

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

Form 1600-1

Rev. 6-2001

Department of Natural Resources (DNR)

Region or Bureau WEST CENTRAL
Type List Designation NR 150.03 (8)(f)(1)(a), Type ii

NOTE TO REVIEWERS: This document is a DNR environmental analysis that evaluates probable environmental effects and decides on the need for an EIS. The attached analysis includes a description of the proposal and the affected environment. The DNR has reviewed the attachments and, upon certification, accepts responsibility for their scope and content to fulfill requirements in s. NR 150.22, Wis. Adm. Code. Your comments should address completeness, accuracy or the EIS decision. For your comments to be considered, they must be received by the contact person before 4:30 p.m., Insert Date.

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Telephone Number 715 839-3769

Applicant: Eau Claire County/ Lake Eau Claire Association
Address: Eau Claire County Parks & Forest Department, 227 1st Street West, Altoona WI 54720 and Lake Eau Claire Association, C/O Marlo Orth, President, P.O. Box 229, Augusta, WI 54722
Proposal Title: Lake Eau Claire, Hay Creek, And Muskrat Creek Sediment Dredging; County Forest Land Withdrawal and Wisconsin Waterway Commission Grant Review.
Location: County: Eau Claire City/Town/Village: Bridge Creek and Ludington Townships
Township Range Section(s): T26N R6W Sections 3 & 11; T27N R6W Section 34

PROJECT SUMMARY

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

Lake Eau Claire is a reservoir created by a dam on the Eau Claire River in Eau Claire County in west central Wisconsin. The lake is 5.5 miles north of the city of Augusta and forms the north border of Lake Eau Claire County Park. Residences are found on the north and south shores. The lake is in Bridge Creek Township. Access to Lake Eau Claire has degraded by sediments carried in by Hay Creek, Muskrat Creek, and the Eau Claire River. The sedimentation rate was calculated as 80,000 cubic yards per year (Ayles, 1997).

The Lake Eau Claire Association proposes hydraulic dredging on the beds of Hay Creek and Muskrat Creek to slow the rate of sediment deposition and improve the recreation values and access to the lake. The project consists of dredging a sediment trap in the Hay Creek and Muskrat Creek waterways upstream of the lake. The dredging operation will be awarded to the lowest bidder, and the Lake Eau Claire Area Association will fund the project. Local lakeshore resident Jerry Stage has purchased a hydraulic cutter-head dredge, and intends to do the dredging work. He has made great personal financial sacrifice in order to undertake this project. He intends to volunteer hundreds of hours of his time without pay in order to accomplish the proposed dredging project. His son Mike will be a paid employee. They intend to dredge as often as necessary to maintain the sediment traps and the navigation channels for as long as adequate funding is available.

The cost estimates that follow have been used for budgeting purposes and for grant applications. Cost estimates may change when actual bids are received. The project is estimated to cost \$372,000.00. To cover these costs the Association has raised \$79,000 in donations from its members, with additional pledges of up to \$113,000. Financial Assistance has been approved by the Eau Claire County Board in an amount not to exceed \$175,000. The Association has also received \$18,000 in donated labor and services. The Lake Eau Claire Association has applied for a Recreational Boating Facilities Grant, administered by the Wisconsin Waterways Commission, to cost-share in the amount of \$161,000 for the dredging of the public navigational channels.

The hydraulic dredging would remove approximately 37,273 cubic yards of sediment. This method would not require a draw down of the lake water level, and would commence as soon as permission is granted and grants are awarded. The sediment removed would be transported via slurry pipeline to the closest one of three sites on county land for disposal and dewatering.

Initially, the dredge spoils transported from the lake basin to the stockpile sites will be used to construct a dike system for containment of the hydraulic dredging slurry (i.e. sediment and carriage water). Each deposit site is sized to contain all the dredged material and accompanying water for the initial dredge operation. The larger size of Site #1 is designed to contain material from future operations. Carriage water will infiltrate into the ground. A Wisconsin Pollution Discharge Elimination System (WPDDES) permit has been issued for the groundwater discharges. See attachment #1, a map showing the dredging and disposal sites.

After the initial dredging of the sediment traps, they will be dredged as needed to reduce sedimentation in the lake basin and at the mouths of the tributaries.

Each deposit site is sized to contain all the dredged material and accompanying water for the initial dredge operation. Sites #1 and 2 have space for future operations.

The three sites for deposit are currently entered into county forest law and will need to be withdrawn. The county surveyor has surveyed each site, maps and survey notes are attached.

PROPOSED LAKE EAU CLAIRE DREDGING SPOIL DEPOSIT SITE #1

All that part of the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼); a part of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼); and a part of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section Ten (10); also all that part of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼); and a part of the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of Section Eleven (11), all in Town Twenty-six (26) North, Range Six (6) West, Town of Bridge Creek, Eau Claire County, Wisconsin. Parcel contains 998,531 square feet or 22.92 acres of land. This site is currently a red pine plantation planted in 1994.

PROPOSED LAKE EAU CLAIRE DREDGING SPOIL DEPOSIT SITE #2

All that part of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼); and part of the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼); all in Section Thirty-Four (34), Town Twenty-Seven (27) North, Range Six (6) West, Town of Ludington, Eau Claire County, Wisconsin. Parcel contains 342,724 square feet or 7.87 acres. This site was recently logged as a jack pine clearcut in 2002.

PROPOSED LAKE EAU CLAIRE DREDGING SPOIL DEPOSIT SITE #3

All that part of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼); and part of the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼); all in Section Three (3), Town Twenty-Six (26) North, Range Six (6) West, Town of Bridge Creek, Eau Claire County, Wisconsin. Parcel contains 104,563 square feet or 2.40 acres. This site is upland brush and jack pine. This site is currently a natural ravine that may have been an old oxbow of Hay Creek. This site is within the River Boundary Corridor in which timber harvesting is prohibited within 300 feet of the river except for plantations.

See attachment 1 for the proposed deposit sites to be withdrawn from County Forest Law. Attachment 2 -County Forest Withdrawal Application. The County has initiated the process for formal withdrawal but will retain ownership of the site. A land-use lease agreement has been negotiated between Eau Claire County and the Lake Eau Claire Association.

To mitigate the loss of public forest land base due to withdrawal, an 80-acre parcel of forested land, located in NW¼ of the NE¼, Section 35, T26N, R5W, Town of Bridge Creek, Eau Claire County has been purchased for inclusion into the county forest system. Funds for this purchase were obtained from the Eau Claire County Acquisition Fund and a Stewardship Grant is pending which will be used to reimburse the acquisition fund for a portion of the amount used to purchase the 80 acres.

FUND SOURCE →	STEWARDSHIP FUNDS*	COUNTY ACQUISITION FUND	TOTAL
AMOUNT	\$ 23,450 (S-ADLP-743)	\$ 26,550	\$50,000

* Payment of grant pending filing of appropriate paperwork.

Attachment 3 shows the location and boundaries of the county forest replacement parcel.

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

Lake Eau Claire was created by a dam on the Eau Claire River in 1936. The sedimentation from the Eau Claire River, Hay Creek, and Muskrat Creek has been increasing. The effects of this sedimentation have become noticeable in the past two decades, in the form of rapidly growing sandbars at the mouths of these tributaries and continuing into Lake Eau Claire. This sedimentation makes navigation difficult. Starting in 2002, the Lake Eau Claire Association has pursued the necessary steps in order to commence hydraulic dredging of these sites. Previous attempts to dredge the lake were unsuccessful. In 1997, the Lake Eau Claire Association hired Ayres Associates to prepare a sediment reduction plan. However, the plan was never implemented due to lack of funding. The proposed funding source was projected to be provided by the formation of a lake district formed under Chapter 33, Wis. Stats. Lake district formation was unsuccessful. It is hoped that the success of the current proposed small dredging project will show the residents of the lake that the project is feasible. Hopefully, the majority of the residents of the lake will then recognize the benefits and the ability of their own neighbors to accomplish a project of this magnitude, and generate support for establishment of a lake district. Formation of a lake district will allow the residents to tax themselves in order to provide a stable source of funding for future dredging projects.

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

Section 28.11,	Wisconsin Stats.	(county forest withdrawal)
Section 30.20,	Wisconsin Stats.	(dredging)
Section 147.02,	Wisconsin Stats.	(wastewater discharge permit)
Wisconsin Admin. Code NR 1.95		(wetland policy)
Wisconsin Admin. Code NR 14C		(groundwater quality)
Wisconsin Admin. Code NR 150		(Wisconsin Environmental Policy Act)
Wisconsin Admin. Code NR 216		(construction site erosion control and stormwater runoff)
Wisconsin Admin. Code NR 345		(dredging)
Wisconsin Admin. Code NR 347		(dredging)
Wisconsin Admin. Code NR 500		(solid waste)
Wisconsin Admin. Code NR 7		(Grants)

PROPOSED PHYSICAL CHANGES (more fully describe the proposal)

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

All the dredged material will be conveyed via a pipeline in a slurry to one of the three sites. (Attachment 1 - Lake Eau Claire Dredge Sites) The deposit site locations are described in Section 1. The sites total 31.19 acres. The sites will hold approximately 67,597 cu. yards of dredged material. The estimated volume of deposition will be 37,273 cu. yards from the initial dredging operation. Subsequent dredging will be done to clean sediment traps on Hay and Muskrat Creek and to clear the Boat Ramp area. These operations will be of lower volume than the initial operation, as the sediment traps will only be constructed during the initial operation.

Site # 1, currently 9 acres on a 22.92 acre parcel, may be expanded so that it can be used for an additional 7 to 5 dredging operation depositions. The red pine outside of the initial deposition site will be allowed to grow, and based on the number of years and amount of deposits to the initial deposition site will be thinned at least once and possibly reach a second thinning. If the site will need to be expanded soon, the county may choose to liquidate the stand instead of thinning so as to capture the greatest return on the harvest.

Site # 2 will be used for 2-3 dredging operation depositions. After the second operation it is expected this site will have reached capacity and will be closed to further deposition unless the dikes are redesigned to and expanded in order to contain additional material.

Site #3 will be used for 1 dredging operation deposition. After the initial operation it is expected this site will have reached capacity and will be closed to further deposition.

Once any disposal site has reached capacity it will revert back to county forest land.

The number of years between each dredging operation, estimated by the engineering company ECG, is 7-10 years, dependent upon the rate of sedimentation.

The containment dike system will be constructed directly from the sandy slurry being pumped to the sites. There will be one pipeline associated with the stockpile/dewatering sites. This pipeline will carry the hydraulically dredged slurry to the settling basin(s). During the sediment trap and creek dredging at Muskrat and Hay Creeks, the slurry pipeline will run from the dredge to the containment sites, following the most direct route possible, which includes running of the pipeline in the roadside right of way of CTH #L, and County Forest land. All pipelines will follow existing roads or trails as closely as possible in order to minimize the amount of land disturbance.

Two sites along Hay Creek will be dredged. There are two branches of the creek with a northwest branch and a south branch. The dredging will go upstream 950 feet on the northwest branch and 653 feet on the south branch of Hay Creek.

Muskat Creek will have 1053 feet dredged upstream from the outlet to Lake Eau Claire.

The "Skid Row" Boat landing will be dredged 50 feet by 200 feet. An additional 35-foot by 900 foot area will be dredged along the south side of the lake in front of the adjacent residences.

Dredging is anticipated to be done 8 hours a day, 5 to 6 days per week with time for the settling of materials between daily operations. The dredged slurry will be a 90:10 water to solids mixture. The dredging is expected to occur during the open water season. The initial start-up date is contingent upon receipt of grants, County Forest withdrawal, and permits, and hopefully will be in the fall of 2003.

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

The aquatic resources manipulated by the project are Lake Eau Claire, Hay Creek and Muskrat Creek. No draw down will be needed, as this will be a hydraulic dredging operation.

Dredging will consist of removal of approximately 37,273 cu. yards of sediment from Hay and Muskrat Creek, and along the south shore of the lake starting from the Skid Row boat landing and moving 200 feet north and 900 feet west. The navigation channels will be approximately 6 feet deep and 20 feet wide.

The navigation channels will be 950 feet long on the northwest branch and 653 feet long on the south branch of Hay Creek.

Muskat Creek will have 1053 feet dredged upstream from the outlet to Lake Eau Claire. The "Skid Row" Boat landing will be dredged in an area 50 feet wide by 200 feet long, with an additional 35 feet by 900 feet area being dredged along the south side of the lake in front of the residences on the south shore.

Sediment traps will be placed at the mouths of Hay Creek and Muskrat Creek. The dredging will create a 10-ft. deep, 20-ft. wide trench, 75 feet in length at the mouth. Dredging of the sediment trap will be on an as needed basis.

The sandy delta islands at the Skid Row site, overgrown with alder, silver maple, and elm will not be affected by the dredging project. However, the associated aquatic vegetation in the proposed dredging areas will be affected. The sedimentation has developed a dense growth of lake sedge and clovea, as well as three species of fly pads. A substantial portion of this vegetation will be removed. The dredging operation will require floating dredging equipment including pipelines and cables which may be a temporary barrier to navigation. Follow up dredging is planned to occur in the future on a follow up basis, as funding becomes available.

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

The pipelines for carrying dredging slurry to the deposit sites are discussed in section 4 above. It is anticipated one or more auxiliary portable pumping units may be required near the midpoint of the dredge slurry pipeline to enhance pumping capability over the long distance from the river to the disposal site.

A boat landing at the end of Skid Row will be dredged to provide better access and improve navigation.

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

Some exhaust fumes will be discharged to the atmosphere by the dredging equipment and associated vehicles. There will be some exhaust fumes from earthmoving equipment used to construct and maintain the stockpile areas. Noise levels are expected to increase as a result of the construction and utilization of the stockpile areas, as well as the operation of the dredging equipment and auxiliary pumping units.

Carriage water from the hydraulic dredging will be discharged to groundwater via infiltration in the dewatering basins. A Wisconsin **Pollution Discharge Elimination System (WPDES)** permit has been issued for the discharge of the carriage water to groundwater. According to the August, 1997 Ayres Sediment Reduction Plan, sediment samples were obtained and laboratory tests were performed to determine chemical and physical properties. Traces of arsenic, chromium, and copper were found in the sediments, however, the concentrations were so low that no serious adverse impacts to groundwater quality are expected.

8. Other Changes

No other changes to resources or infrastructure are anticipated for the project.

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

Attachment	1	Dredging and disposal sites
Attachment	2	County forest withdrawal application
Attachment	3	Plan map showing county forest replacement parcel
Attachment	4	Dredging Permit application form
Attachment	5	Field Investigation report form 3500-23
Attachment	6	Technical Project Specifications by ECG Inc.
Attachment	7	Lake Eau Claire Association and Eau Claire County dredge site spoils agreement

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

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

Literature/correspondence (specify major sources)

August, 1997 Ayres Associates Lake Eau Claire Sediment Reduction Plan

Personal Contacts (list in item 26)

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

Past Experience with Site By: Dan Koich, (Approximately 1980) evaluating a proposal to remove sediment from Muskrat Creek to restore navigational capacity lost due to sedimentation

Other (list in item 26)

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

A. Lake

Lake Eau Claire is an impoundment of the Eau Claire River located in Eau Claire County, Wisconsin. The lake was created in 1936 by the construction of a concrete dam for the purposes of recreation and flood control. The lake has a surface area of 600 acres. Maximum depth is 25 feet.

The lake has slowly filled in with sediment. The areas where the dredging is proposed are very shallow (water depths 6" to 2' or less) due to accumulation of sediment and largely devoid of aquatic vegetation, except at the Skid Row site. The sediment being deposited by the creeks and river is comprised mostly of medium to fine sands, which lack the ability to support significant aquatic vegetation. The Skid Row site has silt, which supports the growth of dense aquatic vegetation. Several of the small islands and sandbars in the delta areas do support a combination of aquatic and upland vegetation, however, these islands are areas in which dredging will not be permitted.

The Eau Claire River, Hay, and Muskrat Creeks are the tributaries of Lake Eau Claire. All three of these streams have a shifting sand bottom and frequent channel changes due to flooding.

B. River

The Eau Claire River is a soft water stream with an average width of 90 feet and an average depth of 1.7 feet. Natural fluctuations in the water level of the river can make boating and canoeing difficult at times. However, the river system receives heavy recreational use throughout the open water months. At the Skid Row dredging location, the river is approximately 450 feet wide, and has a sand bottom. The depth varies from 4' to less than 1'. This location is the upper reach of the impoundment created by the Lake Eau Claire dam. There are riparian wetlands and backwater sloughs associated with the lower end of the river and upper end of the lake.

C. Dewatering/stockpile Sites

The proposed dredge material dewatering/stockpile sites will be situated at three separate locations. All three locations are owned by Eau Claire County, and are currently enrolled in the County Forest Land program.

D. Groundwater

Groundwater quality in the project area is generally good.

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

A. Aquatic ecosystem

Lake Eau Claire and the Eau Claire River are known to support warm water fish populations dominated by walleye, smallmouth bass, muskellunge, perch, crappie, and redhorse. Other species known to inhabit the lake and river include northern pike, largemouth bass, white suckers, carp, and quillback. Numerous species of other rough fish and minnows are likely to be present as well. Lake Eau Claire does not have a large variety or distribution of aquatic plants. There are lily pads and lake sedge present at the Skid Row site. Northern Watermilfoil, Elodea, and Water Celery are also present in the lake, and dense patches of cattails and reed canary grass are present at the mouth of Hay Creek.

The upper portion of the lake is very shallow and is by definition a wetland. The sediment deltas have revegetated to Maple and Alder dominated plant communities after they have been above water for just a few years. The Hay Creek sediment delta, filling approximately 5 acres of what was recently lakebed, has substantially revegetated with sedges, Reed Canary Grass, Alder, Cattails and nettles.

Threatened and Endangered Species, and Species of Special Concern

One species of mussel commonly known as Elk Toe (*Alasmidonta marginata*) is present in the Eau Claire River system. However, this mussel prefers swift currents with gravel bottoms, neither of which are found at or near the dredging sites.

The species below have been found in the section of withdrawal or the adjacent sections:

LYCAETIDES MELISSA SAMUELIS (KARNER BLUE BUTTERFLY) a federally endangered species locally abundant and unlikely to be significantly impacted by this minor loss of habitat. This area has numerous Karner Blue habitat sites and the butterfly would not lose habitat to the extent of experiencing negative impact on the population.

CICINDELA PATRUELA HUBERI (A TIGER BEETLE) a species of concern present in adjacent sections only, the sites are not suitable habitat for this species and are unlikely to have populations present. Negative impact on the population is unlikely.

POLYGALA CRUCIATA (CROSSLEAF MILKWORT) a species of concern present in an adjacent section only, found growing in wet, flat, bog-like swales. The sites are not suitable habitat for this species and this species will not be negatively impacted.

B. Upland Ecosystem

Avian species in the area include songbirds, shorebirds, raptors, and waterfowl. Some of the common species include the eastern Kingbird, belted Kingfisher, redwing blackbird, great blue heron, mallard, teal, and coot. There is a heron rookery on the east side of the lake. Many fur-bearing mammals inhabit these waters and associated riparian lands including beaver, muskrat, raccoon, mink, and ermine.

The two dredge material stockpile/dewatering sites serving the Muskrat and Hay Creek dredging areas are comprised of upland oak and jack pine forest. The single site on the Southern side of the lake known as Skid Row is an immature red pine plantation. Tree age is 9 years. All stockpile/dewatering sites are located in the Eau Claire County Forest. These portions of county forest provide habitat for a variety of mammals, birds, and other organisms. Common inhabitants of these forested areas are whitetail deer, cottontail rabbit, woodchucks, squirrels, turkeys, coyotes, ruffed grouse, woodcock, white-footed mouse, short tailed shrew, blue spotted salamander, and numerous species of songbirds.

Areas near the stockpile sites and dredge slurry pipeline routes also contain suitable habitat for some threatened or endangered species. The Karner Blue Butterfly, a federally endangered species (Special Concern species in Wisconsin) which is known to inhabit sandy areas with abundant Wild Lupine does occur in and near the project area. The Bald Eagle, a federally threatened species, does inhabit Eau Claire County. However, no Bald Eagles are known to nest or winter in the project areas.

13. Cultural Environment

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

Land use in the immediate project area is wild land (county forest lands and private forests) and rural residential lakeshore cottages and homes. Lakeshore residential development around Lake Eau Claire is moderate to heavy, with many of the lake lots developed as year-around residences.

Eau Claire County owns the land being proposed for use as the stockpile/dewatering sites, and the land along the route of the hydraulic dredging pipeline corridor. The land is currently part of the Eau Claire County Forest. An application to withdraw the land for the stockpile sites has been filed. This EA serves for the withdrawal as required. These tracts of land have been used only for forestry and recreational purposes in the past.

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

Lake Eau Claire and the Eau Claire River are popular public recreation spots. They are used by the public for a variety of water based recreational activities. These activities include power boating, sailing, water skiing, swimming, fishing, canoeing, wildlife observation, and aesthetic enjoyment. Public boating access to the lake is via 4 boat ramps. There is also a public swimming beach on the north side of the lake. Lake Eau Claire County Park is on the south side of the lake adjacent to the dam.

Access to the lake from the upstream boat ramp on the Eau Claire River has become increasingly difficult due to the reduction in river channel depth caused by sedimentation.

The Eau Claire County Forest consists of approximately 57,000 acres representing about 30 percent of the commercial forest acreage in the county. The stockpile sites are located on the western portion of the county forest, closest to the urban setting of Augusta. The tracts receive recreational use in the form of hunting, hiking, mountain biking, and nature observation.

C. Archaeological/Historical

According to the State Historical Society records, there are no archaeological/historical areas known to be present within the area of the proposed project. Visual inspection of the sites and investigation of the county records confirms no historical or archaeological areas located on the sites.

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

The endangered and threatened species known to occur in the area are listed above in Item 12a-Wildlife.

Karner Blue Butterfly - Surveyed?

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

15. Physical (include visual if applicable)

B. Lake

The sediment loading to Lake Eau Claire is relatively high and reservoir volume is continually being lost. The removal of 37,273 cu. yards of sediment that has accumulated in the lake will have a beneficial effect to the dredged areas by restoring depth suitable for navigation to these immediate areas. This will improve lake resident access to their homes in these areas. The dredging of the area adjacent to the public boat landing located on the upstream portion of lake would improve the function and longevity of the landing. It should be made clear that these beneficial effects to residents and users of the boat landing are temporary, as sediment will continue to be deposited rapidly in these areas. Unless dredging is repeated as necessary, the areas will become overloaded with sediment again.

B. River/Streams

The hydraulic dredging will have the same impact on the Hay and Muskrat Creeks and Eau Claire River as for the lake. Navigational ability will be restored for adjacent home/cabin owners. This ability will be temporary, the longevity largely being determined by future dredging operations.

B. Dewatering/Stockpile Area

The construction of the dredged material dewatering/stockpile areas will require the withdrawal of 33.19 acres of land from the Eau Claire County Forest. Construction of the sites will include clearing to construct dikes. Because only the Skid Row stockpile site is visible from one county forest road/trail, and because the stockpile sites are not visible from any dwellings, there are no significant adverse visual impacts expected.

Initial construction of and ongoing maintenance operations within the disposal areas will generate machinery noise. Noise levels may be high during the initial construction, however noise levels will decrease upon completion of the dikes. These levels are not expected to be significant to nearby residences. The Department retains jurisdiction to modify the dredging permit as necessary to address any unforeseen noise problems if they become a nuisance.

Where will future disposal areas be located?

B. Groundwater

When hydraulic dredge slurry is pumped into the dewatering/stockpile facility, the groundwater level below the site will raise as the carriage water infiltrates the ground. The extent of groundwater elevation increase will depend on the pumping rate of the hydraulic dredge used, the total hours of operation, and the infiltration capacity of the sand underlying the disposal areas. In order to protect the adjacent homes near the Skid Row site, the dredging permit may require a detailed remediation procedure to be followed if groundwater elevation concerns become significant. However, because of the small scale of the dredging project, no problems are expected.

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

A. Fishery

Adverse impacts to the fishery due to hydraulic dredging would be minimal. The operation of the dredge may result in a "plume" of suspended fine particles in the water column. However, due to the sandy nature of the sediments being dredged, and the small scale of the project, turbidity is not expected to impact the fishery or aquatic environment.

B. Vegetation

The dredging operation will take some of the aquatic plants (predominately *Valisneria*) in the area off shore of the Skid Row boat landing. The dredging offshore of the residences at Skid Row will remove substantial portions of the aquatic/wetland vegetation but will avoid the islands offshore of the residences. At the Hay Creek site the area that is currently wetland, that was formerly lakebed, will be dredged. This will result in the loss of some of the cattail and sedge community that has grown in the past few years.

Upland Vegetation: Approximately 33.19 acres of red pine, jack pine, oak forest, and brush will be removed from the deposit sites during their development. As there is an abundance of similar vegetation in the general area, this impact is not considered to be significant. The Lupine plants, which are a host plant to the federally endangered Karner Blue Butterfly, are located in the road side right of way of CTH NL, and not going to be disturbed by the pipeline or disposal site development.

C. Wildlife

One rare species of mussel has been documented in the Eau Claire River system. However, the shifting sand base and sluggish flow in the dredging areas is not favorable habitat for this species.

The dredging sites are not near the heron rookery so no impacts to it are anticipated. No Bald Eagle nests are located near the proposed project site, so it is unlikely that the construction of the stockpiling/dewatering sites would impact Bald Eagles or their habitat.

There are no potential conflicts with any other rare or endangered/threatened species.

Kenneth Alan Ketchum, Surveyor

The removal of the forest cover at the sites of the proposed dewatering/stockpile areas will slightly reduce the habitat available for the amphibians, reptiles, small mammals, deer, songbirds, rodents, and other animals in the area. However, there is an abundance of forested land, both public and private, in the general project area. In this case the conversion of 33.19 acres of forested habitat to a dredge material stockpile sites is not considered to be a significant impact.

The dredging of the wetland at the Hay Creek site, to convert it back to lakebed, will cause a loss or change in wildlife habitat.

17. Cultural

A. Land Use (including indirect and secondary impacts)

The project will result in the conversion of 3 separate tracts of undeveloped county forest land into industrial, dredge material dewatering/stockpile facilities.

The navigational enhancements created by the dredging will allow the adjacent property owners better access to the lake. Improved depth at the public boat landing will allow the public better use of the facility. These benefits will be temporary. The life span of the benefits such as the navigation channels created by the dredging project will depend on the availability of funding for future projects.

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

The hydraulic dredging equipment will be "connected" to the on-land disposal site by a floating slurry pipeline, which could limit navigability to other watercraft in the dredging areas. It will be necessary to properly buoy and mark the floating pipeline to avoid accidents. However, because of the lack of depth in the proposed dredging areas, and the close proximity to the shoreline, this is not expected to be a problem.

The improved navigability of the dredging areas may increase the value of adjacent property owner's land.

The successful completion of this project may lead the residents of the lake to form a lake district, and provide a stable source of funding for future dredging projects.

C. Archaeological/Historical

There are no impacts to any archaeological or historical entities.

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

There are no special resources associated with the project site.

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

The lake dredging operations may result in a very small increase in water turbidity at the cutterhead.

There will be 33.19 acres of natural vegetation and wildlife habitat converted to use as stockpile/dewatering areas which will exhibit some characteristics of industrial facilities.

There will be increased equipment operation and noise in the area during all phases of the dredging operation and when moving sand in the stockpile area.

The disposal site is converted from typical county forest land to the sand stockpile area.

There will be a conversion of 53k/73k wetland habitat to open water and a loss of aquatic vegetation.

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.

The turbidity from the cutterhead operation is temporary. Due to the nature of the sediments, the turbidity is expected to cease as soon as the cutterhead ceases operating.

The noise will be temporary and will cease as soon as the dredging operations cease, however future manipulation of the disposal sites and use of the areas could result in more noise by earth moving equipment or all terrain vehicles or motorcycles.

The conversion of habitat type from the existing forest type at the disposal sites to a barren pile of sand is long term and based on the frequency and duration of the dredging program.

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 adverse impacts anticipated on any geographically scarce resources.

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

Once the dredging stops or the disposal sites are filled to capacity, the sites can be reverted back to county forest land. The re-vegetation of the property would be typical of what the county forest administrators do during a reforestation program. 

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.

Dredging projects occur with regularity around the state and, with proper planning and permit conditions, pose few significant environmental problems.

The withdrawal of land from the county forest programs is not an uncommon practice around the state. Land is typically replaced by the county to offset the loss of land enrolled in the county forest program.

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?

Since the amount of sediment and carrying water discharged will be relatively small in scale, and distributed over three disposal sites, the effects of the stockpiled sand and carriage water is not expected to be a threat to the groundwater system. Furthermore, there

is an absence of private wells immediately down gradient from the two stockpile areas on the North side of the lake. At the Skid Row site, it is not anticipated that there will be any effects to wells or septic systems caused by groundwater mounding. Impacts to septic systems and/or wells adjacent to the disposal areas need to be monitored by the homeowners, and if problems develop, then the dredging operation should cease until the groundwater mounding dissipates.

At this time, there are no unknowns associated with the action of withdrawing the county forest land parcels.

- 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.**

There is the potential for fuel and oil spills while the disposal sites are being constructed and operated, and from the dredge while it is on the lake. If such spills would occur, the spill recovery program is notified, and on site remediation is accomplished.

The possibility also exists of oil or fuel spills from the dredge machinery into Lake Eau Claire. The contractor will be required to have an emergency spill kit on site and to report any spills to proper authorities immediately.

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.

Dredging projects are commonly proposed and approved in Wisconsin. Each proposal must be evaluated on a case by case basis. In this case, if a sediment reduction plan is not implemented, the quality of the lake will continue to degrade. As long as actions to improve the quality of the lake and surrounding area are delayed, the basic problem of volume loss due to heavy sediment loading will become more severe, resulting in a more difficult and expensive remedial action if one were ever undertaken. This action would help make any other future lake management options more viable.

County forest withdrawal proposals are also commonly proposed in Wisconsin. Section 28.11 of the State Statutes lays out the exact procedure for such cases. In this case there will be no net loss of the acreage base or associated public values on the Eau Claire County forest. This is consistent with S. 28.11 of the State Statutes and should not adversely affect any future management decisions or options on the county forest.

In the same manner, issuance of a Wisconsin Pollution Discharge Elimination System permit for the new waste water discharges will not be a precedent setting action. Each permit application is reviewed on a case by case basis, with monitoring requirements and discharge limits set to protect surface and groundwater quality.

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 effects, which are likely to be highly controversial, associated with the dredging operation.

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 - This action is not anticipated nor desired by the Lake Association. If no action were taken, the proposed areas of dredging in Lake Eau Claire would continue to fill with sediment at a high rate. The adjacent homeowners would find it increasingly difficult, if not impossible, to access the lake from their land. If no action were taken to remove sediment at the public boat landing, public access at this landing would continue to become more and more difficult, and potentially impossible. If no action were taken on the dredging project, there would be no need for withdrawal of the stockpile areas from the County Forest program. The land parcels would remain a part of the county forest system, continuing to provide forestry, wildlife, and recreational values.

Enlarge - Enlargement of the project, in the sense of removing more material from the lake, is at this time not considered to be economically feasible in this situation. Although enlargement would further increase the long term values and usefulness of the lake, the Lake Association does not have the funds available for a project of this scope. However, the capacity of the stockpile dewatering sites are enough to contain some additional spoils of future dredging operations, if any such occur.

Reduce - A reduction of the project scope, with less dredging, is not considered to be a viable option as the net improvements to the lake would not be worth the costs associated with the purchase of the dredge, associated equipment, and disposal of the dredge materials. Smaller stockpile sites could ultimately become incapable of handling the volume of dredged material, especially if subsequent dredging events on Lake Eau Claire occur.

Modify - The dredging project could also be accomplished through the use of mechanical dredging. This method is considered unfavorable because of the higher costs associated with mechanical dredging, as well as the required extended draw down of the lake level necessary to enact this procedure. Because of the necessary extended drawdown of the water level, this method has much more potential for adverse environmental effects.

Other Disposal Sites - The three disposal sites that have been identified on County Forest land were the only three sites within a reasonable distance of the proposed dredging areas, that have the capability of holding a substantial amount of material with a minimum of site development. Consequently, other sites further away were considered not feasible. There is an abandoned gravel pit approximately one half mile from the southeast corner of the lake on county forest land. It is an ideal site to deposit dredged spoils. It is not currently being proposed as a disposal site due to costs associated with pumping the sediment. It is necessary to have two booster pumps, at an estimated cost of \$100,000, to assist in getting the sediment slurry to the pit. It is simply too expensive for the Lake Association at this time.

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).

Date	Contact	Comment Summary
Various dates in 2002	Marlo Orth and Jerry Stage	Discuss dredging and project feasibility.
7/30/2002	Jerry Stage	Application received.
1/3/2003	Dan Koich WMS, Ed Weber, & Jerry Stage	Inspection of the spoils disposal sites.
3/6/2003	Dan Koich WMS, J.D. Armstrong	Inspection of dredging and spoils disposal sites.
4/8/2003	John Dunn Wildlife Biologist, Bill Yeaman Conservation Warden	Inspection of dredging and spoils disposal sites.
5/21/2003	Joe Kurz Fisheries Biologist, J.D. Armstrong, Jerry Stage	Inspection of dredging sites.
7/17/2003	Dan Koich, Jack Bennett	Inspection of dredging sites.
7/16/2003	Dan Koich, Jerry Stage, Marlo Orth	Inspection of Hay Creek dredging site.

Project Name: Lake Eau Claire, Hay Creek, and Muskrat Creek Sediment Dredging; County Forest Land Withdrawal and Wisconsin Waterway Commission Grant Review.

County: Eau Claire

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**

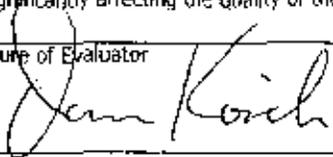


The attached analysis of the expected impacts of this proposal is of sufficient scope and detail to conclude that this is not a major action which would significantly affect the quality of the human environment. In my opinion, therefore, an environmental impact statement is not required prior to final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

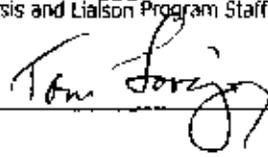
B. **Major Action Requiring the Full EIS Process**



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 9/22/03
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Number of responses to news release or other notice: **NONE**

Certified to be in compliance with WAPA	
Environmental Analysis and Liaison Program Staff 	Date Signed 9/22/03

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.

I hereby certify:

That the Board of Supervisors of Eau Claire County, in a meeting duly called and assembled on April 15, 2003, through passage of Resolution No. 03-04/025, has authorized and directed this application
(Date)

to be made for the purpose of withdrawal of the hereinafter described lands from entry as county forest pursuant to Section 28.11(1).

Wisconsin Statutes:

That at the time of said meeting the total membership of said County Board was 29 members and that said resolution passed
by a vote of 20 yeas, 0 nays, 0 absences, and 0 abstentions.

Signature: Janet L. Loomis Clerk of Eau Claire County

Typewritten Name Janet Loomis Date Signed April 18, 2003

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

- a. The legal description of the land, the acreage proposed to be withdrawn and the acreage remaining following withdrawal in the affected descriptions: (Include Parcel Identification Number for each parcel.)
As attached resolution includes the following description:
The following acreages by parcel numbers:
- b. The proposed use of the land:
The land will be used as a permanent deposit site for material (sand, silt, etc.) to be dredged from nearby Lake Eau Claire, and Hay and Muskrat Creeks. Eau Claire County will retain ownership of these parcels. The land will need to be cleared of vegetation prior to deposit of dredge materials.
- c. Attach a map showing the location of the land.
See enclosed survey maps from County Surveyor's office and plat maps.
- d. The names and addresses of persons who have requested the county to withdraw the land, and the names and addresses of prospective purchasers of the land:
Request to use this land for deposit of dredge materials came from Marlo Orth, President of Lake Eau Claire Association and member of Lake Eau Claire Foundation, address - 712 E. Grant, Eau Claire, WI 54701; phone 715-832-6961 (home), 715-834-6302 (work).

There are no prospective purchasers, land will not be sold.

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

Title will not transfer, county will retain ownership.

- f. **Attach a copy of the County Resolution.** (attached)
- g. **The attributes of the county forest site that relate to the requested use and a comparison of the site and its attributes with other economically and environmentally feasible sites or areas if other sites or areas were considered:**
Various other sites were considered for depositing dredge material. Avoidance of wetlands, accessibility, availability of suitable terrain and aesthetics were all attributes to these three sites chosen.
- h. **A description of the potential environmental and forest related benefits and impacts affecting the land**
A benefit of the proposed use of these sites as deposit sites for dredged material is that the area is relatively isolated with minimal aesthetic impact.
- i. **The historical and archeological background of the land based upon county records and a site examination by county personnel:**
- j. **Knowledge of the presence of endangered or threatened species of plants or wild animals on the land or in the waters on the land:**
Please refer to the attached report for more information.

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

- k. **The consideration to be received for the land. If land or money or both is to be received in exchange for the land, the county shall describe proposed use and disposition including a description and map of any proposed trade lands to be exchanged with the county:**
No consideration will be received as the county is not selling the land. Please note similar withdrawal was done on 80 acres in the Town of Seymour for a dredging project on Lake Altoona, on which the County has retained ownership.
- l. **The present and future benefits of the proposed withdrawal action as identified by the county at the time of the application and the decision making process used to identify those benefits:** Note attached DNR Wastewater per Regarding the decision making process: The Committee on Parks and Forest has had this item on its agenda several times, which agendas are posted at the courthouse, sent to all area media and posted on the county's website. Need for dredge deposit sites was discussed with Marlo Orth, President of Lake Eau Claire Association, at each of these meetings. The benefit of withdrawal is to provide good deposit sites for the dredging. Fortunately, this county forest land is in close proximity to the dredge areas.

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

The species below have been found in the section of withdrawal or the adjacent sections:

LYCAEIDES MELISSA SAMUELIS (KARNER BLUE BUTTERFLY) a federally endangered species locally abundant and unlikely to be significantly impacted by this minor loss of habitat. This area has numerous Karner Blue habitat sites and the butterfly would not lose habitat to the extent of experiencing negative impact on the population.

CICINDELLA PATRUELA HUBERI (A TIGER BEETLE) a species of concern present in adjacent sections only, the sites are not suitable habitat for this species and are unlikely to have populations present. Negative impact on the population is unlikely.

POLYGALA CRUCIATA (CROSSLEAF MILKWORT) a species of concern present in an adjacent section only, found growing in wet, flat, bog-like swale. The sites are not suitable habitat for this species and this species will not be negatively impacted.

-AUTHORIZING THE WITHDRAWAL OF COUNTY FORESTLAND FOR THE PURPOSE OF DEPOSITING SAND FROM THE DREDGING OF LAKE EAU CLAIRE AND MUSKRAT AND HAY CREEKS BY THE LAKE EAU CLAIRE AREA FOUNDATION-

WHEREAS, the Lake Eau Claire Area Foundation has requested the use of county forestland for depositing dredge material from planned dredging on portions of Lake Eau Claire and Hay and Muskrat Creeks; and

WHEREAS, dredging would be done hydraulically with a pipeline and floating dredge similar to the dredging previously done on Lake Altoona; and

WHEREAS, the Lake Eau Claire Area Foundation would find sand suitable for use in compliance with state and county regulations including securing all necessary permits; and

WHEREAS, the Lake Eau Claire Area Foundation would find sand suitable for use in compliance with state and county regulations including securing all necessary permits; and

NOW, THEREFORE BE IT RESOLVED by the Eau Claire County Board of Supervisors that it hereby authorizes the Parks and Forest Director to apply for withdrawal of county forestland from the county forest program for the purpose of depositing sand from the dredging of Lake Eau Claire, and Hay and Muskrat Creeks by the Lake Eau Claire Area Foundation;

PROPOSED LAKE EAU CLAIRE DREDGING SILT DEPOSIT SITE #1

All that part of the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of a part of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) and a part of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section Eleven (11), also all that part of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼), and a part of the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of Section Eleven (11), all in Town Twenty-six (26) North, Range Six (6) West, Town of Bridge Creek, Eau Claire County, Wisconsin bounded and described as follows: Beginning at a found 1-1/4 inch iron rebar marking the Southeasterly Corner of the First Assessor's Plat of Lake Eau Claire South which is on a Southwesterly extension of the East Line of Lot 10, Block 9 of said Assessor's Plat; thence, S.32°17'34"E., 665.38 feet to a 7/8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set; thence, S.81°00'00"E., 312.00 feet to a 7/8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set; thence, S.36°00'00"E., 185.00 feet to a 7/8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set; thence, S.35°19'23"W., 365.00 feet to a 7/8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set on the arc of a curve marking the Northern limits of a logging trail known as Molly Road; thence 164.54 feet to the left along the arc of said curve and said Northern limits, having a radius of 819.00 feet the center of which lies to the Southwest, and a chord which bears N.47°45'22"W., 164.27 feet to a 7/8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set at the point of tangency of said curve; thence, N.53°30'42"W., along the aforementioned Northern limits, 293.03 feet to a 7/8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set at the point of curvature of a curve; thence 382.03 feet to the left along the arc of said Northern limits, having a radius of 2194.31 feet the center of which lies to the Southwest, and a chord which bears N.58°29'57"W., 381.56 feet to a 7/8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set at the point

of tangency of said curve; thence N.63°29'13"W., along said Northern limits, 100.00 feet to a 7/8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set at the point of curvature having a radius of 955.00 feet the center of which lies to the Northeast, and a chord which bears N.52°45'04"W., 355.80 feet to a 7/8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set at the point of reverse curvature; thence 471.31 feet to the left along the arc of said curve and said Northern limits, having a radius of 625.59 feet the center of which lies to the Southwest, and a chord which bears N.63°35'52"W., 460.24 feet to a Berntsen Aluminum Monument set at the point of tangency of said curve; thence, N.85°10'49"W., along said Northern limits, 100.00 feet to a 7/8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set at the point of curvature of a curve; thence 213.78 feet to the left along the arc of a said curve and said Northern Limits, having a radius of 1005.79 feet the center of which lies to the South, and a chord which bears S.88°43'50"W., 213.38 feet to a 7/8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set at the point of tangency of said curve; thence S.82°38'29"W., along said Northern Limits, 100.00 feet to a 7/8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set at the point of tangency of said curve; thence, N.78°55'07"W., 15.43 feet to a 7/8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set at the point of tangency of said curve; thence, N.58°50'12"W., along the aforementioned Northern Limits of a logging trail known as Molly Road, 249.08 feet to a 7/8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set at its intersection with the arc of a curve on the Southerly right-of-way limits of C.T.H. "SD"; thence 668.70 feet to the left along the arc of said curve and said Southerly right-of-way limits, having a radius of 923.00 feet, and a chord which bears N.54°09'10"E., 654.17 feet to a 7/8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set; thence, S.75°36'39"E., along said Southerly right-of-way limits which is parallel to the South Line of Block 9 of the First Assessor's Plat of Lake Eau Claire South, 287.00 feet to a found 1-1/4 inch iron rebar; thence, S.56°16'51"E., along said Southerly right-of-way limits of C.T.H. "SD" and parallel to said Block 9, 203.74 feet to a found 1-1/4 inch iron rebar; thence, S.72°24'38"E., along said Southerly right-of-way limits and parallel to said Block 9, 702.35 feet to the point of beginning. Said parcel contains 998,533 square feet or 22.92 acres of land.

PROPOSED LAKE EAU CLAIRE DREDGING SILT DEPOSIT SITE #2

All that part of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼); and part of the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼); all in Section Thirty-Four (34), Town Twenty-Seven (27) North, Range Six (6) West, Town of Ludington, Eau Claire County, Wisconsin, bounded and described as follows: Commencing on a found 1-1/4 inch rebar that is the North most point of Lot 11, Block Eight, of the "First Assessor's Plat of Lake Eau Claire North"; Thence S50°17'51"E, along the North Line of said lot 93.08 feet; Thence N01°18'17"E, 2775.35 feet to a point on the Center Line of C.T.H. "NL"; Thence N64°52'00"W, to a point on the western right-of-way line of said C.T.H., 36.08 feet, to a Berntsen Aluminum Monument set and the point of beginning; Thence N01°18'17"E along said right-of-way line 124.81 feet, to a 7/8 inch X 30 inch iron rebar with Eau Claire County Aluminum Cap set; Thence N05°12'38"E, along said right-of-way line 29.60 feet, to a 7/8 inch X 30 inch iron rebar with Eau Claire County Aluminum Cap set; Thence along the arc of a curve 11.70 feet, having a radius of 984.40 feet, the center of which lies Southeasterly, and a long chord bearing N06°11'28"E, 11.70 feet; Thence N64°52'00"W to a 7/8 inch X 30 inch iron rebar with Eau Claire County Aluminum Cap set 265.11 feet; Thence N27°20'00"E, to a 7/8 inch X 30 inch iron rebar

with Eau Claire County Aluminum Cap set 714.00 feet; Thence N81°34'00"W to a 7/8 inch X 30 inch iron rebar with Eau Claire County Aluminum Cap set 445.00 feet; Thence S22°29'30"W, to a 7/8 inch X 30 inch iron rebar with Eau Claire County Aluminum Cap set 610.00 feet; Thence S40°33'08"E, to a 7/8 inch X 30 inch iron rebar with Eau Claire County Aluminum Cap set 314.06 feet; Thence S64°50'00"E to a Bernson Aluminum Monument set 413.92 feet, and the point of beginning of this description. Said parcel contains 342,724 square feet or 7.87 acres.

PROPOSED LAKE EAU CLAIRE DREDGING SILT DEPOSIT SITE #3

All that part of the Northwest Quarter (NW¹/₄) of the Northeast Quarter (NE¹/₄); and part of the Northeast Quarter (NE¹/₄) of the Northeast Quarter (NE¹/₄); all in Section Three (3), Town Twenty-Six (26) North, Range Six (6) West, Town of Bridge Creek, Eau Claire County, Wisconsin, bounded and described as follows: Commencing at a found 1-1/4 inch iron rebar at the most Northerly Corner of Lot 11, Block 8, of the First Assessor's Plat of Lake Eau Claire North; thence, S 17° 31' 00" W, along the Eastern right-of-way line of "C" & "H" "RD." and the Northwest line of said lot 11, Being a recorded subdivision Plat, 20.97 feet to a found 1-1/4 inch iron rebar; thence, S 70° 11' 00" W, along the Eastern right-of-way line of "C" & "H" "RD." and the Northwest line of said lot 11, 100.00 feet to a found 1-1/4 inch iron rebar; thence, S 17° 31' 00" W, along the Eastern right-of-way line of "C" & "H" "RD." and the Northwest line of said lot 11, 20.97 feet to a point of said West line; thence, N 23° 00' 00" W, 309.36 feet to a 7-8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set at the Point of Beginning; thence, continuing N 67° 00' 00" E., 342.38 feet to a 7/8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set; thence, S 09° 00' 00" E., 401.00 feet to a 7/8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set; thence, S 85° 00' 00" W., 258.00 feet to a 7/8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set; thence, N 23° 00' 00" W, 309.36 feet to the Point of Beginning. Said parcel contains 104,563 square feet or 2.40 acres.

STATE OF WISCONSIN

COUNTY OF EAU CLAIRE

I, Janet K. Loomis, County Clerk in and for said County, do HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Eau Claire County Board of Supervisors at the meeting held on April 15, 2003.


County Clerk



See Page 44



CENTRAL CONCRETE CUTTING

(715) 849-2028 • 1 (888) SAWING2
(715) 352-2552 Fax
W719 Leroy St. • Edgar, WI 54426

Wall sawing to 48 inches thick
Flush cutting of walls and floors
Slab sawing - gas or electric
Removal of concrete from job site
Dust free, fume free • Union employees
Core drilling to 36 inch diameter unlimited depth

20 yrs. CSDA experience • Jack Sondergard, Owner

PLEASE COMPLETE BOTH PAGES 1 & 2 OF THIS APPLICATION. PRINT OR TYPE. The Department requires use of this form for any application filed pursuant to Chapter 30, Wis. Stats. The Department will not consider your application unless you complete and submit this application form. Personally identifiable information on this form will not be used for any other purpose, but it must be made available to requesters under Wisconsin's open records law [s. 19.31-19.39, Wis. Stats.]

1. Applicant (individual or corporate name) <u>LAKE EAU CLAIRE ASSOCIATION</u>		2. Agent/Contractor (firm name) <u>MARLO ORTH President</u>	
Address <u>PO Box 229</u>		Address <u>712 E. GRANT AVE</u>	
City, State, Zip Code <u>AUGUSTA, WI 54722</u>	Fire Number	City, State, Zip Code <u>EAU CLAIRE, WI 54701</u>	Telephone No. (Include area code) <u>715-832-6961</u>
Telephone No. (Include area code)	Tax Parcel Number		

3. If applicant is not owner of the property where the proposed activity will be conducted, provide name and address of owner and include letter of authorization from owner. Owner must be the applicant or applicant's structure, division and stream contiguous interests.

Owner's Name: Eau Claire County Address: _____ City, State, Zip Code: _____
 Is the land owner? Yes No

If YES, please explain why (attach additional sheets if necessary).

4. If this is the permit of application for a project that you intend to conduct, this business in the State of Wisconsin?
 Yes No

Village/City/Town: Town of BRIDGE CREEK
 Fire Number: _____ Tax Parcel Number: _____
 Waterway: LAKE EAU CLAIRE
 County: EAU CLAIRE COUNTY
 Govt. Lot: _____ OR _____ 1/4, _____ 1/4 of Section _____
 Township: _____ North, Range: _____ (East) (West)

6. Adjoining Riparian (Neighboring Waterfront Property Owner) Information

Name of Riparian #1	Address	City, State, Zip Code

(a) Describe the proposed activity (include how this project will be constructed):
Dredging to restore lake and channels to original navigable capacity.

(b) Purpose, need and intended use of project:
Provide access and navigation

(c) I have applied for or received permits from the following agencies: (Check all that apply)
 Municipal County Wis. DNR Corps of Engineers

(d) Date activity will begin if permit is issued 11-1-03; be completed: 11-30-04

(e) Is any portion of the requested project now complete?
 Yes No

I hereby certify that the information contained herein is true and accurate. I also certify that I am entitled to apply for a permit, or that I am the duly authorized representative or agent of an applicant who is entitled to apply for a permit. Any inaccurate information submitted may result in permit revocation, the imposition of a forfeiture(s) and requirement of restoration.

Signature of Applicant(s) or Duly Authorized Agent <u>Marlo A. Orth</u>	Date Signed <u>8-18-03</u>
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Docket Number
3-WC-2002-189441C

FACT FINDING

<p>1. Name of Applicant Gerald Stage Street or Route S4540 Hwy. NL City, State, Zip Code Augusta, WI 54722 Telephone Number (include area code) Home: 715-286 5320 Work:</p>	<p>2. Name of Agent, Contractor, Consultant Self Street or Route City, State, Zip Code Telephone Number (include area code) Home: Work:</p>
<p>3. Location of Project - Address There are 3 dredging sites. They are Skid Row, Muskrat Creek, and Hay Creek. They are listed in this order below.</p> <p style="font-size: small;"> Section 16 Section 18 Section 20 Section 22 Section 24 Section 26 Section 28 Section 30 Twp. Twp. Twp. Twp. Twp. Twp. Twp. Twp. Range Range Range Range Range Range Range Range East East East East East East East East of of of of of of of of the the the the the the the the 1st 2nd 3rd 4th 5th 6th 7th 8th Principal Meridian Town Range or City Budge Creek County Eau Claire </p>	<p>4. Name of Involved Waterway Lake Eau Claire</p> <p><input type="checkbox"/> Natural Lake <input type="checkbox"/> Raised Lake <input checked="" type="checkbox"/> Flowage <input type="checkbox"/> Stream</p> <p>Navigable? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Explain:</p> <p>Wetland? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Wetland Type: W01, E1K</p>
<p>5. Description of Proposed Project Jerry Stage is the dredging applicant proponent. He has lived on Muskrat Creek for many years and has seen the sedimentation get worse over time. In 2002, he purchased a dredge, and in conjunction with the Lake Eau Claire foundation, has been working to provide a dredging service for his neighbors. He will attempt to deepen the channels leading to Lake Eau Claire so that residents have navigable access to the lake from their properties. The foundation has raised well over \$150,000 and expects that Eau Claire Co. will provide approximately \$75,000 in cost sharing. The Lake Eau Claire Association has applied to the DNR for \$160,000,000 cost sharing through the Wisconsin Waterways Commission fund. The work is proposed to begin in the summer of 2003. The applicant is dredging to allow for a navigability of 300 yds. to the lake.</p> <p>The applicant proposes to dredge 3 sites using hydraulic cutter-head dredge. They are: Site 1: <u>Skid Row</u> = 7,685 cubic yds. Site 2: <u>Hay Creek</u> = 14,228 cubic yds. Site 3: <u>Muskrat Creek</u> = 6,070 cubic yds. The total amount of dredging is 27,983 cubic yards. Three disposal sites located in wooded depressions of Eau Claire Co. forestland are proposed. They are estimated to be: Site 1: <u>Skid Row</u> = 22,844 cubic yds. Site 2: <u>Hay Creek</u> = 28,063 cubic yds. Site 3: <u>Muskrat Creek</u> = 16,690 cubic yds.</p>	
<p>6. OHWM Determination? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:</p>	
<p>7. OHWM Elevation (if known). Describe benchmark, if applicable.</p>	
<p>8. Acres of Wetlands Impacted by Project: <u>Skid Row: 1/8 acre, Hay Creek: 60 acres, Muskrat Creek: 0.5 acres</u></p> <p style="text-align: center;">Adverse <u>0</u> Beneficial <u>0</u></p> <p>Primary Effects: There is the potential for wetland drainage at Hay Creek and Muskrat Creek areas. However, the likelihood of drainage is slim. This is because the dredging is below ordinary high-water mark of the lake and there is no lowered outlet for water to drain away to.</p> <p>Secondary Effects: By reestablishing the three proposed areas as navigable, homeowners will want access again. There is the potential for footpaths or built walkways across wetlands for access to Hay Creek. Once channels are made navigable, boat traffic near wetland areas on Hay and Muskrat Creek would also increase, as would disturbance in all three areas.</p>	

9. Description of Existing Environment:

If a stream, average dimensions at the proposed site (feet):	Width	Depth	Velocity =	Flow =
Muskrat Creek:	50	1-3	1 FPS	5 CFS
.....	20	1-4	velocity	Flow = 5 CFS
Eau Claire River:	450	1-6	Velocity	Flow = 287 CFS

If a lake, depth at proposed site (feet) N/A Surface Size Acres

Bed material of the waterway in project area (%):	Rubble	Gravel	1%	Sand	98%	Silt	1%
	Organic	Clay or Marl			Detritus		

10. Description of Fishery Values:

Poor. The proposed dredging areas have shallow depth, shifting sand base, and low flow. There is little vegetation, riffles, or structure in these areas.

11. Description of Wildlife Values (including avifauna, mammals, amphibians, reptiles, etc.)

Moderate values. There is a low diversity of plants and animals. Black-crowned night-heron, great blue heron, sparrow hawk, blue jay, deer, turkey, as well as common indigenous reptiles and amphibians are present.

12. Description of Water Quality (classification, outstanding or exceptional resource water limitations, if any, potential, etc.)

Waters of the State- NR102

13. If project involves dredging, describe potential for contaminants and proposed disposal site:

Low potential. No sources likely.

14. Does project involve dredging or discharge of any liquid or material? Yes No

If yes, have the disposal site and the proposed disposal site been approved by the Wisconsin Department of Natural Resources?

15. Description of Human Use Pattern (recreation, pollutant assimilation, etc.)

Lake Eau Claire is a reservoir created in the 1920's. Dredging is to restore navigation to stream channels. Cottages/houses are present at these sites. The lake sees significant boating pressure, fishing, skiing, swimming, ice fishing, skating, and snowmobiling use. The skid row dredging site sees heavy use in the winter as a snowmobile trail, otherwise the proposed sites have little recreational use.

EVALUATION AND CONCLUSIONS OF LAW

16. The Department has authority pursuant to the following statute(s) and/or administrative code(s) to issue or deny a permit for the project:

(list all that apply) Section 30.20 Wisconsin Statutes - Wisconsin Administrative codes NR 345, 346, 102, 103, 150, 299, and 109.

17. Will any designated natural area be impacted by project?

Yes No If Yes, name and describe impact:

18. Will any threatened or endangered resources be affected by project?

Yes No If Yes, name and describe impact:

The Karner blue butterfly (*Lycoides melissa samuelis*) and the Yellow Stewstem (*Bartonia virginica*) are known to be present in this area. However, the disposal sites have already been significantly altered through logging and pine plantation development so that habitat has already been altered. A mussel commonly referred to as the Elk Toe (*Alasmidonta marginata*) is present in the Eau Claire River system. It, however, prefers swift current with gravel bottoms. The proposed dredging areas have sluggish flow and shifting sand bed substrate.

19. Will any historical or archaeological sites be affected?

Yes No If Yes, name and describe impact:
The Archeological and Historic sites handbook was consulted and none were in the proposed areas.

20. Will project affect public rights in waters involved?

(e.g. recreational or navigational use, scenic beauty, water quality)?

Yes No If Yes, name and describe impact:
The project's purpose is to restore navigational capacity in the three named areas. This could result in some additional use from boaters in an area that has not been used in many years. The actual dredging and spoils deposition site construction will generate noise that could be considered a disturbance to any lakeshore resident.

21. Is project in compliance with local floodplain zoning authority?

Yes No Explain:
There is no fill being placed in the flood plain.

Is project in compliance with wetland, shoreland-wetland zoning authority?

Yes No If Yes, name and describe impact:
The Skid Row and Muskrat Creek sites are both shoreland wetlands. Therefore, a environmental use contract is required from Eau Claire Co.

22. Is project in compliance with NR 199 Water Quality Standards (includes NR 102 through NR 105)?

Yes No Explain:
NR 103 is the applicable code. The department finds that there will be no significant adverse impact to the functional values of the wetlands affected by this dredging.

State the impacts this proposed project will have on fisheries, reservoir aquatic environment and water quality.
The proposed project will have minimal impacts on fisheries, reservoir aquatic environment and water quality.

general access to spawning areas is very probable. If it should continue to migrate down reservoir into the dredging area and eliminate any fish habitat and depth. Sediment transport will continue and continuous dredging will be necessary in order to accomplish the goals of this project proposal. Water quality will not be impacted.

24. State the impacts this proposed project will have on wildlife resources.

It will create a temporary disturbance while dredging is in progress. There will be limited removal of some native aquatic vegetation, such as river bulrush, at the Skid Row dredging site. There will be a corresponding displacement of aquatic mammals such as muskrat and beaver, however, very limited in overall scale.

25. If project if permitted, are other similar projects likely to be attempted in general area? Yes No Uncertain

If the dredging process is successful, it is likely that other projects in Lake Eau Claire as well as other area reservoir dredging projects may be attempted.

26. Investigator's opinion as to the expected impacts this project will have on the environment, adjacent property owners and public interests
 The expected environmental impact is low. The dredging areas are relatively small in scale and are designed to increase adjacent property owners' access to the lake. It should be made clear that this project will have temporary results in all measures because of the nature of the shifting-sand stream base. The three dredge disposal sites are designed to contain 67,597 cubic yards of sediment. The probability of the sites overflowing is low. The sites are designed to be maintained and monitored. The sites are located before the containment sites are full and the Lake Association needs to find additional disposal sites. Approximately 1/4 mile East of the Skid Row disposal site there is an abandoned gravel pit. This is a logical containment site for future dredging events.

27. Special Conditions to be Incorporated in Permit if Granted
 If any ground water monitoring problems develop at the Skid Row site, the operation shall immediately shut down until the problems have been evaluated. The dikes must be maintained in a structurally sound manner.

28. Objections to Proposal

	Initials	Date	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Initials	Date	<input type="checkbox"/> Yes <input type="checkbox"/> No
Warden	WAT	8/26/03	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Fish Manager			<input type="checkbox"/> Yes <input type="checkbox"/> No
Wildlife Manager	Y.F.	8/21/03	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Manager	JAC	8/16/03	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Water Quality Specialist							
Operator							

Explain Reasons for Opinion.

29. Date of Investigation
 3-6-2003

30.

Name of Investigator(s)	Title of Investigator(s)
Dan Koich	Water Management Specialist
Tom [unclear]	[unclear]

31. Recommendation: Opposed Not Opposed

Water Management Specialist's Signature

Date Signed

DATE: August 20, 2003

FILE REF: [\(Click here and type file ref.\)](#)

TO: Dan Koich

FROM: John Dunn 

SUBJECT: Lake Eau Claire Dredging

Wildlife Management inputs to Water Regulation Investigation report form 3500-23

#11 Description of wildlife values.

The project sites differ in wildlife values based on the amount of open water present. The Skid Row, Muskrat Creek and Hay Creek east sites are all open water and provide only moderate wildlife values. Hay Creek west is a wooded area with a small amount of open water. The Hay Creek west site is a wooded area with a small amount of open water and a number of amphibians and reptiles. This site has good wildlife values.

24 State the impacts this proposed project will have on wildlife resources:

The Skid Row, Muskrat Creek and Hay Creek east sites will have very little impact on the wildlife resources. There will be some loss of aquatic vegetation and some disturbance to the associated wildlife but it will be minor.

The Hay Creek west site is a different matter. There has not been a significant amount of water running through this area for many years. As a result, the site has grown up to willow, alder and maple. The dredging of this site will have a big impact on the existing vegetation and the wildlife species that use it. Even though this type of habitat is common to Eau Claire County, I do not see any other sites that have a similar level of habitat destruction.

#28 Objections to Proposal

I do not object to the proposed project at Skid Row, Landing, Muskrat Creek or Hay Creek east.

I do object to the proposed project at Hay Creek west because of the length of time that this area has not had open water and the level of habitat destruction that it would take to convert it to an open water environment.

Issues

1. Schedule, SD alternatives

Stakeholder process vs. NEPA process. Stakeholder group can't keep up to NEPA schedule. DOT's hoping to limit alternatives in SDD. To do so requires information to make decisions, which is not available or not being shared with stakeholders. Result is all six alternatives must be carried forward to EIS. Riverway agencies will not allow dropping Near or Mid. If there are any alternatives, save for no action required by NEPA, that do not resolve transportation needs then DOT's should try to get them off the table, but will have to **convince stakeholders why they are not feasible**. Time to do that is now, use HNTB report or perhaps moreso functionality argument of Chestnut & Main to get Riverway and Twin Bridge off the table. Might need to couch this in terms of alternative is feasible only with removal of buildings at that intersection. (Would really be helpful to have cost estimates for each alternative.) Not doing so means those alternatives will need to be carried forward. Risk of doing so will likely alienate Sierra Club, historical interests, maybe Stillwater. To keep stakeholder process going, DOT's may simply have to slow down SD process to allow Stakeholders to keep up. Or keep all six alternatives for detailed EIS review.

2. Lift Bridge

Concept of separate New and Lift Bridge processes is flawed as long as Lift Bridge is a considered a viable part of a transportation fix. That's what makes Twin Bridge a key alternative. Eliminating Twin Bridge is a key to separate (but still coordinated) processes.

3. Resolve

Ideally, Stakeholder process would be completed first or at least be ahead of EIS process. Not sure if there is anything general that can be done to help things along. Mike is trying to keep the group together, but doing so delays inevitable hard decisions and risk of walk-outs. While agencies want to move ahead, Mike seems content on going slow. Example is not bringing critical info (HNTB report) to the table which could be used to show some alternatives are not viable. Result is Stakeholders are not moving forward to decision-making, which is needed now if their blessing is needed on SDD. Mike is trying to control every decision made to prevent walk-outs, including TAT minutes and interpretation of HNTB report. DOT's/FHWA need to get Resolve to be more conscious of EIS time schedule, need for Stakeholders to make hard decisions.

ATTACHMENT # 7

LAKE EAU CLAIRE DREDGE SPOILS SITE AGREEMENT

This Agreement is between Eau Claire County, Wisconsin, a quasi-municipal corporation, ("County") located at 721 Oxford Avenue, Eau Claire, WI 54703, and Lake Eau Claire Association, Inc., a non-stock, not-for-profit Wisconsin Corporation, ("Association") located at P. O. Box 229, Augusta, WI 54722.

WHEREAS, The Association as part of a project to rehabilitate Lake Eau Claire, has devised a plan to dredge sand and other spoil materials from the bed of the Lake and Hay and Muskrat Creeks for the purpose of preventing future eutrophication of the Lake and to preserve the aesthetic, recreational and aquatic features.

WHEREAS, The Association has the need for parcels of real estate upon which to deposit said spoil materials and the County has parcels of real estate suitable for such use and is willing to lease them to the Association.

NOW, THEREFORE, THIS AGREEMENT

I. AUTHORITY.

This Lease Agreement is based upon and subject to the authority of the following Wisconsin Statutes: §§ 820.01.

II. TERM OF CONTRACT.

Services under this Agreement shall commence after all Department of Natural Resources permits are granted and shall continue through December 31, 2013.

III. OPTION OF RENEWAL. Providing that the Association is not in default of the terms hereunder, this Lease shall be subject to renewal upon mutual agreement for ten (10) years upon the same terms and conditions as this Lease. In order to extend the Lease, the Association shall provide a written notice of such intent to the County no later than six (6) months prior to the end of the term.

IV. PURPOSE OF CONTRACT.

This Lease shall be for the purpose of providing sites for dredge spoils sites for the Association and its employees.

The Association and its employees, included within the permitted use, however, shall be the ability of the Association to engage in the building and maintenance of access drives or roads from adjoining public highways, the deposit of and removal of spoils from the sites, sites preparation and grading activities, and other uses of the property reasonably related to their use and maintenance as dredge spoils sites.

V. DESCRIPTION OF SITES

The real estate subject to this Lease shall be described as follows:

SITE #1: All that part of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$); a part of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$); and a part of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Ten (10); also all that part of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$); and a part of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Eleven (11), all in Town Twenty-six (26) North, Range Six (6) West, Town of Bridge Creek, Eau Claire County, Wisconsin bounded and described as follows:

Beginning at a found 1-1/4 inch iron rebar marking the Southeasterly Corner of the First Assessor's Plat of Lake Eau Claire South which is on a Southwesterly extension of the East Line of Lot 10, Block 9 of said Assessor's Plat; thence, S.32°17'34"E., 665.38 feet to a 7/8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set; thence, S.81°00'00"E., 312.00 feet to a 7/8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set; thence, S.36°00'00"E., 185.00 feet to a 7/8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set; thence, S.35°19'23"W., 365.00 feet to a 7/8 inch by 30 inch iron rebar with an Eau Claire County Aluminum Cap set on the arc of a curve marking the Northern limits of a logging trail

SITE #3: All that part of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼); and part of the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼); all in Section Three (3), Town Twenty-Six (26) North, Range Six (6) West, Town of Bridge Creek, Eau Claire County, Wisconsin, bounded and described as follows:

Commencing at a found 1-1/4 inch iron rebar at the most Northerly Corner of Lot 11, Block 8, of the First Assessor's Plat of Lake Eau Claire North, being a recorded subdivision plat; thence, S.17°41'10"W., along the Easterly right-of-way line of C.T.H. "NL", and the Northwest line of said lot 11, 26.97 feet to a found 1-1/4 inch iron rebar; thence, N.70°36'49"W., 65.83 feet to a found 1-1/4 inch iron rebar on the Westerly right-of-way line of C.T.H. "NL"; thence, S.19°20'00"W., along said Westerly right-of-way line, 367.93 feet to a point on said Westerly right-of-way line; thence, N.67°00'00"E., 708.13 feet to a 7/8 inch by 3/8 inch iron rebar with an Eau Claire County Aluminum Cap set at the Point of Beginning of the parcel hereinafter described; thence, continuing N.67°00'00"E., 342.38 feet to a 7/8 inch by 3/8 inch iron rebar with an Eau Claire County Aluminum Cap set, hereafter referred to as Point "A" for descriptive purposes; thence, S.09°00'00"E., 401.00 feet to a Berntsen Aluminum Monument set; thence, S.85°00'00"W., 258.00 feet to a 7/8 inch by 3/8 inch iron rebar with an Eau Claire County Aluminum Cap set; thence, N.73°40'00"W., 200.36 feet to the Point of Beginning. Said parcel contains 104,563 square feet or 2.40 acres.

INGRESS AND EGRESS EASEMENT DESCRIPTION:

Commencing at the monument on Point "A" thence, S.09°00'00"E., 401.00 feet to a 7/8 inch by 3/8 inch iron rebar set at the Point of Beginning of the centerline of a Twenty (20) foot wide easement for ingress and egress; thence, S.88°18'15"E., 181.47 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, N.83°08'18"E., 330.03 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, N.68°29'41"E., 330.20 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, N.71°23'27"E., 182.21 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, N.80°28'45"E., 167.62 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.84°32'01"E., 149.47 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.75°25'28"E., 566.27 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.73°01'09"E., 248.72 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.87°15'54"E., 244.38 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.75°30'06"E., 184.97 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.56°53'33"E., 247.81 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.71°32'03"E., 213.12 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.49°27'54"E., 225.04 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.50°38'11"E., 261.76 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.45°43'44"E., 346.59 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, N.71°54'24"E., 274.77 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, N.88°16'25"E., 399.02 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.88°46'20"E., 322.41 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, N.88°41'37"E., 321.70 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.72°26'33"E., 189.59 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, N.84°57'48"E., 321.33 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.77°42'27"E., 216.75 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, N.84°45'39"E., 291.14 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.88°47'30"E., 383.16 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.59°39'13"E., 358.77 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.48°11'25"E., 521.23 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.74°07'48"E., 394.66 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.77°11'51"E., 725.14 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.85°55'46"E., 158.91 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.88°37'41"E., 262.65 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.25°38'16"E., 365.70 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.44°13'05"E., 364.35 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.35°20'07"E., 212.50 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.62°31'21"E., 119.05 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, N.89°45'30"E., 270.40 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.80°53'14"E., 177.70 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.88°42'20"E., 319.49 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.45°20'05"E., 293.22 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.23°18'25"E., 162.78 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.45°59'57"E., 494.06 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.37°46'38"E., 599.83 feet to a 7/8 inch by 3/8 inch iron rebar set; thence, S.64°16'41"E., 67.51 feet more or less to a 7/8 inch by 3/8 inch iron rebar set within the right-of-way of C.T.H. "G" at its intersection with the East line of the Southeast Quarter (SE 1/4) of Section One (1), Town Twenty-Six (26) North, Range Six (6) West, Town of Bridge Creek, Eau Claire County, Wisconsin. Said intersection point being the point of termination of the proposed ingress and egress easement. Said easement is intended to follow the existing logging trail from the Eastern boundary of the silt deposit site Easterly through the Northeast Quarter (NE 1/4) of Section Three (3); and through the Northwest Quarter (NW 1/4) and the

Northeast Quarter (NE 1/4) of Section Two (2); and through the Northwest Quarter (NW 1/4) and the Northeast Quarter (NE 1/4) of Section One (1), Town Twenty-Six (26) North, Range Six (6) West, Town of Bridge Creek, Lincoln County, Wisconsin, pursuant to Ordinance No. 17, 1987.

VI. RENTAL FEE

The Association shall pay to the County the sum of One Dollar (\$1.00) per year, receipt of which sum in total, in advance, is hereby acknowledged by the County.

VII. TERMINATION

This Agreement may be terminated by either party on thirty (30) days written notice and shall be subject to review from time to time at the request of either party.

VIII. MISCELLANEOUS TERMS AND CONDITIONS:

A. Withdrawal of Land From County Forest.

The County shall perform all steps necessary to withdraw the described real estate from its status as County forest land, entered under Wis. Stat. § 28.11, prior to the commencement of the term of this Lease. Notwithstanding execution of this Agreement before that is accomplished, the term shall commence as of the later of the execution and witnessing having occurred.

B. Compliance with Directives of DNR.

To the extent that the Wisconsin Department of Natural Resources (DNR) may require the establishment of physical buffers between the spoils sites and adjoining properties and public streets or highways and/or otherwise issue directives or orders regulating or controlling the use of the property for a spoils site, the Association agrees that it shall abide by said directives or orders as a condition of this Lease.

C. Site Preparation.

All site preparation work, including but not limited to removal of trees and shrubs, the building of access drives and grading or leveling of the real estate, shall be the responsibility of the Association. The County shall not be responsible for any site preparation work on the subject real estate.

D. Ownership and Use of Spoils.

Throughout the duration of this leasehold, ownership of all spoils deposited on the subject real estate shall remain in the Association, but the County shall have access to any of the spoils for free. The Association shall be free to use, sell, donate or otherwise dispose of the spoils as it sees fit with the County receiving fifty percent (50%) of any revenue received from the selling of any spoils.

E. Condition of Site at Termination of Leasehold.

The Association shall be under no obligation to remove or contract to have removed at or prior to the termination of this Lease any or all of the spoils deposited on the subject real estate. To the extent, however, that spoils materials are left on the site at the termination of the leasehold, ownership of the same shall pass to the County. It is further agreed that the Association is not under any obligation at or before the termination of this Lease to restore all or any part of the leasehold to its condition immediately prior to the commencement of this Lease. In addition, the County agrees that the Association shall not be required to reimburse it for the value of standing timber, if any, on the subject real estate that is destroyed or damaged or destroyed in the process of use of the leasehold by the Association.

IX. LIAISONS

For the County: John Staszczuk, Parks and Forest Director, Agriculture & Resource Center, 227 First Street West, Altoona, WI, 54720, (715) 839-4738; and

For the Association: Marlo Orth, President, 712 E. Grant Avenue, Eau Claire, WI 54701, (715) 832-6961.

X. NOTICES

Notices required or deemed advisable under this Agreement shall be placed in writing and delivered personally or by registered or certified mail upon the County to: J. Thomas McCarty, County Administrator, Courthouse, 721 Oxford Ave., Eau Claire, WI, 54703; and upon the Association to: Marlo Orth, President, 712 E. Grant Avenue, Eau Claire, WI 54701.

XI. POSTING

The Association is granted the authority by the County to post the real estate subject to this Lease for no trespassing purposes.

XII. INDEMNIFICATION

The Association shall indemnify, defend and hold harmless the County, its appointed or elected officials, committee members, employees, agents and each of them for any and all suits, actions, legal or administrative proceedings, claims, demands, damages, liabilities, interests, attorneys' fees, costs and expenses of whatsoever kind or nature, in any manner directly or indirectly caused, occasioned or contributed to in whole or in part by reason of any willful act, error or omission, fault or negligence by the Association, in fulfilling the terms of this Agreement. This indemnification shall not extend to environmental damage including, but not limited to ground water contamination, except for such contamination as is the direct result of the Association having deposited spoils on the leasehold, to which this indemnification agreement shall apply.

XIII. WAIVER OF BREACHES

No waiver of any breach hereof, in any agreement of all the parties, shall constitute a waiver of any other breach hereof, and no such waiver shall be construed as a precedent for any other breach hereof. Remedies shall be cumulative and in addition to any other remedies provided by law.

XIV. APPLICABLE LAW

This contract shall be governed under the laws of the state of Wisconsin and is made at Eau Claire County, Wisconsin, and venue for any legal action to enforce the terms of this Agreement shall be in Eau Claire County Circuit Court.

XV. SECTION HEADINGS

The headings of the several sections, and any table of contents appended hereto, shall be solely for convenience of reference and shall not affect the meaning, construction or effect hereof.

XVI. NON-ASSIGNMENT OF AGREEMENT

The parties agree that there shall be no assignment of transfer of this Agreement, nor of any interests, rights or responsibilities herein contained, except as agreed to in writing.

XVII. MODIFICATIONS TO AGREEMENT

There shall be no modifications to this Agreement, except in writing, signed by both parties.

XVIII. INTEGRATION OF AGREEMENT

The entire agreement of the parties is contained herein and this Agreement supersedes all previous agreements, whether written or oral and all negotiations as well as any previous agreements presently in effect between the Association and the County relating to the subject matter.

Both parties hereto having read and understood the entirety of this Agreement consisting of six (6) typewritten pages hereby affix their duly authorized signatures.

EAU CLAIRE COUNTY BY:

Thomas McCarty
THOMAS McCARTY
COUNTY ADMINISTRATOR

7/29/03
(Date)

LAKE EAU CLAIRE ASSOCIATION, INC. BY:

Marlo A. Orth
MARLO ORTH
PRESIDENT

7-29-03
(Date)

EX-10011-11