recently on the larger VCF parcel proposed for withdrawal, although there is about 10 acres of nearly mature aspen on the 13-acre parcel that is scheduled for harvesting in 2013. At present there is approximately 42 acres of well stocked, mature tamarack and black spruce poletimber on the 80-acre private parcel, which significantly exceeds the amount of mature timber found on the VCF parcels. As such, Vilas County would see a short-term economic benefit from timber stumpage revenues by completing this land trade as proposed. The longer term economic impact related to timber production is more difficult to evaluate but the VCF withdrawal parcel will probably produce more timber volume and value per year than the cumulative volumes produced on the trade parcels. The VCF parcel is predominantly upland forest land which has a higher annual timber growth potential and shorter management rotation than typically attainable on lowland forest land, as present on much of the parcel acreage being acquired by trade. For example, a well stocked jack pine stand on Sayner-Rubicon complex soils in Vilas County will have a management rotation length of between 55 to 65 years, whereas a similar stocked lowland black spruce-tamarack forest will require a management rotation of between 80 to 90 years to reach maturity.

The proposed development of the 54-acre parcel to be purchased by funds included from the Oldenburg Group, Inc. as part of this withdrawal and trade agreement would benefit the youth and adult sports recreational programs for not just Eagle River but all of the communities in Vilas County, since local sports leagues include teams (and residents) from the surrounding villages and townships. Though no absolute development plans have been formalized, restroom facilities and a concession stand would probably be constructed on this site. A well and electric service would also be needed for these facilities as well. The adult softball field would require light poles for night games however the Little League field that will probably also be constructed on this site may not require lighting. The current use on much of the open portion of this site consists of numerous soccer fields of different sizes for the various age groups in the soccer league program with numerous Port-a-Potties used for restroom facilities. The development of this old field for youth soccer practices and games has resulted in some increased periodic and seasonal vehicle traffic along Highway G and periodic crowd noise related to this current use. Expansion of the site to include youth and adult baseball/softball, based on these leagues current participation levels, would add some additional traffic and noise for 2-4 hours on 2-3 weekday evenings during mid-May to early August. Vehicle traffic and sounds from these periodic outdoor recreational events could, from time to time, adversely impact nearby residents in this more tranquil, sparsely populated rural environment.

c. Archaeological/Historical

Facilities and Lands maps were reviewed and there are no known A/H sites on the parcels owned by Vilas County that are proposed for withdrawal nor on any of the 3 private land parcels proposed for trade to Vilas County.

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

No SNA, prime agricultural land or other special resources are involved with this proposal.

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

- The public would no longer have access to the 99 acres of VCF lands for hunting and other recreational uses. However this loss would be more than offset by the acquisition and entry of 122 acres into the VCF program. The two VCF parcels being proposed for withdrawal do have easier public access for the type of dispersed recreational uses normally offered on VCF lands since the parcels are adjacent to town roadways.
- There would be a long term loss of timber production and income to Vilas County if the land changes to private ownership. Forest management and long-term timber production activities of the withdrawn parcels under private ownership are not precluded however so this adverse impact is not completely known. Also, with the net increase of approximately 60 acres into the VCF with the completion of this trade proposal, actual long-term loss of income from timber revenues to Vilas County may prove to be of no great significance.
- Approximately 600 feet of shoreline of Haymeadow Creek, a coldwater trout stream, would become private land and eliminate the possibility of walking access for fishing along this stream segment. Access to the stream itself via the Highway 45 public right-of-way culvert by wading or watercraft will still be possible however. Over 80% of the shoreline of this 7.6 mile long coldwater stream will remain in public ownership (National Forest, Wis DNR and Vilas County Forest) even after this withdrawal.

DNR EVALUATION OF PROJECT SIGNIFICANCE (complete each item)

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.

There are no particular short-term or long term environmental effects foreseen with the completion of this withdrawal and land trade proposal. Any long-term effect by the change of the VCF parcel to private land is unknown. Under private ownership it could continue to be managed as forest land with little or no development. On the other hand, the parcel could become developed, thus increasing forest fragmentation in the area and adversely impacting habitat for wildlife species using forested landscapes. The environmental effects for the acquired 122 acres would be a commitment to sound, sustainable forest management practices as well as incorporating habitat needs for any rare plants or animals that may be encountered on these primarily wetland forest sites.

- 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).

There are no geographically scarce threatened or endangered species or ecologically sensitive areas on either of the parcels being considered for withdrawal. There are no known A/H sites on the parcels owned by Vilas County that are proposed for withdrawal nor on any of the 3 private land parcels proposed for trade to Vilas County. Finally there is no SNA, prime agricultural land or other special resources are involved with this proposal

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

Should the VCF parcels be withdrawn and changed to private ownership, it is unknown what, if any, short or long-term changes may occur on them. They could potentially stay as undeveloped forest land under private ownership for quite some time with little or no environmental impact or change. The parcels to be acquired by Vilas County will be enrolled in the county forest law adding a net increase of 55 acres into the VCF program to be managed for long term multiple-use, including sustainable timber production. Should the 40-acre description in Section 17, 41-10E continue to be held in private ownership there is a higher likelihood that some type of development and the subsequent need for Vilas County to provide a special access privilege to that landowner over lengthy stretches of sensitive soils, which would not be easily reversible. By Vilas County being able to acquire this description in this land trade proposal, prior to any such development and entering it into the county forest law, this potential administrative and environmental problem would be reversed and permanently avoided.

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.

The cumulative effect of the 99-acre withdrawal and trade will be the net increase of 55 acres of public land entered into the Vilas County Forest. Considering the total acreage of the VCF (approximately 42,000 acres) the net increase of public land from this

trade is not substantially significant, however the acreage increase, improved blocking and especially the elimination of a potential administrative private access problem in Section 17, 41-10E, there would be a cumulative public benefit gained by completing this withdrawal and trade project as proposed.

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?

There are no apparent unknown significant impacts as a result of this withdrawal and land trade proposal except as stated above regarding the possible development and road access requirement into the private 40-acre parcel in Section 17, 41-10E. Currently, drivable, year around access to this parcel has not been needed or requested as all previous landowners have seldom used this parcel and it has no seasonal or year round improvements. However, should the withdrawal and trade proposal be denied, it is unknown what impacts on the environment the development of improvements and all-weather access to into this property would create. Acquiring this parcel and entering it into the County Forest Law has been a long-term goal of Vilas County to eliminate the need for developing and providing a special access privilege to this private property.

- 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 change from public to private ownership of the withdrawn parcels could result in some development and related private property uses. With this comes a slightly higher risk of wildfire in the area. However permanent and seasonal dwellings have existed in the vicinity of the VCF parcels for quite some time and there have been no significant wildfire issues in this area in the past.

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.

The proposed withdrawal is not precedent setting but does contain provisions not normally encountered with past projects. Vilas County has had several similar withdrawal and land trade projects in the past however, this project also involves a generous cash payment to Vilas County from the Oldenburg Group, Inc. for the purchase and development of an additional 54-acre parcel of land adjacent to but outside the VCF boundary primarily for youth soccer and youth and adult baseball fields. The purchase and development of this parcel for this specific use is not a direct benefit to the VCF program but is to the local sports recreational community. Although not specifically identified at this point, there is opportunity to provide picnic sites and short seasonal hiking or snowshoeing trails in the wooded portion (25 acres) of this 54-acre parcel. If this process proceeds as planned future options will not be limited. The withdrawal is designed as being mutually beneficial to both parties with the VCF gaining 55 more acres of forest land for public benefit than is being withdrawn. There are no anticipated conflicts. This proposal has been designed by the agencies that provide for the protection of the environment.

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.

There are no expected highly controversial environmental affects the result of this withdrawal and land trade. There will be a minor loss of public use land in the vicinity of the withdrawal parcel, but this loss will be offset by a net increase of public land acreage under VCF ownership.

ALTERNATIVES

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 would greatly reduce (or even eliminate) the opportunity for Vilas County to ever acquire the 40-acre parcel included in this land trade that has been an important acquisition goal for the many years. This description is located in a larger block of VCF land that presently has very limited, seasonal access. If this description is not acquired by VCF, it could be developed with a seasonal or permanent improvement that would require Vilas County of provide a special, drivable access privilege over a mile or more of gated

VCF lands for that individual landowner over existing trails that would require significant expenditure for improvement to do so. Because the parcel is completely surrounded by other VCF lands, it would be a highly desirable description to own for certain individuals looking for lands for hunting and related outdoor recreational uses. Additionally the acquisition of the small railroad grade parcel near the village of Conover included in this land trade proposal provides a key link from US Highway 45 to the recently acquired 7.4 miles of railroad grade eastward through VCF and Chequamegon-Nicolet National Forest lands for a multipurpose recreational trail corridor. Currently the west end of this VCF owned trail corridor ends at the eastern edge of this small private description, eliminating legal access to the public highway right-of-way greatly reducing or complicating the development of access for public use to the remainder of this recreational trail corridor. Vilas County would also be loosing the opportunity to increase the VCF acreage by 55 acres for their multiple use management objectives.

SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES

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>
12-97	Jim Baughman DNR Vilas County Forest Liaison	Cruise and inventory of 80-acre private parcel
2-01	Jim Baughman DNR Liaison	FCL Termination Tax calculation for 80-acre private parcel.
2 thru 8-08	Larry Stevens Vilas County Forest Administrator	Contact through all steps of this VCF withdrawal and trade process
02-08	Brian Spencer DNR Headwaters For. Staff Spec..	E-mail regarding a possible VCF withdrawal and land trade proposal
04-08	Jeff Barkley DNR County Forest Specialist	E-mail regarding proceeding with withdrawal and trade.
04-08	Mike Luedeke DNR Nor Region Forester	Sent the withdrawal packet with attached resolution – Mike forwarded to Brian Spencer
05-08	Jeff Pennucci DNR NOR Real Estate Specialist	E-mail regarding the requirements for land appraisals relating to this w/drawal & trade
05-08	Jonathan Simonsen DNR	E-mail for electronic copy of newest EA document.
5-08	Jim Baughman DNR Liaison	Field inspection of 40-acre private parcel and larger VCF parcel
7-08	Jim Baughman DNR Liaison	Field inspection of 13-acre VCF parcel.
08-08	Steve Gilbert DNR Fish Biologist Woodruff	E-mail regarding small part of Haymeadow Creek frontage included in VCF w/drawal.
08-08	Jim Baughman DNR Liaison	Field inspection of private recreational field parcel included in trade proposal.
08-08	John Gagnon Vilas County Assistant For. Administrator	Prepared map attachments

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

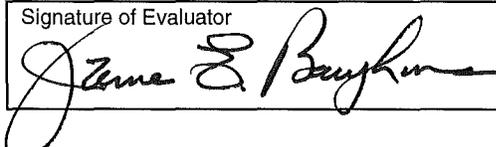


The attached analysis of the expected impacts of this proposal is of sufficient scope and detail to conclude that this is not a major action which would significantly affect the quality of the human environment. In my opinion, therefore, an environmental impact statement is not required prior to final 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 10/7/08
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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 11/17/08

NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes, administrative codes and case law establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department's decision, ss. 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. Such a petition shall be filed with the appropriate circuit court and shall be served on the Department. The petition shall name the Department of Natural Resources as the respondent.

