

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

Form 1600-001

Rev. 7-2006

Department of Natural Resources (DNR)

Region or Bureau
Northern Region

Type List Designation
NR 150.03(8)(d)1c

NOTE TO REVIEWERS: This document is a DNR environmental analysis that evaluates probable environmental effects and decides on the need for an EIS. The attached analysis includes a description of the proposal and the affected environment. The DNR has reviewed the attachments and, upon certification, accepts responsibility for their scope and content to fulfill requirements in s. NR 150.22, Wis. Adm. Code. Your comments should address completeness, accuracy or the EIS decision. For your comments to be considered, they must be received by the contact person before 4:30 p.m., February 26, 2010

Contact Person:
Manny Oradei

Title: DNR Liaison Forester

Address: PO Box 576

Rhineland, WI 54501

Telephone Number
715-365-2637

Applicant: Oneida County Solid Waste Department

Address: 7450 Co. Hwy K, Rhineland, WI

Title of Proposal: Oneida County Forest Withdrawal Adjacent to the Solid Waste Landfill

Location: County: Oneida City/Town/Village: Woodboro

Township Range Section(s): T36N R7E Section 1

PROJECT SUMMARY

- Brief overview of the proposal including the DNR action (include cost and funding source if public funds involved)**
Oneida County Solid Waste Department (OCSW) is proposing to withdraw 37 acres from the Oneida County. Potential solid waste activities include:
 - Three (3) to five (5) acres would be used to develop a small (< 50,000 cubic yards) construction and demolition landfill.
 - The county is proposing to use approximately ten (10) acres to establish hybrid poplar plantation that would be irrigated with leachate collected from the closed onsite solid waste landfill. The proposal is contingent upon approval from the Wisconsin Department of Natural Resources (WDNR), Woodboro Township, and the Oneida County Zoning Department. Part of the approval process would involve a small scale pilot study, lasting 2 or more years, to evaluate the feasibility of the project in terms of ground water monitoring, application rates and cost effectiveness. If the hybrid poplar proposal is not approved, OCSW may propose other landfill expansion activities in this area. If hybrid poplar/leachate expansion project approvals/permits are not obtained by year 2020 from the different governing bodies, this area along with the buffer area would be returned (transferred) to the Oneida County Forestry Department to be reentered into the County Forest Law.
 - Approximately 20 acres would remain a native aspen and mixed hardwood buffer around the planned projects. A 150'

wide buffer along Trout Creek Rd, a 50' wide buffer along the western edge and a 800' wide buffer on the southern edge of the withdrawal area would be maintained. The buffer areas would be dominated by aspen with a mix of white birch, red maple, pine and oak regeneration. The buffer would help minimize any sight and sound awareness of the facility to silent sport users and other recreational users.

The OCSW would work with the Oneida County Forestry, Land and Outdoor Recreation Dept (FLORD) in seeking replacement lands for this withdrawal acreage. OCSW would be locating, contacting, appraising, offering and seeking County Board approval for appropriate replacement lands. These lands would be purchased using the County Forestry Department segregated land purchase account and would result in a zero net loss of County Forestry lands on a total acreage basis.

For the withdrawal to be approved by the WDNR Forestry there needs to be a demonstrated a "higher and better" use of the parcel for the public at large: Oneida County (elected) representatives have determined that the best use of this land is for solid waste operations as described above; a small demolition landfill and hybrid poplar plantation for leachate treatment. The proposed withdrawal was presented to the Town of Woodboro Officials without objections. The proposed withdrawal of this parcel has been reviewed without objection by the Oneida County Forestry, Land and Outdoor Recreation Department. The change in classification of this land would not prevent public use of the property. Other than the actual fenced plantation and demo site areas (approximately 17 acres), the land will be as accessible to those who chose to recreate in this area in the future. The Washburn Lake Silent Sports Trails Area is located adjacent to the current solid waste facilities and is also adjacent to portions of the proposed withdrawal area (Attachment C). There are a number of ski, snowshoe, and mountain bike trails in the silent sports trail area that are frequently used, and trail use appears to be growing in popularity with the recent development of additional trails and the public multi-use building/picnic area at Perch Lake. Balancing solid waste facility needs and the growing popularity of outdoor recreation in the silent sports area are important for Oneida County and the local community. The impacts of potential future development associated with the proposed forest withdrawal should be carefully evaluated by the public, Oneida County, and staff that need to make permit decisions associated with the proposed forest withdrawal.

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

Oneida County Forestry Withdrawals for Solid Waste: A Brief History

In May 1991, Oneida County made the initial request to WDNR for the withdrawal of 285 acres (resolution 69-90) surrounding and including the Oneida County Solid Waste Facility.

In 1994, following a feasibility study, the County Forest withdrawal was put on hold while a wildlife hazards assessment was conducted for review by the FAA because the landfill is in the flight path of the Oneida County Airport.

In April 2003 a new withdrawal application was submitted, along with appropriate County resolution.

In May 2005, an environmental analysis was completed and the withdrawal application was approved by the WDNR Forestry Department.

In March 2008 a new withdrawal resolution was presented to the Oneida County Forestry, Land and Outdoor Recreation Dept. See attachment "A" that shows the current boundaries and the proposed withdrawal area.

Purpose and Need for a Demolition Landfill Adjacent to the Oneida County Landfill

The County believes that having an active demolition landfill at this location is attractive to County residents for the following reasons:

- The economic benefit to small waste haulers, contractors, and residents by offering a lower disposal cost (demolition landfill @ \$50 per ton, as compared to the solid waste transfer facility @ \$58 per ton).
- A lower tipping fee at the demolition landfill may reduce the occurrence of illegal dumping of demolition waste.
- Greater opportunity for the removal of construction and demolition materials from the waste stream to be recycled for reuse in Oneida County's Second Story Reuse Project. This project, currently supported by a WDNR Waste Reduction Grant, recovers construction waste such as lumber, doors, windows, and fixtures for reuse. Performing a recycling and reuse program, such as Second Story, is generally less feasible if the construction/demolition waste is intermixed with municipal solid waste (MSW).

- The proposed new demolition site meets the required separation distance of ¼ mile (1,320 feet) from the other demolition sites and would be a source of revenue for OCSW.
- A new demolition site would provide revenue to support Solid Waste operations, including revenue neutral or revenue losing operations such as hazardous waste collections, pharmaceutical collections, and other recycling projects.
- On-site leachate treatment would reduce costs, resulting in lengthening the life of the Sanitary Landfill long-term care fund. Lengthening the life of the long-term care fund would reduce the chance of Oneida County having to use taxpayer dollars to pay for care of the closed sanitary landfill in the future.

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

Oneida County Zoning

All of Sec 1, T36N R7E is currently zoned manufacturing and industrial and this designation is compatible with the proposed demolition landfill and hybrid poplar stand.

A conditional use permit is required for the demolition landfill. This permit has been issued, contingent on WDNR approval of the proposed new demolition

Additional conditional use permits may be required for the hybrid poplar proposal or other possible expansions projects within the area proposed to be withdrawn from county forest.

Town of Woodboro

A conditional use permit from the Town of Woodboro may be required for any projects that may be constructed on the 33 acres outside the proposed new demolition site area and within the County Zoned Industrial and Manufacturing area.

Department of Natural Resources

Approval to withdrawal acreage from the County Forest Program (ss.28.11 and ch. NR48, Wis Adm. Code.)

Waste and Materials Management program approval under NR 503.09 for the proposed demolition landfill

A Wisconsin Pollution Discharge Elimination System (WPDES) (ch. NR 200, Wis Adm. Code) and Waste and Materials Management Plan of Operations Modification approval (chs. NR 500 through 538, Wis Adm. Code) for the hybrid poplar proposal.

Storm water permits for the construction of the proposed demolition site landfill and for any other projects where there is disturbance greater than on acre of land disturbance as required under ch NR 216, Wis Adm. Code.

PROPOSED PHYSICAL CHANGES (more fully describe the proposal)

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

Earthwork required for proposed demolition site include:

- Excavation and replacement of approximately 4000 to 6000 cubic yards of soil to form the outer berm of the demo landfill.
- Three 3 to five 5 acres will have stumps and rocks grubbed and removed to a berm debris location.
- A .4 mile road expansion will occur for access into the demo and plantation locations.
- Estimated cost for site development is \$120,000

Earthwork for proposed hybrid poplar stand include:

- Grubbing of stumps and rocks up on 20 acres of land.

- Excavation and grading to expand leachate storage pond to approximately two acres. The new leachate pond is within the existing landfill.
5. **Manipulation of Aquatic Resources (include relevant quantities - cfs, acre feet, MGD, etc.)**
- No manipulations of aquatic resources are required for these proposed activities associated with the county forest withdrawal.
 - Ground water wells would monitor any impact to groundwater from the proposed demo site or hybrid poplar stand.
6. **Buildings, Treatment Units, Roads and Other Structures (include size of facilities, road miles, etc.)**
- Approximately 0.4 miles of road extensions are proposed.
 - There would also be an irrigation system installed as part of the hybrid poplar proposal.
 - An eight (8) foot fence will be needed around the hybrid poplar stand to protect the seedlings from deer and other browsing.
7. **Emissions and Discharges (include relevant characteristics and quantities)**

Proposed Demolition Site:

- The demolition landfill proposed in this withdrawal has an anticipated lifespan of five to ten years and a site capacity of 50,000 cubic yards. Using the table noted in s. NR 520.15, Table 4, Wis. Adm. Code, facilities receiving only demolition waste can expect a conversion factor of 1,400 pounds/cubic yard, which results in an anticipated total weight capacity of 35,000 tons. Once full, the demolition site would be covered with at least two feet of compacted earth and the cap would be re-vegetated.

8. Other Changes

- Other physical changes to the human environment are not anticipated.

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

- Attachment A County map showing the general area of the project
- Attachment B USGS topographic map (area)
- Attachment C Oneida GIS Mapping Topographic map (local)
- Attachment D Site development plan
- Attachment E Site Plan Flow Chart
- Attachment F Plat map
- Attachment G DNR county wetlands map
- Attachment H Zoning map
- Attachment I DNR Correspondence of 1-Oct-2008 and 22-Oct-2008
- Attachment J Washburn Lake Silent Trails Area Map
- Attachment K. NHI, Archeological and Historical
- Attachment L. Airport Runway Distance Map

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

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

Literature/correspondence (specify major sources)

Personal Contacts (list in item 26)

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

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

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

The site is located in pitted outwash with slopes of 0 to 45%. The predominant soils are Padus-Pence sandy loams and the depth to groundwater is a minimum of 50 feet. There are no surface waters (lakes, rivers, streams or ponds) or wetlands on the parcel. The current and proposed expanded sediment basin is not a functional aquatic resource.

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

The primary forest cover type is an aspen dominated mixed hardwood stand consisting of big tooth and trembling aspen, paper birch, sugar maple, red maple, northern red oak, basswood, with some balsam fir, red pine and white pine. Some of the white pine are larger specimens with diameters at breast height (dbh) greater than 24". Understory consists of Pennsylvania sedge, other Carex sp., bead lily, Canadian mayflower, dwarf dogwood, bracken fern, common club moss, shining club moss, ground pine, asters, rubus sp., wild strawberry, orange hawkweed, timothy grass, and quack grass.

Animal species commonly encountered include crow, blue jay, turkey vulture, barred owl, screech owl, red shoulder hawk, broad winged hawk, turkey, ruffed grouse, indigo bunting, wood thrush, starling, English sparrow, brown thrasher, robin, white tailed deer, coyote, red fox, gray fox, black bear, red squirrel, chipmunk, red backed vole, raccoon, American toad, leopard frog, wood frog, tree frog, garter snake, red bellied snake.

The withdrawal area was part of an original 445 acre aspen harvest area (1968). The aspen within this stand is high quality with high growth rates, site index 70+ for this aspen dominated forest. Thirty-six to forty cords of pulpwood were recently harvested from the area in preparation of the withdrawal and land clearing operations. The current habitat type is PArVAa (Pinus-Acer rubrum/Vaccinium-Aralia) with a presumed climax forest of white pine with a mix of red maple, red oak, balsam fir and white spruce.

No threatened or endangered species are known to inhabit the area.

13. Cultural Environment

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

The entire proposed withdrawal is located in a section (Sec 1 T36N R7E) which is zoned manufacturing and industrial. Current solid waste-related land-use and operations at OCSW include:

- a closed, sanitary landfill;
- a closed small construction and demolition landfill;
- an active, small construction and demolition landfill that is at over full capacity;
- a sorting and baling area for recyclables;
- a recyclable drop off site for waste oil and oil filters collection facilities;
- a collection area for packaging and short term storage of hazardous wastes;
- a transfer station operations for municipal solid waste;
- a scrap metal and tire recycling drop off area;
- a glass processing area;
- a fiber cake composting pad and retention pond (lagoon);
- a yard waste & produce composting area,
- a scale area;

- buildings for operations and maintenance staff .

The parcel being proposed for withdrawal is currently a part of the County Forest and is located immediately west of the closed, MSW landfill. Due to its close proximity, the property being withdrawn is not the best County Forest land for recreation or other activities not directly related to solid waste operations.

The proposed project is over three (3) miles west and over 1 mile north of runway 9 of the Rhinelander-Oneida County Airport.

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

The proposed project is not associated with any social or cultural resources.

The solid waste operations are a source of revenue for Oneida County.

c. Archaeological/Historical

No known archaeological or historical resources are known to exist in the project area.

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

The withdrawal area adjoins the Washburn Lake Silent Sports Trail Area that has a number of developed ski, snowshoe, and mountain bike trails (Attachment C). The trails are frequently used for outdoor recreational activities and use of these trails appears to be becoming more popular with the recent development of a public multi use building/picnic area and the development of additional trails.

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

15. Physical (Include visual if applicable)

Demo Site:

A recent review/inventory of groundwater quality at small demolition landfills, performed by WDNR staff, indicated that groundwater was adversely impacted at most of Wisconsin's small demolition landfills, generally regardless of geologic setting. Based on this review of groundwater quality at small demolition landfills and review of information from other sources, it is apparent that steps need to be taken in Wisconsin to mitigate the potential to impact groundwater at future unlined landfills of this type. In accordance with the requirements of NR 140.28, Wis. Adm. Code, WDNR is not to approve landfills where the site can be expected to cause an exceedance of a groundwater standard. Therefore, WDNR would require conditions in the facility's plan of operation approval to address this issue. The Department would require installation of monitoring devices to protect against detrimental leachate and gas migration at the proposed demolition landfill.

If the proposed demolition landfill provided a cost-effective disposal option, the development of the proposed site may minimize illegal dumping of demolition waste in other parts of the region's forest. However, it is still expected that some people would dump their waste illegally.

Hybrid Aspen Stand:

Before any hybrid planting occurs a pilot test project will be evaluated with additional monitoring before potential permits are issued by the DNR. If and when additional permits for the hybrid poplar plantation/leachate irrigation project are granted, future ground water monitoring over the life of the proposed project will occur to avoid any major impacts to ground water.

The area proposed to be planted to hybrid poplars will be graded. Stumps and large rocks will be cleared away and will be placed into non-wetland depression areas located within the withdrawal area. The plantation area surface will also be smoothed flat to improve hybrid seedling maintenance and to minimize pooling of leachate and natural precipitation within the plantation. The potential for groundwater and soil impacts is very low. When calculating the irrigation application rates, conservative (higher or lower than actual) numbers were used for the Available Water Holding Capacity (AWHC), expected precipitation, water uptake by the trees, and other factors. The calculated irrigation application rate of leachate will therefore be extremely protective of the environment considering it will be much lower than it actually could be".

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

The natural cover type of the withdrawal area would change from a, 40 year old, aspen dominated mixed hardwood site to coppice regeneration dominated stand of aspen with an understory of grass, sedges and other native understory ground vegetation. Some bird species will be displaced following the timber harvest project but will be replaced by other bird species that prefer pioneer regeneration sites. There is no reason to suspect that the hybrid poplar stand or future demolition site would create any substantial impact or change in population or lifestyles for birds, raptors, or other flying creatures which may create hazards for aircraft.

If the demolition site and hybrid stand were constructed, there would be a loss of native forest cover vegetation and its diversity. Some parts of the local ecosystem may be affected however there should be minimal impact because this site is surrounded by four County Forest compartments that are dominated by pioneer cover types, aspen.

The proposed demolition site would be a five (5) acre transitional landscape with an expected active lifespan of five to ten years. After closure, the site would be maintained as a grass opening indefinitely and with an established ground cover of native perennial grasses, legumes or other appropriate species. Invasive grasses, legumes and other plants would not be planted. A closed demolition site on the property is located 1,600 feet from the proposed new site and this area is commonly used by whitetail deer for grazing, and by raptors. After closure, the proposed demolition site would likely have similar use by deer and birdlife.

17. Cultural

a. Land Use (including indirect and secondary impacts)

The Cassian-Woodboro block of County Forest consists of approximately 15,144 acres or 18% of the total County Forest. The proposed withdrawal would remove approx .25 % of the Cassian-Woodboro block of County Forest. The proposed land use would reduce acreage available for public recreation and for long term production of forestry products by the County. This portion of the County Forest was harvested early in preparation of the withdrawal and planned site activities. Another harvest from this site would not have been planned for another 50 years. A 1500 to 1700 cordwood production reduction would be lost to the County in 50 years along with revenue loss this product could have generated.

Cultural impacts, are not expected or reasonably predicted to be significant, largely due to the relatively small size of the withdrawal (relative to the Cassian-Woodboro block or total County Forest acreage) and due to the proximity of this acreage to existing solid waste facilities. While the proposed change in land management will reduce acreage available for public recreation, the proximity of the acreage to existing landfill operations combined with other local recreation areas would make this withdrawal a very low impact on cultural land use opportunities.

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

Social impacts are not expected.

The demolition landfill will create vehicle and compaction vehicle noise which may be audible in the immediate area for the brief operational period of the landfill, after which these noises will cease.

The economic impacts to local residents is that of a savings in tipping fees, since current tipping fees for the solid waste transfer facility (which would be used if there wasn't an active Demo landfill) are 16% higher than that for current Demo Site II fees. There would also be potential avoided disposal costs by removing construction and demolition materials from the waste stream for reuse and sale at Second Story.

Economic impacts are expected to be positive, since the County would provide lower-cost disposal options for construction and demolition waste relative to other feasible options.

The County also is planning to continue with a pilot study to evaluate the feasibility of applying landfill leachate to hybrid poplars to treat the leachate. OCSW expects that the proposed project would save facility operation costs, thus allowing for continued lower tipping fees and is the primary reason for pursuing this proposal.

Another different economic impact to the County and Township will be the loss or sale of productive forest lands and its forest products to an unsustainable management activity. The proposed acreage withdrawal produced just over 50 cords per acre in 35 years of growth. This is a high quality stand of aspen/mixed hardwoods that will be hard to replace. The estimated

cost for replacement lands is between \$80,000 and \$120,000.

c. **Archaeological/Historical**

Impacts to archaeological and historical resources are not anticipated. See attachment J for documentation.

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

The Washburn Lake Silent Sports Trail Area is in fact closer to the existing landfill operations than the expanded operations in the proposed withdrawal area. Currently, landfill operations are visible from several locations along the recreational trails. Future logging outside of the proposed withdrawal area are outside of the scope of activities evaluated in this analysis. Depending on location of future logging and the extent and type of the buffer that is maintained in the proposed withdrawal area, landfill operations could become more visible to recreational trail users in certain areas. This could negatively impact the natural scenic values of the trail system. The area of the proposed withdrawal that has the largest potential to impact the natural scenic values if it were developed for solid waste facilities is in the NE SW of Section 1 (Attachment J & K). It is our understanding that this area will be maintained as a buffer area and was only included in the proposed withdrawal area because it squares off the parcel boundaries along this edge of the property. Overall, since the location and nature of the activities in the proposed withdrawal area are farther from the trail and are far less obtrusive than the existing operations, there is no reason to suggest the proposed activities would substantially impact the users of the Washburn Lake Silent Sports Trail Area.

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

- Removal of aspen and mixed hardwood forest cover type acreage
- Reduction in County Forest acreage available for public use
- Loss of native forest ground cover vegetation and its diversity
- Loss of native forest vegetation and its diversity
- A long term reduction of forest products harvested from the County Forest with its decrease in County general revenue.
- Potential ground water impacts

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 proposed demolition site should be considered a long-term effect on the environment. The projected site life is five to ten years, depending upon when the site reaches approved waste capacity. Upon closure, the area would be capped and seeded with a native grass and legume vegetative cover. The long-term environmental consequence is the potential for groundwater contamination that could occur from the breakdown of the waste leaching contaminants into the groundwater. If approved, the proposed demolition site would be required to follow a WDNR- approved groundwater monitoring plan including remedial actions if warranted.

The potential long term impacts of the hybrid poplar site to the groundwater and soils are not fully known but would be investigated as part of the pilot study and future ground water monitoring.

- 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).**

Since there are no historic or cultural resources, scenic and recreational resources, prime agricultural lands, threatened or endangered resources or ecologically sensitive areas in this withdrawal area, primary or secondary impacts to the resources are not expected to arise.

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

If it was decided later that the proposed demolition site should be restored, the waste could be hauled out, the site regraded, and the existing vegetation replaced with the native forest and ground cover vegetation. While this could be done, the cost to

do so would likely be so great that it is not likely to be feasible. If groundwater contamination were to occur, Oneida County would be required to remediate the site in accordance with ch. NR140 Wis. Adm. Code.

Environmental effects of the application of leachate to the hybrid poplars are largely reversible. If monitoring indicated any environmental concerns caused by increasing levels of soil and water contaminants, the irrigation of the leachate could be suspended and allow the site to vegetate back to an aspen or other type of forest stand.

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.

There is a limited lifespan associated with the proposed demolition site. It is possible that the County may pursue additional forest with draws adjacent to OCSW facilities in the future for other demolition sites or other solid waste activities. As solid waste activities continue to expand and there is more financial investment in the facilities at the current location, it becomes increasingly difficult for the County to seek future alternatives for expansion that would not result in additional loss of County Forest Lands.

22. Significance of Risk

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

The proposed demolition site has very little unknown or un-quantified risk associated with it providing the site is managed in accordance with ch. NR 503 Wis. Adm. Code, and WDNR Plan of Operation Approval. Additional monitoring wells have already been installed and sampled. Future monitoring of these wells will be conducted as part of the operational and post closure requirements for the proposed demolition site. No additional studies are needed to assess or predict the effects of this activity on the land.

The effects of applying landfill leachate to the proposed hybrid poplar stand is currently not known but would be evaluated through the small scale pilot study before there would be approval by DNR to apply the leachate to the full scale hybrid poplar stand. If the pilot study reveals that the proposal would not meet current environmental standards or is not an economical practice, the proposal would not be approved by the DNR and/or the County. Oneida County assumes financial risk for any funds spent for site preparation, tree establishment, installation of an irrigation system, or other development if this is done before the results of the pilot study are fully evaluated.

- 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.**

Potential problems that could occur at the proposed demolition site include, fire, fuel spills or hydraulic fluid leaks from trucks or heavy equipment or illegal dumping wastes not allowed to be disposed of in landfill. The important thing about such events is detection. Since other customers and solid waste personnel would be at the site throughout the day, detection of spills or the disposal of unauthorized waste is still likely to occur even if the offender does not report a problem. Once a spill is detected and reported to the 24 hour spill emergency hotline, 1-800-943-0003, the OCSW department could excavate out contaminated materials with their end loader, if they have training and are capable of doing so. OCSW could contact their environmental consultant to assist with emergency response actions. If the incident is too large or the OCSW Dept. can not handle the spill site the Oneida County (OC) Emergency Management Director will be contacted and he will follow these procedures in the event of a HazMat spill:

1. A HazMat spill is reported to the 911 Center
2. The local Fire Department or Law Enforcement Agency may be dispatched to the scene.
3. The Local Fire Department or Law Enforcement (Incident Commander) requests the HazMat Team
4. The request is evaluated by the Emergency Management Director or HazMat Chief
5. The HazMat Team responds to the scene and contains the spill
6. The Responsible Party or Land Owner must notify the DNR Spill Hot Line and report the incident.
7. The HazMat Team or Emergency Management Director will also notify the DNR Spill Hot Line
8. The Responsible Party will work with the DNR and contract with a company to clean-up the spill
9. The DNR will monitor the spill clean-up and verify no contamination

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.

There is no significant precedent envisioned in allowing County Forest acreage withdrawal to be used as a buffer area to minimize the awareness of the solid waste facility.

The use of hybrid poplars to treat landfill leachate would be one of the first to apply this technology in WI. Prior to this being approved and/or used however, on this site as a new technology, there are a number of unknowns that need to be evaluated and answered over the next 3-5 years. To answer such unknowns, an evaluation may occur under separate DNR approval by allowing piloting a study on an existing 2.5 acre hybrid poplar site already in place at the landfill. While initially this proposal has many positive attributes, proceeding and completing the pilot evaluation may show the full scale proposal to not be a feasible alternative from a number of perspectives. For example, it may result in marginal leachate treatment savings, not be cost effective and the County may decide not to pursue the project or the DNR may determine the proposal does not meet the requirements of current environmental protection laws.

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 is currently no known controversy over the current proposal. Solid waste management and disposal has been taking place in this area for nearly 30 years without any records of significant controversy. The proposed withdrawal should not affect nearby snowmobile or hiking/ski trails.

ALTERNATIVES

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

No action would result in the potential loss of the Second Story Program that recycles demolition products for resale to the public at the land fill. Trucking these unrecycled products to a landfill will likely increase the amount of materials landfilled.

No action would result in no revenue to support non-revenue generating Solid Waste operations and the Sanitary Landfill Long Term Care Fund.

No action would result in demolition waste deposited at the Oneida County Solid Waste facility would be transferred out of the county along with municipal solid waste, which will result in potential greater customer expense.

No action would result in having OCSW customers to rent roll-off boxes from a private waste company, which would increase disposal costs for customers by 50 – 200%, since most of the fee for roll-off boxes is for the truck transport and box rental, not the actual disposal cost of the waste.

In a general, "No Action" would most likely lower competition resulting in higher costs to consumers.

SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES

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

<u>Date</u>	<u>Contact</u>	<u>Comment Summary</u>
7-2009	Bart Sexton	Minor issues, mostly on the lines of debris on Hwy.
2009	Joe Brauer	Airport –wildlife hazards
2009	Sherry Otto	Solid waste, Demo waste issues

2009	Steve Olm	Hybrid Popular proposal
2009	Jill Zalesny	Hybrid Popular Proposal



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 <i>Emmanuel P. O'Brien</i>	Date Signed <i>12/14/09</i>
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Number of responses to news release or other notice: *SEE ATTACHED COMMENT SUMMARY AND RESPONSES.*

Certified to be in compliance with WEPA	
Environmental Analysis and Liaison Program Staff <i>Jan J. Jansen</i>	Date Signed <i>5/14/2010</i>

NOTICE OF APPEAL RIGHTS

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

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



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
John Gozdzialski, Regional Director

Northern Region Headquarters
107 Sutliff Ave.
Rhineland, Wisconsin 54501-3349
Telephone 715-365-8900
FAX 715-365-8932
TTY Access via relay - 711

May 14, 2010

Joel A. Flory
Rhineland, WI

Dear Mr. Flory:

We have now completed the Environmental Assessment (EA) process for the proposed Oneida County Forest Withdrawal and associated expansion of the Oneida County Solid Waste facilities. You provided us comments on that analysis. The purpose of this letter is to provide you with our feedback on those comments and convey our record of decision.

Following are the comments you submitted by email on March 2, 2010 *in italics* followed by our response.

Page 2 indicates "Although this area is currently in the County Forest program, only a select few outdoor sports people recreate on this acreage on a regular basis..." I think this is a little misleading. The number of silent sports users on this and other local trails continues to increase. This particular trail system is renowned for its trail system and amenities. More and more families are being seen bringing their kids out there to ski, snowshoe, sled, etc. Further along in the paragraph it indicates "...the land will be as accessible to those few who recreate in this area in the future as it is now". Once again the "few" tends to downgrade the importance of this area not only to those who use it, but the local businesses that benefit from that use including the sporting goods stores, gas stations, hotels, restaurants, etc. Although it will still remain "accessible" we have to keep in mind that while many places are accessible it doesn't mean they will appeal to or satisfy a person's desire for quiet, esthetically pleasing locations to recreate.

DNR response: We received multiple comments on this section of the document. The context of this sentence is meant to describe the specific area of the withdrawal and not recreational use on the adjacent Washburn recreational trail system. In other words, we were trying to communicate that the proposed withdrawal is not part of the more frequently used currently developed trail system. Additionally, the reference to the "few" people utilizing the specific area of the withdrawal is intended to describe trail use on a broad public scale, e.g. the local community, the county, and the state. We amended the EA to try to better clarify these statements to address the concerns that you and others identified.

I like the idea of the demolition site helping to maintain the Second Story program, but an estimated lifespan of 5-10 years for the site seems like a very short term trade-off, especially when on page 9 it indicates that the "County may pursue additional forest withdrawals adjacent to OCSW facilities in the future for other demolition sites or other solid waste activities". The paragraph further states that "it becomes increasingly difficult for the County to seek future alternatives for expansion that would not result in additional loss of County Forest Lands". My concern is with a short lifespan for this demolition site and the hybrid poplar plantation taking up potentially 10 of those acres, this seems to be the equivalent of another 2-3 demolitions sites. Where would the next withdrawals come from in this area? There is precious little buffer already in place and additional withdrawals may serve OCSW, but will certainly negatively impact the value of the existing trail systems.

DNR response: We agree that this is an important issue that needs to be carefully considered by Oneida County, the public, and staff that are involved in permitting decisions. Oneida County has indicated that it is unlikely that

another demolition landfill facility would be developed because of increasing regulations, the cost, and the fact that the required separation distance between demolition landfills would result in a new site being over a mile from the scaling facilities.

Page 7 indicates that the proposed demolition site “would be maintained as a grass opening indefinitely and with an established ground cover of native perennial grasses, legumes, or other appropriate species”. I applaud the use of native species, but wonder if there will be recurring treatments on the parcel to eliminate woody species establishment. Will they be mowing or burning? Wouldn't it make sense to allow it to follow a natural successional pathway to a native stand?

DNR response: A capped site needs to be maintained as a grassed site to minimize cap degradation issues. Tree roots penetrate the cap and allow water into the site. This can cause potential ground water issues, and allow more oxygen into the site and could increase the potential for underground fires. Because of these issues, periodic mowing would be used to minimize woody plant encroachments.

Page 5 lists a number of common species that typically occur on the property. One species that is misidentified is the “red winged hawk”. I'm not sure what species this was intended to be.

DNR response: Thanks for catching this mistake. We have amended the EA to specify red shoulder hawk in the list of species. We also removed the species Snowy Owl since it is only an occasional visitor to this area when their food becomes scarce in Canada.

I fully recognize the need for county services and don't necessarily object to the project, but let's keep in mind and give due credit to the value of these types of lands for the benefit of the not only the members of this community in regards to health and well-being, but also those who travel to and make Oneida County a destination choice.

DNR response: We agree, the intent of the environmental analysis is to adequately describe the affected environment and to objectively describe the anticipated impacts to the environment so that an informed decision can be made by Oneida County, the public, and staff that need to make permitting actions on this proposed project. To better address your comment, we included a more detailed description of the growing popularity of the Washburn trail system.

Enclosed for your information is the Record of Decision on compliance with the Wisconsin Environmental Policy Act. Issuance of this Record of Decision formally completes the EA process. Thank you for your participation in the EA process on this project proposal. The next step for the Department will be to complete all the specific permit reviews. That step is being handled by other technical staff in the Department (i.e. no Environmental Analysis staff) who are responsible for the appropriate permitting actions.

Sincerely,



Jon Simonsen
Environmental Review Coordinator

cc. Manny Oradei



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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May 14, 2010

Brian Hegge
2898 Oak Ridge Circle
Rhineland, WI 54501

Dear Mr. Hegge:

We have now completed the Environmental Assessment (EA) process for the proposed Oneida County Forest Withdrawal and associated expansion of the Oneida County Solid Waste facilities. You provided us comments on that analysis. The purpose of this letter is to provide you with our feedback on those comments and convey our record of decision.

Following are the comments you submitted by email on March 2, 2010 in *italics* followed by our response.

Just for the record, I am a board member of the Oneida County Biking Walking Trails Council (OCBWTC) and inquired whether the OCBWTC had been asked to review this EA. According to our recollections, we were not provided an opportunity to comment nor were we made aware that this document was even available for public comment.

DNR response: Although the news release was submitted on February 12, it is our understanding that the local media outlets did not cover the story until the EA public comment period was close to being over. To account for that timing and for the fact that a copy of the EA was not sent directly to OCBWTC or RASTA, we extended the comment deadline. To date, no comments from either group have been received.

Page 2, 3rd Paragraph. I have been involved with the Rhineland Area Silent Trails Association (RASTA) for over 2-years and do not recall ever being approached for a review of the document. Guy Hanson, a fellow RASTA member, indicated to me today that he had provided verbal comments to you regarding the removal of the acreage, but had not provided written comments. Given this position, I respectfully ask that you remove any reference to RASTA from this EA until the organization can respond officially.

DNR response: It is our understanding that OCBWTC and RASTA board members Judy Swank and Guy Hansen had provided comments to the Oneida County Board during public meetings. Since we have limited information on the content and context of these comments, we amended the EA to remove the reference to RASTA in this section of the document.

Page 2, 3rd Paragraph. The Washburn Lake Silent Sports Trails Area has received considerable work this past year with the construction of additional ski, mountain bike, and snowshoe trails. While I do not have numbers, visually, it has become much more popular as a destination recreation spot for both snowshoers and skiers. RASTA as an organization, has been publicly promoting the snowshoe and ski trails to increase use and bring tourism into the area. I disagree with the statement in this paragraph that "only a select few outdoor sports people recreate on this acreage on a regular basis". According to your Attachment J, the land proposed for withdrawal will be very close to the existing mountain bike and snowshoe trails.

DNR response: We received multiple comments on this section of the document. The context of this sentence is meant to describe the specific area of the withdrawal and not recreational use on the adjacent Washburn recreational trail system. In other words, we were trying to communicate that the proposed withdrawal is not part of the more frequently used currently developed trail system. Additionally, the reference to the “few” people utilizing the specific area of the withdrawal is intended to describe trail use on a broad public scale, e.g. the local community, the county, and the state. We amended the EA to try to better clarify these statements to try to avoid the concerns that you and others identified.

Attachment J & K illustrate the boundaries of the proposed withdrawals. The objection that I have with this is the 5.58 acres in the NE SW of Sec 1. If this parcel is included, it will be extremely close to the existing mountain bike and snowshoe trails. Future development of this land is a possibility and it would dramatically impact the natural settings of this trail and the experience of the users. Removal of this 5.58 acre parcel of land from the proposal is requested to be evaluated before the EA is completed.

DNR response: To address your comment, the EA was amended to state that the 5.58 acre parcel you identified has the largest potential to impact adjacent recreational trail use if the parcel was logged or disturbed for any kind of solid waste facility development. It is our understanding that Oneida County plans to maintain this area as a buffer and that it is included in the withdrawal proposal because it would square off the parcel boundaries along the edge of the property.

General comment. There is no evaluation in this EA about the negative impacts of expanding the landfill operations closer to the Washburn Lake Silent Sports Trail Area. Currently, landfill operations are visible from several locations on the trails and upon future logging, will be even more visible and obtrusive to recreational activities.

DNR response: The conclusion made in the EA was that there would not be a substantial impact to recreational trail users since the proposed establishment of a hybrid poplar stand would have little visual or other impact once it is established, the proposed demolition site is located on the northern edge of the property away from the trail system, and a vegetative buffer plans to be maintained along the edge of the proposed withdrawal area. To address your comment, we amended the EA to state that depending on location of future logging and the extent and type of the buffer that is maintained in the proposed withdrawal area, landfill operations could become more visible to recreational trail users in certain areas and this could negatively impact natural scenic values. Although we believe this is a better description of potential impacts associated with the proposal, we still conclude that the activities proposed with the current withdrawal request would not substantially impact adjacent recreational trail users.

Was there an evaluation of expanding landfill operations to the east away from the trails system? And if not, why not?

DNR response: The area of the proposed withdrawal was chosen by Oneida County because it meets the separation distance required between demolition landfills, and the area is also the best location to establish, maintain, and irrigate the proposed hybrid poplar stand. To our knowledge, Oneida County is not considering other locations. It is also our understanding that the land east of the landfill is designated a silent sports recreational area with a cross country ski trail.

Enclosed for your information is the Record of Decision on compliance with the Wisconsin Environmental Policy Act. Issuance of this Record of Decision formally completes the EA process. Thank you for your participation in the EA process on this project proposal. The next step for the Department will be to complete all the specific permit reviews. That step is being handled by other technical staff in the Department (i.e. no Environmental Analysis staff) who are responsible for the appropriate permitting actions.

Sincerely,

A handwritten signature in cursive script that reads "Jon Simonsen".

Jon Simonsen
Environmental Review Coordinator

cc. Manny Oradei