

## CORRESPONDENCE/MEMORANDUM

RECEIVED

DATE: April 29, 1988

File Ref: 2100

To: James R. Huntoon

MAY - 5 1988

FROM: James T. Addis Bureau of  
Real Estate

SUBJECT: Approval of the Bear Creek Fishery Area Master Plan, Sauk and Richland Counties

At their March 22, 1988 meeting, the Natural Resources Board approved the establishment of the Bear Creek Fishery Area with an acreage goal of 1,031 acres.

The current ownership acquired under the fisheries remnant program, is 51 acres of fee title and 28.5 acres of perpetual easement. The Board approved the use of these 79.5 acres as the base for the Bear Creek Fishery Area while retaining the present Sauk and Richland county remnant goal allotments.

Attached are 20 copies of the approved master plan which can be used to answer inquiries from the public and for future use.

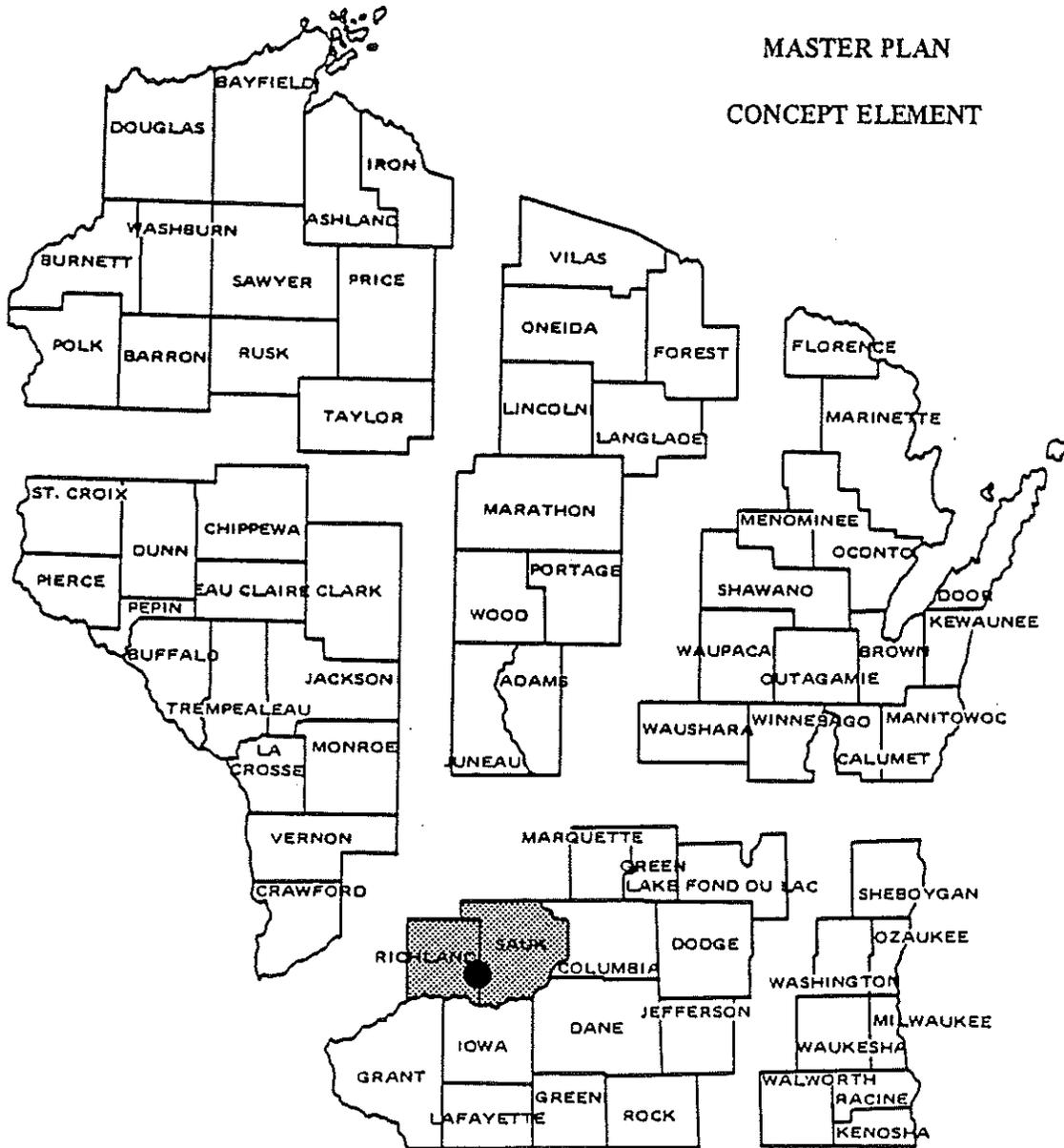
The implementation element of the master planning process should be completed next. You are requested to supply this office with a copy on or about September 1, 1988.

Please convey my appreciation to the task force for a job well done in the completion of this master plan.

Attachment

cc: D. Morrissette - FM/4  
C. Karr - AD/5  
→ C. Evert - RE/4   
V. Hacker - Oshkosh

PROPOSED  
 BEAR CREEK FISHERY AREA  
 RICHLAND AND SAUK COUNTIES  
 MASTER PLAN  
 CONCEPT ELEMENT



Property Task Force

Leader - Roger A. Kerr, Fish Manager  
 Genevieve Fannucchi, Wildlife Manager  
 Rudy Nigl, Forester

Approved by Natural Resources Board

3/24/88  
 Date





TABLE OF CONTENTS

	<u>Page</u>
GOALS, OBJECTIVES AND ADDITIONAL BENEFITS . . . . .	1
RECOMMENDED MANAGEMENT AND DEVELOPMENT PROGRAM . . . . .	1

SECTION II - SUPPORT DATA

BACKGROUND INFORMATION . . . . .	6
RESOURCE CAPABILITIES AND INVENTORY . . . . .	6
MANAGEMENT PROBLEMS . . . . .	11
RECREATION NEEDS AND JUSTIFICATION . . . . .	
ANALYSIS OF ALTERNATIVES . . . . .	12
APPENDIX . . . . .	

## SECTION I - ACTIONS

### GOALS, ANNUAL OBJECTIVES AND ANNUAL ADDITIONAL BENEFITS

#### Goals

To protect and develop the land and water within the boundary of the proposed Bear Creek Fishery Area in Richland and Sauk counties for the enhancement of the trout fishery while providing other recreational opportunities.

#### Annual Objective

1. Provide opportunities for 4,000 angling-days of fishing for brown and brook trout.

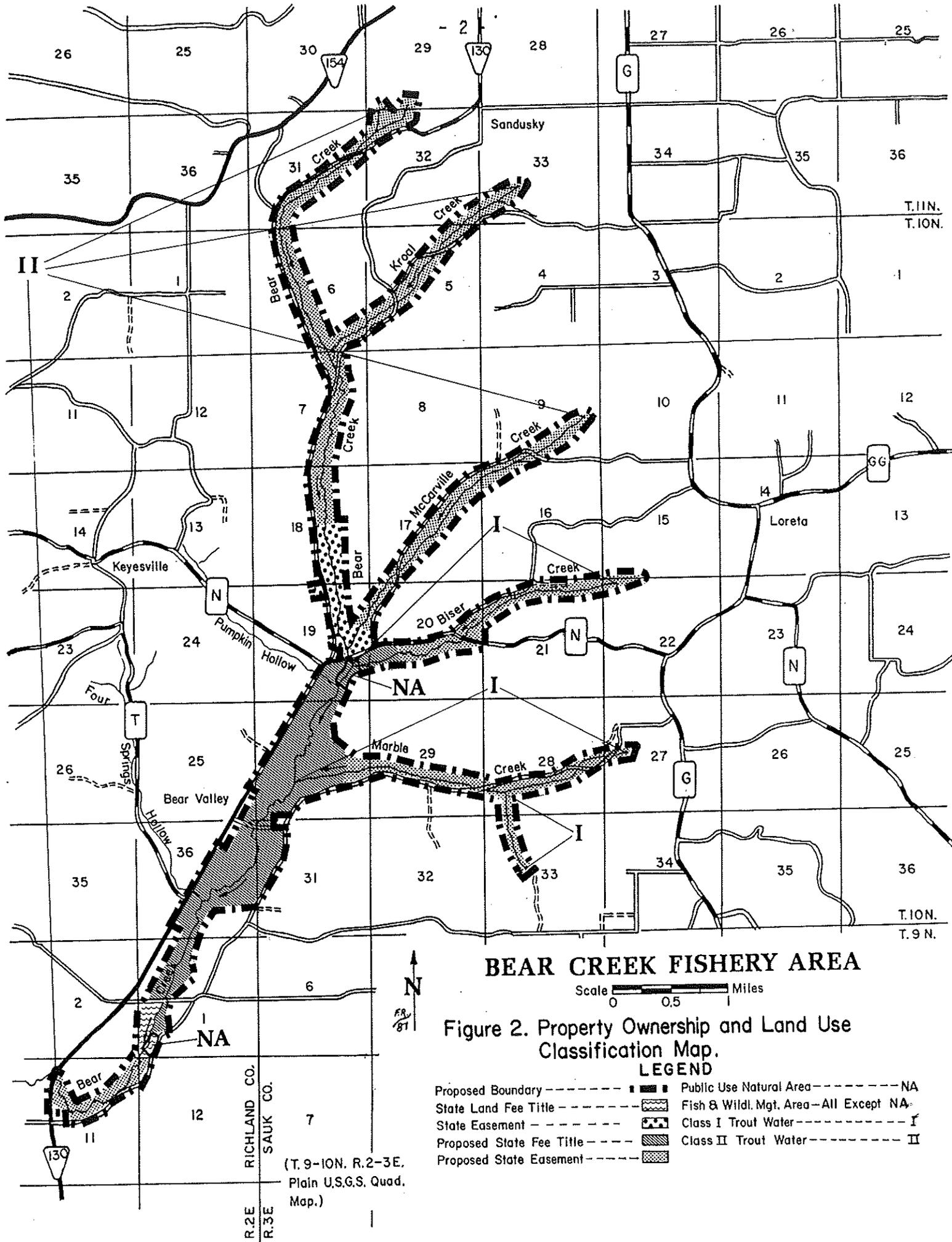
#### Annual Additional Benefits

1. Provide opportunities for 1,500 participant-days of hunting for white-tailed deer, raccoon, gray and fox squirrels, ruffed grouse, cottontail rabbits, woodcock, bobwhite quail, ring-necked pheasants and 200 participant-days of trapping for beaver, muskrat, mink, red and gray foxes and raccoon on lands acquired by fee title.
2. Provide opportunities for 100 participant-days of nature studies in sedge meadows.
3. Allow for 250 user-days for other recreational uses including berry picking, cross-country skiing, snow-shoeing, bird watching and photography.
4. Enable the preservation of plant communities unique to southwestern Wisconsin.
5. Benefit nongame species indigenous to the area.
6. Contribute to the habitat of migratory, endangered and threatened species.

#### RECOMMENDED MANAGEMENT AND DEVELOPMENT PROGRAM

The recommended management and development program for the proposed Bear Creek Fishery Area, Richland and Sauk counties (Figures 1a and 1b) is designed to improve angler opportunities for a quality trout fishing experience, and to maintain existing wildlife habitat.

All past land acquisition on Bear Creek has been accomplished under the Richland and Sauk County Remnant programs. The department recommends that a boundary be established and a named fishery area be created on this important trout stream. Current state ownership is 51.0 acres in fee title and 28.50 acres in perpetual easement (Figure 2). The recommended acreage goal is 1,031 acres. If this acreage goal is adopted, acquisition would be 7.7% completed.



### BEAR CREEK FISHERY AREA

Scale 0 0.5 1 Miles

Figure 2. Property Ownership and Land Use Classification Map.

**LEGEND**

- Proposed Boundary ————
- State Land Fee Title ————
- State Easement ————
- Proposed State Fee Title ————
- Proposed State Easement ————
- Public Use Natural Area ———— NA
- Fish & Wildl. Mgt. Area—All Except NA—
- Class I Trout Water ———— I
- Class II Trout Water ———— II

RICHLAND CO.  
SAUK CO.

(T. 9-10N. R. 2-3E.  
Plain U.S.G.S. Quad.  
Map.)

FR 81

As a remnant area, no specific acreage goal was ever developed for Bear Creek and its tributaries. The acreage goal of 1,031 acres would include 914 acres in fee title and 117 acres of easement. Almost all of the acreage to be acquired in fee title is wetland. It is estimated that it would cost \$650,000 in 1987 dollars to acquire the remaining 951.5 acres equity. To date, all fee title lands and easements purchased by the Department have been from willing sellers. No deviation from this policy is anticipated. Hunting rights will not be obtained in the easement areas. Landowners on easement areas may allow hunting at their discretion.

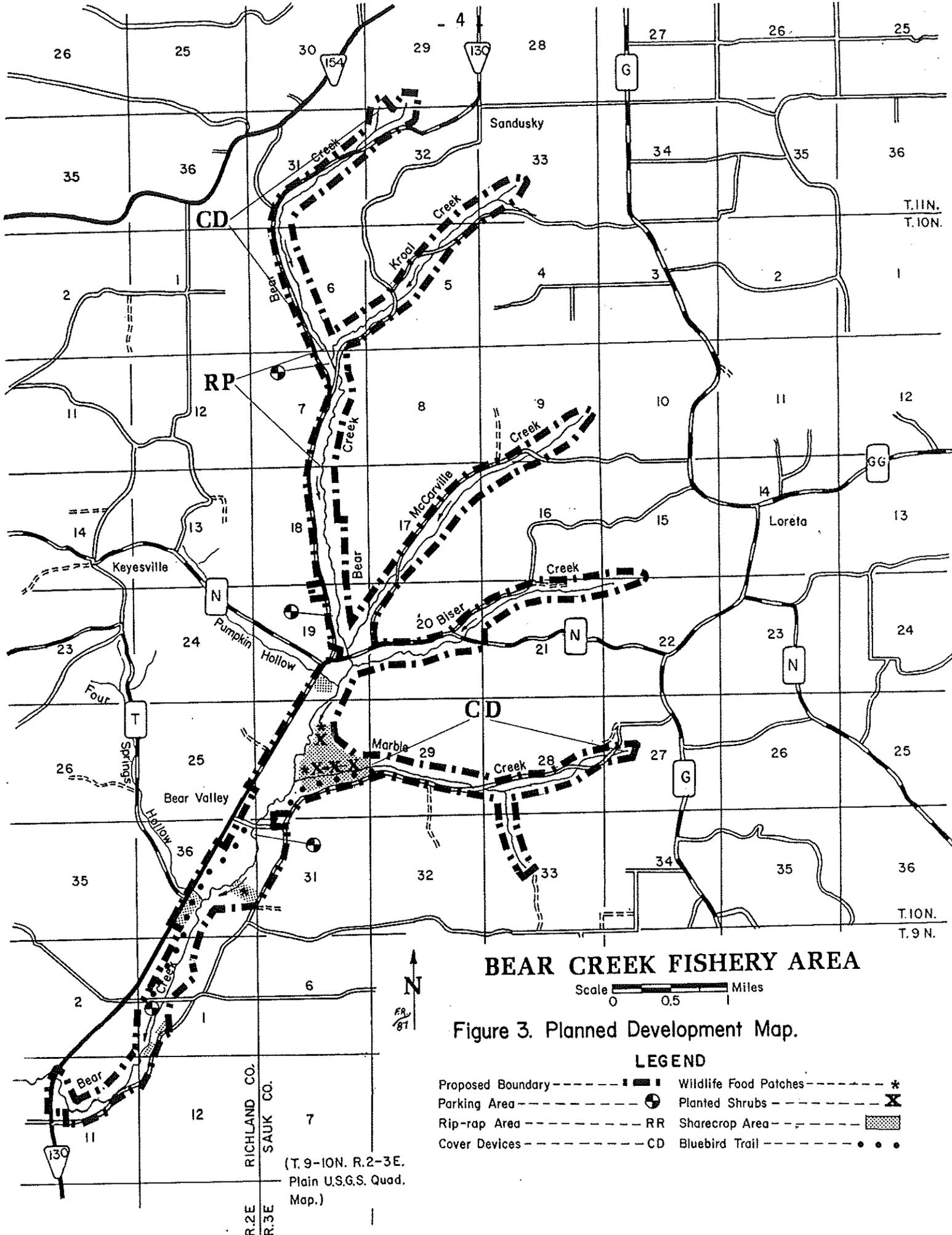
If the proposal to create the Bear Creek Fishery Area is acceptable to the Natural Resources Board, the following actions will be necessary:

1. Create the Bear Creek Fishery Area, Richland and Sauk counties, with the boundary shown on Figure 2.
2. Approve an acreage goal of 1,031 acres. ✓
3. Transfer 51.0 acres from the Richland County remnant program to the Bear Creek Fishery Area for lands already acquired.
4. Restore 51.0 acres to the Richland County remnant areas acreage goal.
5. Transfer 28.5 acres from the Sauk County remnant program to Bear Creek Fishery Area for lands already acquired.
6. Restore 28.5 acres to the Sauk County remnant areas acreage goal. ✓
7. The addition of 951.5 acres to the acreage goal.

Extensive wetlands occur along Bear Creek even though various attempts have been made to drain them to create farmland. It is thought that the bed of Bear Creek has actually risen over the years and this has raised the water table. This has prevented much of the land along the stream from being cropped or pastured and it is currently unused. Similar areas along most other streams in southwest Wisconsin have been drained successfully. Acquiring Bear Creek wetlands by fee title purchase will assure that they will remain wetlands and that is one of the main reasons for this program.

Bear Creek and its 4 main tributary streams (Biser, Kroal, Marble, and McCarville) have been managed as Class II trout waters and all have been stocked annually with brook and/or brown trout. Biser Creek and Marble Creek, and an unnamed tributary, Creek 28-11 have developed excellent wild brook trout populations and these streams are now in fact, Class I trout waters. It is proposed that Biser and Marble Creeks be reclassified from Class II to Class I trout water and that Creek 28-11 also be classified as Class I trout water. This document will serve as the required public notice of the Department's intent in this matter. Bear, Kroal, and McCarville Creeks have limited natural reproduction of brook and brown trout and need to be stocked to maintain their fisheries.

Bank erosion is not a serious problem throughout most of the proposed area although a fair amount of erosion occurs on Bear Creek in Section 7, T10N, R3E. A bank riprapping project will be proposed when and if easements are obtained in this section (Figure 3).



Significant portions of Bear Creek and its tributaries have been channelized in the past. Considerable effort will be put into recapturing historic channel threads and trout habitat. Where this is not possible, efforts will be made to improve habitat within the new channel.

Significant effort will be expended acquiring the right to remove existing impoundments on the headwaters and contributing springs of this stream system. Considerable effort will also be expended to see that additional deleterious impoundments do not occur in the future. Acquisition and Chapter 30 regulations will be the two main tools used in these efforts.

Parking lots are needed at several locations especially along Highway 130 upstream from County Highway N. Anglers often park with part of their vehicle on the highway because of narrow road shoulders.

Little or no forest management is planned for the area because of the limited amount and value of the timber present. It may be necessary to control willow growth with cutting, chemicals approved for use near water, or controlled burns.

Although the amount of cropland to be acquired is small, sharecropping will be an important part of the wildlife program on Bear Creek. This activity will provide overwinter food for wildlife. Hedgerows will be planted to provide travel lanes between wetland areas and food patches. Shrubs and trees that have high wildlife value such as dogwood, ninebark, highbush cranberry and a variety of conifers will be used depending on drainage and soil type.

The pH of Bear Creek and the water entering it indicates that some backwater wetland areas which remain permanently flooded may be able to support wild rice. An experimental planting of wild rice should be tried. If wild rice could be established, it would provide food for migratory waterfowl.

Other activities which would enhance wildlife habitat include the use of artificial nesting structures. Species that could benefit include squirrels, bluebirds and woodducks.

Beaver will be contained at low levels to minimize the deleterious impact of their activities on water quality, trout habitat and on trout reproduction, numbers, growth and health. Legal, state-of-the-art methods for controlling nuisance animals will be used.

All areas proposed for development will be examined for the presence of endangered or threatened wild animals and plants. If listed species are found, development will be suspended until the District Endangered and Nongame Species Coordinator is consulted, the site evaluated and appropriate protective measures taken.

A complete biological inventory of the property has never been undertaken. Such an inventory will be conducted as funds permit. Additional property objectives may be developed following completion of such an inventory.

## SECTION II - SUPPORT DATA

### BACKGROUND INFORMATION

The proposed Bear Creek Fishery Area is located in southwest Wisconsin about 40 miles west of Madison. Bear Creek itself originates in western Sauk County near the unincorporated Village of Sandusky and flows southerly through western Sauk County and eastern Richland County for 18.1 miles to its junction with the Wisconsin River just west of Lone Rock. Ultimately, the stream flows into the Mississippi River system. The uppermost 12.0 miles of Bear Creek are considered to be trout water. The 4 named tributary streams that are trout waters have a combined length of 11.6 miles. An unnamed tributary trout stream contains an additional 0.7 miles of trout water.

To date, 2 fee title purchases and one easement purchase have been made on Bear Creek containing 12,250 feet of stream.

### RESOURCE CAPABILITIES AND INVENTORY

#### Geology, Soils and Hydrology

The Bear Creek system is located in southwest Wisconsin in a region known as the Driftless Area. The term refers to the lack of glacial drift that is characteristic of the rest of Wisconsin which was covered by the last glacier. Wind and water erosion have formed the existing topographic features which are mainly hills and valleys. In general, the valley bottoms are 300 to 400 feet below the hilltops and this is characteristic of Bear Creek and its tributary streams.

Upper Cambrian sandstone and Prairie du Chien dolomite (limestone) are the main bedrock types in the Bear Creek watershed. Sandstone occurs mostly in the lower parts of the valleys and dolomite occurs in the upland areas. The valley bedrock is covered with a variable thickness of alluvial sand, silt, and gravel.

Several large springs feed Bear Creek but the main water sources are the spring-fed tributary streams. Annual precipitation in the area is about 30 inches. Flooding is common because of the hilly nature of the watershed and the fact that much of the land has been cleared for agricultural use. However, floods seem to have some benefits, because they scour the streams and remove sediment from riffles and pools. Shocker surveys conducted immediately after floods indicate that they have little effect on fish populations.

Most of the soils in the fishery area are floodplain silt loams. They are not suitable for building sites or septic systems. The main soils on the uplands are Dubuque silt loams. They are moderate to deep soils with gentle to moderate slopes. The soils on the lower hillsides are Hixton and Norden silt loams. They are moderately deep and easily eroded.

#### Fish and Wildlife

In the proposed fishery area, Bear Creek and its tributaries have a fish species composition that is characteristic of other coldwater streams in the area. Thirteen species of fish are present. Brown trout are the predominant

gamefish with brook trout being common in the upper reaches of the streams. Other species found during surveys include white suckers, creek chubs, stonerollers, bigmouth shiners, sticklebacks, mudminnows, sculpins, Johnny darters, blacknose dace, green sunfish and carp.

Recent electro-fishing surveys have shown that three tributaries (Table 2) are now Class I trout waters. These studies also showed that at least portions of the Class II trout streams have the potential to become Class I streams with proper management.

Wildlife game species present on or near the proposed fishery area include white-tailed deer, raccoon, gray and fox squirrels, red and grey foxes, cottontail rabbits, ruffed grouse, woodcock, bobwhite quail, ring-necked pheasants, woodducks and turkeys. Furbearers present include beaver, muskrat, mink and occasionally, otters. There is a unique opportunity to expand the existing pheasant population by vegetation management. Historically, pheasant hunting was excellent in Bear Valley.

#### Vegetative Cover

Wetland plants such as willows, cattails, sedges and marsh grass are the predominant cover types on the lands proposed for fee title purchase. No attempt was made to determine exact acreages of these types because they are scattered throughout the entire area. Corn is the major crop grown on 14 fields that are present in the fee title area. A general cover map is available as Figure 4.

Table 1. Cover types on fee title lands or proposed fee title lands on the Bear Creek Fishery Area.

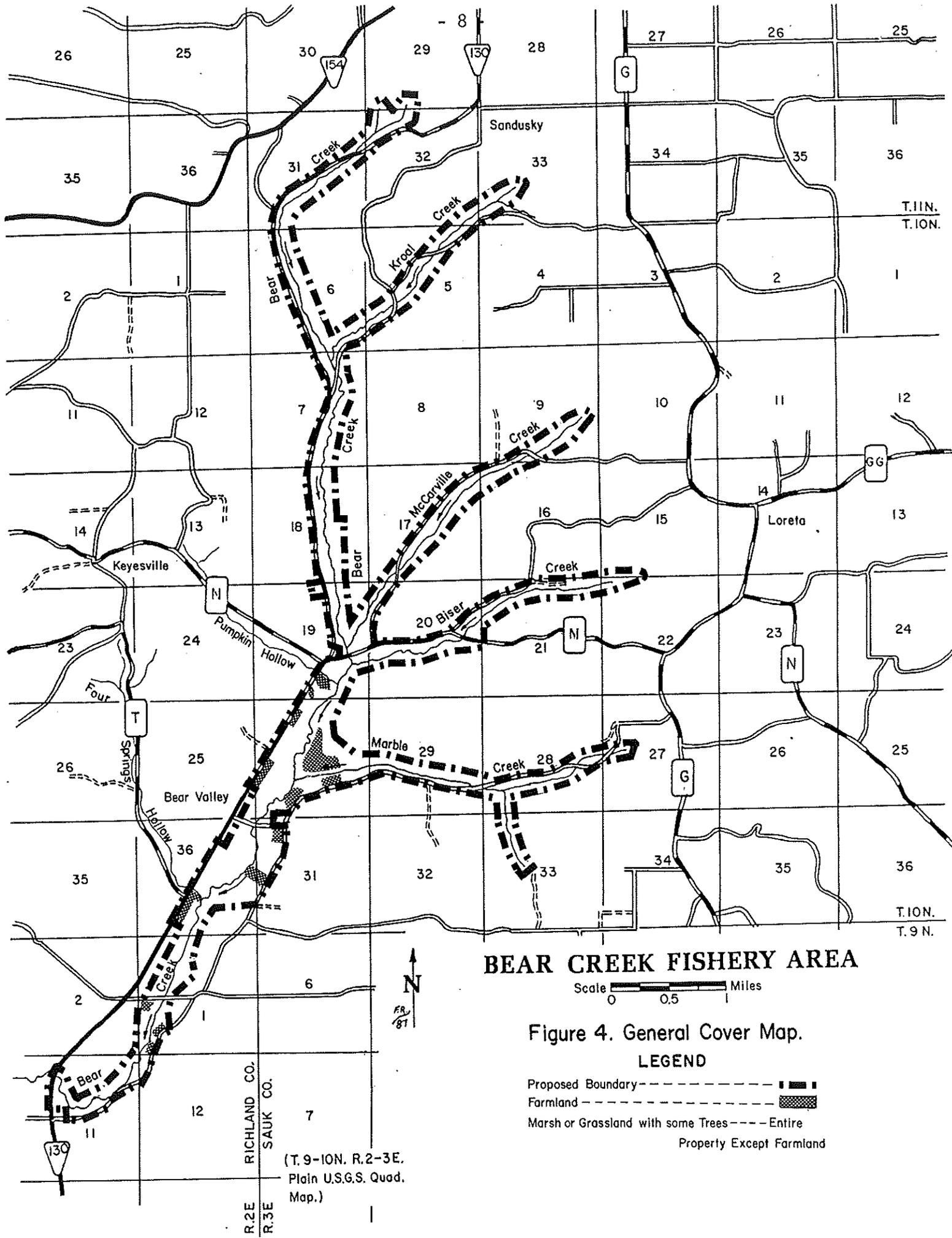
<u>Cover Type</u>	<u>Acres</u>	<u>Percent</u>
Wetlands	790	86.4
Cropland	<u>124</u>	<u>13.6</u>
TOTAL	914	100.0

#### Endangered and Threatened Species

No endangered or threatened species of fish, amphibians, mollusks, mammals, birds or reptiles or plants are known to be present on the proposed area. The red-shouldered hawk is a threatened species that may nest in the wooded bottomlands along Bear Creek.

#### Surface Water Resources

Seven named streams are located within the proposed boundary of the Bear Creek Fishery Area. Five are trout streams and 2 are very small forage fish streams. One unnamed trout stream (Creek 28-11) is located within the boundary. Also, there are 2 very small, unnamed streams within the fishery area that are not currently managed as trout water but on which we have easements. About 14 other very small unnamed streams are located at least partially within the fishery area. These are too small to contain fish, or support only small populations of forage fish.



### BEAR CREEK FISHERY AREA

Scale 0 0.5 1 Miles

Figure 4. General Cover Map.

#### LEGEND

- Proposed Boundary - - - - -
- Farmland - - - - -
- Marsh or Grassland with some Trees - - - - - Entire
- Property Except Farmland

RICHLAND CO.  
SAUK CO.  
R. 2E R. 3E  
(T. 9-10N. R. 2-3E.  
Plain U.S.G.S. Quad.  
Map.)



Table 2 - Streams within the boundary of the proposed Bear Creek Fishery Area, Richland and Sauk counties.

<u>Stream</u>	<u>County</u>	<u>Length in miles</u>		<u>Acres</u>
		<u>I</u>	<u>Class II Warm-water</u>	
Bear Creek	Richland		5.0	9.10
Bear Creek	Sauk		7.0	7.30
Biser Creek	Sauk	2.5		0.90
Four Springs Hollow Creek	Richland			0.25 0.06
Kroal Creek	Sauk		3.0	1.10
Marble Creek	Sauk	3.0		1.10
McCarville Creek	Sauk		3.1	2.40
Pumpkin Hollow Cr.	Sauk			0.12 0.03
Creek 28-11	Sauk	0.7		0.30
<u>Totals</u>		6.2	18.1	0.37 22.29

The characteristics of the 6 trout streams in the fishery area are as follows:

Bear Creek

Bear Creek originates in Section 32, T11N, R3E, and flows southerly for 12 miles to the State Highway 130 bridge in the west central part of Section 11, T9N, R2E in Richland County, where it leaves the fishery area. The average width is 12 feet and the average depth is 2 feet. The flow is 25 cfs as the stream leaves the fishery area and the average gradient is 30 feet per mile. The MPA is 250 mg/l and the pH, 8.2. The stream has a higher gradient with a gravel and rubble bottom in the upper reaches of Sauk County with a lower gradient and a mud and silt bottom in the Richland County portion.

Biser Creek

Biser Creek originates in Section 15, T10N, R3E, and flows westerly for about 2.5 miles to its junction with Bear Creek in Section 19, T10N, R3E. The average width is 3.5 feet and the average depth is 0.5 feet. The flow is 2.15 cfs and the gradient, 45 feet/mile. The MPA is 249 and the pH, 8.2. The stream bottom is mostly gravel and rubble in the upper portion and mud and silt in the lower.

### Kroal Creek

Kroal Creek originates in Section 33, T11N, R3E, and flows southwesterly for 3 miles to its junction with Bear Creek in Section 7, T10N, R3E. The average width is 3 feet and the average depth is 0.4 feet. The flow is 2.57 cfs and the gradient is 53 feet/mile. The MPA is 238 and the pH, 8.1. The stream bottom is mostly gravel and rubble.

### Marble Creek

Marble Creek originates in Section 27, T10N, R3E, and flows westerly for 3 miles to its junction with Bear Creek in Section 30, T10N, R3E. The average width is 3 feet and the average depth is 0.5 feet. The flow is 2.52 cfs and the gradient is 63 feet/mile. The stream bottom is gravel and rubble in the upper portion and mud and clay in the lower portion.

### McCarville Creek

McCarville Creek originates in Section 10, T10N, R3E, and flows southwesterly for 3.1 miles to its junction with Bear Creek in Section 19, T10N, R3E. The average width is 6.4 feet and the average depth is 0.8 feet. The flow is 2.04 cfs and the gradient, 45 feet/mile. The MPA is 236 and the pH, 8.1. The stream bottom is gravel and rubble in the upper portion and mud and clay in the lower portion.

### T10N, R3E, Stream 28-11

Stream 28-11 originates in Section 33, T10N, R3E, and flows northwesterly for 0.7 miles to its junction with Marble Creek in Section 28, T10N, R3E. It has an average width of 3.5 feet and an average depth of about 6 inches. Its flow is estimated at 200 gpm. The stream bottom is mostly sand, gravel, and rubble.

### Historical Architectural and Archaeological Features

No archaeological, historical or architectural sites are known to be within the proposed boundary, as the area has never been surveyed by qualified personnel for such resources. Eight structures in the Bear Valley area have been identified as worthy of evaluation for the National Register of Historic Places, and 2 of these actually lie within the proposed boundary. They are an old schoolhouse along County Trunk Highway "N" about 0.5 mile east of State Highway 130, and a concrete block house along Bear Valley Road about 0.25 mile east of the Village of Bear Valley. The State Historical Society will be consulted for advice prior to any movement of soils and structures within the proposed boundary of the Fishery Area.

### Current Use

Trout fishing is the major recreational activity of Bear Creek and its tributaries. It is estimated that Bear Creek supports 2,000 participant-days of trout fishing annually. Hunting and trapping account for an estimated 500 participant-days. Photography, nature study and berry picking are some of the secondary uses within the proposed fishery area. A Richland County Natural Area is present on the existing Department lands and it is used for study purposes by students of the Richland Center Campus of the University of

Wisconsin.

### Land Use Classification

Most of the land within the proposed fishery area boundary shall be classified as a fish and wildlife development area (RD<sub>2</sub>). Maintenance and improvement activities aimed at enhancing fish and wildlife habitat will be undertaken on these lands and waters.

There are two wetland areas which will be classified as public use natural areas. This designation basically prohibits development work on these areas. The location and description of these two areas are as follows:

Site 1: Known as the Bear Creek Sedge Meadow and designated a natural area. It contains sedge and a shallow marsh complex recovering from grazing. It is about 15 acres in size and lies on both sides of Bear Creek in the SW 1/4 of SW 1/4, Sec. 1, T9N, R3E.

Site 2: Not currently named, this is also a sedge meadow. It is about 40 acres in size and lies in the E 1/2 of SE 1/4, Sec. 19, T10N, R3E.

### MANAGEMENT PROBLEMS

#### Private Development

The most significant management problem in the Bear Creek watershed has been, and continues to be, the drainage of wetlands to create cropland. Some attempts have been successful and others haven't. The damage to wildlife habitat is immediate and obvious. Damage to the trout resource is also serious but somewhat less obvious. There can be no denying that flooding, water and temperature fluctuations, erosion and siltation are increased when marsh areas are turned into cornfields. Also, the chances of having fish kills are increased because of the variety of chemicals that are used on the fields to control insects and weeds.

At least 5 or 6 ponds have been developed on springs in the proposed fishery area. A large (perhaps 2 acres) pond on the headwaters of Kroal Creek appears to be very damaging to this stream. It is impossible for trout to reproduce in water temperatures near 32 degrees F. that flow from frozen ponds during the spawning period. No trout were found in the area below the pond during a recent survey of Kroal Creek. Trout were abundant in comparable areas on Biser, Marble, and McCarville Creeks. It would be desirable to remove this pond and all other impoundment of springs that contribute water to the trout-inhabited portions of Bear Creek and its tributaries.

#### Land Acquisition

Only about 10 percent of the stream thread in the proposed fishery area is open to the public for fishing. The remaining 90 percent is in private ownership. Future land acquisition by the Department will be dependent upon the landowner's willingness to sell.

It should be understood by all persons concerned with the fishery area that parcels or farms may be purchased which have lands both inside and outside of

the proposed boundary. Any lands purchased that are outside the boundary would be held for trade, or would be sold by sealed bids if not needed for exchange. Easements taken will be 2 rods wide (33 feet) on each bank. Negotiation commitments have been made on this.

There is concern among township and other officials that Department purchases raise local taxes because of the removal of land from the tax roll. Aids in lieu of taxes are paid to towns by the Department. Studies by the University of Wisconsin and Legislative Audit Bureau have shown that local taxes usually do not increase because of state land purchases.

### Habitat Conditions

It appears that much of Bear Creek has been channelized because there are long straight stretches that normally don't occur under natural conditions. There is a need to recover channel thread and fish habitat where possible or to improve fish habitat within the channelized stretches especially on the upper portion of the stream near the junction with Kroal Creek.

The Wisconsin Outdoor Recreation Plan (1981) indicates that there is a need to minimize the disparity between the supply of, and the demand for quality surface water resources in Richland and Sauk counties, and that governmental agencies must be committed to preserving lake and river frontage wherever it is available. Continued land acquisition on the Bear Creek system will help eliminate this disparity.

Bear Creek lies in a rural area, but it receives a fair amount of fishing pressure from Madison residents (population 172,583) which is located about 40 miles to the east. Smaller cities that are within 25 miles of the stream are Reedsburg (5,038), Baraboo (8,081), and Richland Center (4,997). The Wisconsin Blue Book estimates the 1984 population of Richland, Sauk and the adjoining nine counties at 631,228 people.

The proposed Bear Creek Fishery Area is important in that it will provide protection and public access to one of the better Class II trout streams in southern Wisconsin. It will also provide permanent protection for 900 acres of wetlands and plant communities.

## ANALYSIS OF ALTERNATIVES

### Maintain Present Remnant Status

If Bear Creek remains part of the Richland and Sauk County Remnant Programs, future land acquisition on it will be very limited because only areas critical to trout reproduction will be approved for purchase. Most of the wetlands along this stream lie downstream from areas of critical importance, thus, no (or few) wetlands could be purchased. Fishing on private lands in this system would be totally dependent on the landowner's willingness to allow trespass.

### Change from Remnant to Fishery Area Status (Recommended Alternative)

The proposal to combine the 79.5 remnant acres already owned with a boundary and a proposed acreage goal of 1,031 acres (914 acres in fee title and 117

acres in easement), is considered the minimum amount needed to preserve the wetlands and to provide access to the trout streams for fishing, hunting, trapping and other additional uses.

#### Enlarge Proposed Fishery Area

Enlargement of the area proposed in the master plan is not required at this time. However, as the recreational demands on our resources increase, a re-evaluation may be necessary. The proposed boundary has been developed with particular care, and excludes most cropland that is near the streams of the fishery area, yet includes wetlands and unique plant communities.

#### Wetland Zoning

It is probable that the wetland areas proposed for fee title purchase will receive protection under the proposed (revised) NR 115 of the Wisconsin Administrative Code. There is no guarantee, however, that they will be protected forever in this manner. The most logical way to provide permanent protection is to purchase the wetlands by fee title.

Appendix: During the period of 45 day review, a number of comments were received by the DNR from outside reviewing agencies or persons. Their statements, and department responses, where necessary, follow:

C. Topf Wells, Jr., Southern Wisconsin Chapter, Trout Unlimited, Madison, WI 53705

Overall View of Master Plan: Excellent

Comments:

The Southern Wisconsin Chapter of Trout Unlimited strongly supports the recommended management and development program as stated in the master plan for the Bear Creek Fishery Area.

In particular, the Chapter commends the following aspects of the plan.

1. Its emphasis on habitat protection and enhancement through the reversal or mitigation of previous channelization efforts, the acquisition of surrounding wetlands, and the removal of spring impoundments.
2. Its provision for a wide variety of outdoor recreation activities in an area fairly close to metropolitan Madison.
3. Its provision for the acquisition of the wetlands--this will enable farmers to receive compensation for land which, though it is environmentally valuable, is marginal for agricultural purposes and, in this area, has been difficult to drain.

DNR RESPONSE: Noted and thank you.

Jane Appleyard, Friends of Sauk County, North Freedom, Wisconsin 53951

Overall View of Master Plan: Excellent

Comments:

Interested to see bluebird trails to be included. My husband, Dick and I are BRAW co-ordinators for Sauk County.

DNR RESPONSE:

Southwest Wisconsin has a lot of bluebird habitat. Most rural residents enjoy seeing these birds. The Department will monitor the houses to determine bluebird nesting success.

Stanley A. Nichols, Wisconsin Geological and Natural History Survey, Madison, WI

Overall View of Master Plan: Good

Comments:

Page 2, par. 3 - Who thinks the bed of Bear Creek has risen? Evidence for this phenomenon should be cited because it certainly is unusual.

DNR RESPONSE: On one farm a drainline that was formerly 18 inches above the stream surface is now below the stream surface. Floods used to scour the stream on a regular basis. Improved land use practices have greatly reduced flooding. Bottom sediments build up which can raise the surface level.

Page 4, par. 2 - Substitute two for 2.

DNR RESPONSE: Noted

Page 4, para. 6 - It would seem more emphasis should be placed on waterfowl propagation. Wild rice is probably not the best species to consider for propagating waterfowl. Better and more diverse species could be used.

DNR RESPONSE: Bear Valley has never been a good duck area but pheasants were abundant at one time. We are hopeful that pheasant numbers will be improved by this project.

Page 6, para. 5 - The tributary streams are also spring fed.

DNR RESPONSE: Noted

Page 9, para. 1 - Substitute practically with partially.

DNR RESPONSE: Noted (DNR typo error)

Eugene W. Klipp, Conservation Congress, Reedsburg, WI

Overall View of Plan: Excellent

In review of the Bear Creek Master Plan, I can find no fault in its concept. I am happy that this will be a reality for all to enjoy. My special interest is the upper portion of "Bear Creek" adjacent to Highway 130 just below Sandusky. This is truly a remaining piece of "God's Country". I hope it can be preserved in its natural state as a nature area.

DNR RESPONSE: Noted

Art Kehl, HillPoint, WI 53937

The Citizens Advisory Committee for the planned Bear Valley Fishery met on the evening of August 5th to discuss the Master Plan you recently forwarded to us.

We realize a 45 day review period is offered, however, in an effort to keep this process moving, we felt we should meet and respond right away.

At our last meeting, attended by Roger Kerr of the DNR, our committee expressed a very real concern over the plan goal of 1,500 hunting days. The control or elimination of all hunting in this plan is a subject which we felt

was of utmost importance if we were to endorse the plan. This issue was not addressed in the least in your current draft and thereby still leaves the plan unexceptionable to our committee.

As a result of your actions in ignoring the hunting issue, the committee has lost faith in the Department's willingness to bargain in good faith on several other items. In an effort to give assurance to the local citizens and reestablish some faith in the Department's sincerity to deal with us two additional demands will now be necessary for our endorsement of this plan.

First of all, we ask that the right of Eminent Domain or Condemnation by the DNR will be waived and that all acquisition be from willing sellers only.

Secondly, we ask that our Committee be recognized in the final draft of the Master Plan to the effect that any and all deviations from this original plan be accepted by our local committee before implementation.

In summary - before our Committee can feel safe in endorsing this plan, three separate items must be addressed:

1. Elimination of all gun hunting activities.
2. Waiver on condemnation policy.
3. Confirm future involvement of Citizen's Advisory Committee.

Having chaired the meeting, I feel these are the three critical issues to be addressed if we are to keep the development of this plan moving. There were a number of smaller items, and questions will be forwarded to you by individual committee members.

I ask your sincere consideration of these issues and look forward to your early response.

DNR RESPONSE:

Dear Mr. Kehl:

I received your letter regarding the Bear Creek Fishery Area Master Plan today. Frankly, I am not directly aware of the content of the discussions that you have had with Roger Kerr so I will be contacting Roger to get the details.

Let me be candid, though, regarding my feelings about the demands you make in your letter to me.

1. Elimination of all hunting activities. The Natural Resources Board and the Wisconsin State Legislature have directed the Department to provide a wide range of recreational activities on its land. Both have mandated a multiple use philosophy with regard to our plans. Therefore, the decision to provide or not provide for hunting on a particular property should be based on whether that property is suited for that use. I assume that you have some specific reasons for believing that this property is not suited for hunting. I will request that staff review them again.

2. Waiver on condemnation policy. The Wisconsin Legislature has granted the Department limited authority to take land by the process of Eminent Domain. We cannot waive that authority. It is our practice to only purchase property from willing sellers unless the predominant public interest demands stronger action. I cannot foresee any parcels included in the Bear Creek Fishery Area fulfilling this criterion. But we must both recognize that neither of us can see very far into the future and should not be making decisions for those who will be left to cope with those problems.
3. Confirm future involvement of the advisory committee. I want you to know that I strongly support this commitment. DNR needs to keep a keen focus on the needs of local residents affected by our projects. Each of you has a way of looking at the insight into a project that we might not have. Each of you on the committee bring another perspective that deserves to be heard.

It should be clear though that your role is advisory not decision making. That is often the same role that I and DNR staff play when we advise the Secretary, the Natural Resources Board, and the Wisconsin Legislature. It's a useful and powerful role, but one that does not always see our advice taken in its entirety. Nevertheless, it is still a very essential role and one that I hope you continue to fill.

I realize that my answers to you may not be the ones that you wish to hear. Yet I find it much better to express my views with candor despite the fact that they may not be what you wanted to hear. I know that Roger Kerr sincerely wants to work out an acceptable resolution of our differences and I urge you to continue your dialogue with him. Regardless of whether or not you can endorse our project, our interaction should greatly improve the final decision and the project.

William Wunnicke, Bear Creek Project Committee Member, Plain, WI 53571

Overall View of Plan: Good

After reviewing this Master Plan, I find that it is very acceptable. The only question I have is that it will take \$650,000 1987 dollars to purchase the land. Has this money been appropriated yet?

The Bear Valley Project Committee has mailed you a letter also. The comments in this letter may not be my views, as I did not see the letter.

DNR RESPONSE:

This proposed project is one of many fish management projects in southwest Wisconsin. Money is not appropriated for one specified project but for the program in general. It may be 20 or 30 years before all of the easements and fee title lands in the area are acquired. Some may never be acquired.

Tim Mueller, Southwest Ducks Unlimited, Richard Center, WI 53581

Overall View of Master Plan: Excellent

I think we must manage and maintain all the wildlife habitat that we can. It is disappearing too fast.

I think it is vitally important to save all the wetlands that we can, no matter how big or small. I think this is a prime area not only for fishing but wildlife itself, as well as water fowl.

DNR RESPONSE: Noted. One of the main reasons for this project is to preserve some of the Bear Valley wetlands.

I understand parking lots are needed, but wouldn't like to see too many. Easy access sometimes spoils a lot of nature's creations.

DNR RESPONSE: Noted. Only small lots will be established.

I would like to see areas of wild rice planted.

DNR RESPONSE: The Department intends to plant wild rice in areas that would support this species.

Artificial nesting boxes are a must to protect certain birds, etc. Our organizations would be interested in setting out wood duck houses in this area.

DNR RESPONSE: Noted.

John Roslak, Director, Bureau of Environmental and Data Analysis, Wisconsin Department of Transportation, Madison, WI 53707

We have reviewed the Master Plan for the Bear Creek Fishery Area in Richland and Sauk Counties and offer the following comments.

1. All acquisitions which would abut the right-of-way of S.T.H. 130 and the development of parking lots which would enter onto S.T.H. 130 should be very closely coordinated with:

In Richland County:

Transportation District 5  
T. R. Kinsey, Director  
3550 Mormon Coulee Road  
LaCrosse, Wisconsin 54601  
(608) 785-9022 (608) 246-3800

In Sauk County:

Transportation District 1  
W. T. Wamback, Director  
2101 Wright Street  
Madison, Wisconsin 53704

2. We recommend that you coordinate with the highway officials in the township and County governments whenever you propose to acquire land abutting their highway right of way and whenever a parking lot is developed which enters onto roads under their jurisdiction.

Thank you for the opportunity to review and comment on this Master Plan.

DNR RESPONSE: Noted.

Patricia Groeschell, Madison, WI 53719

I am co-owner of twenty-five acres that will be adjacent to the above proposed Fishing area. Please give me an extension for comments until the end of

September. I have important concerns, including the issue of allowing public hunting in the nearby low lands. I believe that my property is within bullet range of the proposed area.

If there is any problem with an extension, please contact me at the following address.

414 South Charter Street  
Madison, Wisconsin 53719

DNR RESPONSE:

In accordance with your recent request, we will be pleased to authorize an extension of your comments on the Bear Creek Fishery Area Master Plan.

You indicated that you wished an extension until the end of September. Accordingly, we will halt work on the master plan until October 5, 1987. If we do not hear from you by that date, we will proceed with processing.

NOTE: No further comments received from Ms. Groeschell as of 11/3/87.

Dr. Giuseppe and Renee L. Perna, Madison, WI 53704

I am writing in regard to the proposal concerning the Bear Creek Fishery Area. We were informed of this by friends only a few days ago. Since the plan would involve our land, we are extremely displeased that this matter was not brought to our attention. Marble Creek and the "unnamed" creek cut through the heart of our land. Since we have owned this property, we've spent money and hard work to care for these waterways. We have stopped the grazing and erosion and are using good conservation practices. In our care, the wildlife and wildflowers are nurtured as well. I'm rather unhappy to think that there is a chance that the public could soon be tramping through our precious property.

It seems ludicrous that the DNR wishes to spend monies to open and manage more land when in our area, for example, White Mount Park, with its lake and trails, are so underused. Whenever we have visited the park, we were with our children, virtually alone.

My husband and I feel that, as taxpayers and landowners, we should be consulted and have a say in whatever may affect our land and our future in Bear Valley.

DNR RESPONSE:

Thank you for your letter concerning the Bear Creek Fishery Area. I am answering your letter directly rather than referring it to the task force of local resource managers, as is usually the case. I will address the concerns you raised in your letter.

I am sorry you were not directly informed of the plan. The task force develops a mailing list of who they believe are the most interested people or groups. Because of the controversy raised by the plan, all landowners should probably have been contacted. We are involving you by way of this plan, and

will consider your advice. We appreciate your land stewardship and use of good conservation practices. There should be very little "tramping through" your property because it will remain private as long as you do not wish to sell it, and it is an easement area that would only be used by fishermen who don't do much "tramping" at projected use levels.

We wish to purchase land along Bear Creek because it is one of the best trout streams in southern Wisconsin and this resource is in short supply compared to the demand.

Richard W. Dexter, Chief, Compliance and Archaeology Section, State Historical Society, Madison, WI 53706

Thank you for providing a copy of the Bear Creek Fishery Area Master Plan for our review.

Our concerns are adequately addressed on Page 11 where it is stated that our office will be contacted before any movement of soils or structures is undertaken within the Fishery Area.

If there are any questions concerning this matter, please contact me at (608) 262-2732.

DNR RESPONSE: Thank you

Mr. Henry Lardy, HillPoint, WI 53937

A neighbor made us aware of your Master Plan for Bear Creek in Sauk County and we were astonished to see that one part of the plan suggests destroying the dam on our farm that was constructed more than 20 years ago under an agreement with the Department of Natural Resources.

Originally we negotiated with the Soil Conservation Service concerning the reconstruction of the dam that had been installed several years earlier. The plan drawn up by them was so elaborate their estimated construction cost was in excess of \$30,000.00 (1966 dollars). Because that was prohibitive, I drew up a more simple plan and submitted it to the Department of Natural Resources. It gained the Department's approval and formed the basis of the agreement that the pond could be constructed to provide fishing and swimming water for our family. Having obtained the agreement, we built a \$150,000.00 house on the edge of the pond and I am reluctant to contemplate a public hunting area within 30 yards of our retirement home.

We laud many of the goals of your plan and wish to point out how the dam contributes to those goals.

On page 12 of your plan, you state that there are no trout in Croal Creek below our pond. I have hunted and fished this area for more than 35 years and never found trout in the upper mile or two of Croal Creek before the dam was constructed. Trout are now taken regularly about 1.5 miles below our pond. The average depth of Croal Creek is less than 5 inches (p 10, your plan). Because there are many small feeders into Croal Creek that contribute to its depth downstream, the upper reaches of the creek has an average depth too shallow to support trout.

Our dam is constructed so as to permit withdrawal from the bottom of the pond and for many years we opened the bottom drain so as to have most of the flow come from that source. We closed the bottom drain so as to increase the overflow to get rid of debris produced by beavers. Now that the beavers are no longer here, we could again open the bottom outlet if the pond water is warming the creek. Because the creek is heavily shaded and has many springs feeding it, it seems unlikely that temperature is a limiting factor in supporting trout on the upper reaches of Croal Creek.

Our land is open to people who request permission to fish the pond. Bluegill and green sunfish are abundant and are taken in good numbers by several young men who fish it regularly. Some years ago, we planted fingerling Rainbow Trout which provided excellent fishing over a period of three years for us and our neighbors. Heavy fishing through the ice by our neighbors harvested all the trout when they were in the 2-3 pound size.

One of the benefits sought by you is the support of nongame species. The pond is the home of Belted Kingfishers, Great Blue Herons and occasionally Green Herons. The pond provides food for several dozen Barnswallows who skim the surface for insect larvae with the result that we have no mosquitoes in our area. We have been visited by Ospreys occasionally. An incredible number of passerine birds nest in this area; the pond is undoubtedly an attraction to many of these.

Another goal of your Master Plan is the support of migratory waterfowl. The pond is a resting place for migratory Canadian Geese every spring and fall. The numbers increase each year; the last flock we saw this spring consisted of 12 pair of Giant Canadian Geese, one of which carried a neck band. It is used also by migratory ducks, coots and grebes, but in lesser numbers than geese. It is the rearing water for several clutches of Wood Ducks every summer.

We have erected metal Wood Duck nests but they use hollow trees in the vicinity of the pond as well. Croal Creek is far too small to support any of these species if the dam were not here. Migratory shorebirds such as sandpipers also stop on the pond's shore.

Every year we have requests from 2 to 5 groups for permission to trap on our land. Permission is always granted to the first party to ask and a good harvest of muskrats occurs every year together with occasional mink and beaver. Our land is available to any bowhunters who ask permission and during the gun season for deer, we have a group of 10 hunters from Madison who usually fill on the first weekend. On the final 4 days of the season, my son, who lives at Montello brings his group of four employees to fill remaining buck tags. The land could not safely accommodate more hunters if it were a public hunting ground. Squirrel hunters are also given free access to our land but I request that grouse be spared for myself and invited guests. Last year we had a guest turkey hunter.

The pond has excellent swimming water and is used by us and our neighbors as well as by 8 to 10 guests every weekend. Once or twice a year, it accommodates a picnic group of 25-40 people. We hand harvest weeds from the pond to keep up water quality.

In summary, our pond is providing more fishing and recreation than the creek would without the dam. Our land provides hunting and trapping opportunities to maximum possible numbers of people consistent with the land's productivity and hunter safety.

A distinct advantage of the pond to the fishing in Bear Creek is that it traps a large amount of sediment. We have drained it once since it was constructed and removed the sediment. This needs to be done again as the upper end of the pond is now 2 feet deep where originally it was 4 feet. The lower end of the pond is still near its original depth.

We thought these observations would be of value to you in planning for the future of Bear Creek and its tributaries.

DNR RESPONSE:

Thank you for your letter concerning the Master Plan for Bear Creek in Sauk County. I'm glad to hear that at least conceptually we agree on many of the goals in the Plan. I would like to address the points made in your letter.

Your most serious concern is our recommendation to remove the pond on your farm. This is recommended because of our experience with the deleterious effects of dams on trout streams in general, and the scarcity of trout downstream of your pond during a recent survey. Dams on trout streams often cause undesirable changes in water temperature, block spawning migrations, destroy former stream habitat, and become shallow and of little fishery value without silt removal. Your pond may very well not be having all these effects, but I suggest you meet with the local fish manager (Gene Van Dyck) at the pond to discuss your concerns. Using the bottom draw and continuing silt removal would probably be beneficial.

Your letter makes it clear you are doing a fine job of managing your pond and surrounding land. I applaud that you; allow fishing, hunting and trapping by permission; appreciate and encourage use of other wildlife species; harvest aquatic plants by hand; and are able to swim and enjoy the aesthetics of the pond. I can appreciate that, from your point of view, the pond is providing maximum public benefits. I hope you can appreciate that from our point of view, with the possibility of ownership change, poor land management by some landowners, general damaging effects of ponds especially when cumulative, caused us to recommend removal of all dams. Yours may be less damaging than suspected and warrants further investigation. You, of course, continue to control operation of the dam and pond as owners of the property.

Your concern about a public hunting area within 30 yards of your house is also understandable. Again, we only acquire land from willing sellers, and shooting is prohibited by law within 100 yards of houses.

I am forwarding your letter to Gene Van Dyck so you can work out a meeting if desirable. His office number is (608) 935-3368. Your comments and our response will also be attached to the Master Plan.

Robert G. Brown, HillPoint, WI 53937

Your recent response to the citizen's advisory group letter on the Bear Creek Fishery Area leads me to writing this letter. This is not the first time I have written to your office to voice my concern about the lack of consideration for those individuals and parties abutting the planned recreational area. Your response the last time did not address any of my concerns.

I am a taxpayer and an elderly citizen who has taken his life savings and, after many years of search for a quiet and peaceful place to retire, has located just off Highway 130. That highway borders the planned recreational area. If I had known that the territory would soon be invaded by potential city snipers given the right to hunt without restriction, I certainly would not even have moved back here.

Although your office and its representatives always talk about the fishing aspects of the area, my major concern is for the safety of my family and grandchildren who visit here often during all seasons of the year. You apparently have never lived adjacent to such a public hunting spot. I have, and a friend was nearly shot by a stray rifle bullet which pierced a living room window but fortunately was spent by the storm window and leaded glass combination and dropped at her feet. With high powered deer rifles and scopes anything that moves becomes a potential target for the "once-a-year" city hunter who typically seeks out the public hunting grounds. Will you please address the hunting safety issues.

Your response to the advisory group was one I might expect in a soviet society where the greater good of the state takes precedence over the rights of any individual. I am attaching a copy of a suggested approach to establishing the recreational area which I hope you will take the time to read and respond to.

Recommendation for  
Bear Creek Fishery Area  
Master Plan

The lack of a current dedicate environmental impact study on the proposed Bear Creek Fishery Area causes the following citizen concerns:

- \* What is the true impact on individual taxes and the town tax burden?
- \* What is the impact on present farm land use, utility to plant and raise crops, and the pasture utilization?
- \* At what rate and with what real effect will wet lands encroach on valuable adjacent farm land and affect farm productivity in the future?

- \* What is the impact of 1,500 participant days of open and unrestricted hunting on peripheral properties, owners' rights of privacy and safety, and the traditional ownership privileges? What safeguards are planned to bordering property owners to limit safe hunting to the public grounds.

Here are some ideas which I think might make the Bear Creek Project more acceptable to a greater number of affected people, but certainly at least to me. A number of people have expressed their worries about safety, occupational threat, property tax burdens, farm land use, and the potential for planned obsolescence of the land. But I believe that there are even more who have not come forward, at any of the informal forums, who are potentially affected by the project and who have not had the opportunity to express their feelings. More public visibility is essential before placing any plan in concrete.

To address the safety issue related to the hunting use of the Bear Creek Project, primarily intended as a fishery resource, a number of options should be considered:

1. No hunting
2. Bow hunting only during deer season.
3. Shotgun-only hunting for deer and other appropriate seasons.

Option 1 completely eliminates the public safety problem. Option 2 is equally good as long as the restriction is actively enforced. Option 3 is the least restrictive solution I would feel comfortable with because of my previous experience living adjacent to a public hunting grounds in Walworth County.

To address the other considerations, I recommend that a development be considered which would essentially follow the fee-title acreage plan proposed by the DNR but that the plan be subject to:

- A. Hunting restrictions according to one of the above options.
- B. Establishment of a real-world Zero-Time Environmental Model of the Bear Creek Fishery Area.
- C. A moratorium on additional fee-title purchase for 15 years with further action dependent on the analysis of periodic updates of the Zero-Time model.

The concept and definition of a Zero-Time model follows:

#### ZERO-TIME ENVIRONMENTAL MODEL DEFINITION AND PROPOSAL

Based on current, traditional DNR and government environmental practices identify 1987 crop acreage, location, yields, etc. within or potentially affected by impact of the fishing area establishment:

1. Take photographs of streams, stream beds, farmlands, and properties for all strategic areas. This could be done by a volunteer citizen group, with DNR or other government funding of photographic and material expenses.

2. Summarize taxes paid by current property owners relevant to fishing area, and those who may be affected by future fishery expansion or impact of the current plan. Document this again by a volunteer group or individual, probably approved by the Town Chairman.
3. Assign a standing group of concerned individuals who will assist the DNR in monitoring of fishery area participant activities. Establish a simple record keeping format. Retain records at Town Hall.
4. At end of 3-5 year period, after project initiation, the volunteer group (or alternates) would repeat process used in establishing the Zero-Time Model and document trends, findings, etc. A brief report could be prepared and published for the local citizenry, which compares the Zero-Time Model with Zero-Time plus 5.
5. This process would continue or be repeated periodically, as appears appropriate. Actual changes in environmental conditions would determine the frequency and extent of monitoring desired by Bear Creek residents and the DNR.

Although all of this above sounds like a lot of work, it appears to me that it is at least one way of establishing where we are now and monitoring what's happening to Bear Valley. I certainly would volunteer to participate in establishing the Zero-Term Model and work in the future as available.

DNR RESPONSE:

Obviously you are quite concerned about the potential threat to your safety from persons hunting in the proposed Bear Creek Fishery Area. Your comments and suggestions represent a great deal of effort on your part. In the normal course of events, comments relating to a proposal to create a new fishery area are sent to the task force of managers responsible for drafting the proposal. wildlife Management and Law Enforcement are commonly represented in this group. All citizen comments are to be addressed by the task force, and their responses are included in the final environmental analysis. Because you have spent considerable time on this, I feel compelled to answer you directly.

Hunting and safety are apparently your principle concern, however, you have also expressed concern over impact on the local tax revenue base and on current land use.

We fully intend to impact current land use practices. This is one of the paramount reasons for our interest in establishing a fishery area. Unless land use practices can be controlled and enhanced, there is little chance for protection and enhancement of the stream's fishery resource. All too often, we have experienced fish kills and other stream degradation as a result of current land use practices.

The Wisconsin Taxpayers Alliance has addressed the issue of impact of state land purchase on the local property tax base. They concluded that the reduction in property taxes is offset by increases elsewhere in state aid to school, etc.

As to your safety, should hunting occur on this property, I can assure you there are laws now in place which restrict the discharge of firearms near buildings, and there are opportunities to discuss further restrictions with the local property manager. My personal experience suggests there are very few instances of unsafe hunting on fishery areas.

Your "Zero-Time Environmental Model" comments could provide a base of criteria for an assessment of the impact of our actions to create this or any other fishery areas. I especially like your references to local involvement in monitoring activities on the fishery area. We recognize that professional managers will not be able to continue as the sole management authority in all the tasks they perform. They should, instead, become facilitators for more public involvement, just as you have suggested. Your own offer to volunteer for such a local stewardship group is appreciated.

TO: Bear Creek Committee Members

FROM: Roger Kerr, DNR Fish Manager, Boscobel

SUBJECT: Deer Hunting and Water Levels on the Proposed Bear Creek Fishery Area

I am of the opinion that deer hunting with rifles will not be a problem on the proposed Bear Creek Fishery Area. Most of the land is marsh that is difficult to walk through and is not good deer habitat.

On Willow Creek just north and west of Bear Valley, the Department owns a several hundred acre tract that does contain deer habitat. Several houses adjoin this property yet the owners have never complained about deer hunting.

Even on Department properties along the Wisconsin River that were purchased mainly for hunting, there is very little hunting pressure after the first two days.

In regard to water levels on the area the Department cannot guarantee that water levels will not continue to rise as they apparently have been doing for the past twenty years or so. No attempt will be made to artificially change water levels through dredging or any similar activity.

TO: Roger Kerr

FROM: Wayne Faber

SUBJECT: Deer Hunting and Water Levels on the Proposed Bear Creek Fishery Area.

I would like to make a few comments regarding your letter as of September 8th.

In your letter, you stated that you thought deer hunting would be at a minimum in this area. If this is true, then there should be little objection to the use of shotguns in that area as there won't be anybody hunting there anyway.

In your comparison of Bear Valley to Willow Creek, you fail to acknowledge the fact that there are at least 3-4 residences at Bear Valley to 1 at Willow Creek. I am quite familiar with this area as this is where I grew up.

The letters and phone calls I have received indicate to me that in order for you to succeed in your project, it would be wise to reconsider your stand on the issues referred to in your letter as well as those we discussed at our former meeting. Please understand that we, as a community, really like things just the way they are and we hate to see anyone try to change it.

As a representative of the town of Bear Creek people, I cannot see how your proposal can be accepted. Correct me if I'm wrong but, so far, everything has gone the DNR's way. As you can see, the reputation of this department is quite negative here, and these proposals serve only to solidify these feelings.

I hope you give this letter the careful consideration it deserves.

DNR RESPONSE:

The only area that will be open for public hunting will be the fee title area which will be from about two miles below the village of Bear Valley up to Highway "N" which is about two miles above the village. Rifle hunting in this area should not be a problem because animals that are normally hunted with rifles are scarce here. Rifle hunting has not been a problem on the Willow Creek Fishery Area, which is located only 8 miles northwest of Bear Valley. An adjoining landowner by the Willow Creek Fishery Area recently built a new house that is only 100 feet from DNR property. This demonstrates that hunting isn't a problem at least for this landowner.

This project will preserve about 800 acres of wetlands and create a public fishing area on about 18 miles of trout water in an area that is an hour's drive from Madison.

4493-C

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

Department of Natural Resources

District or Bureau
Type List Designation

Contact Person
Title
Address
Telephone Number

NOTE TO REVIEWERS: Comments should address completeness, accuracy or the EIS decision. For your comments to be considered, they must be received by the contact person before \_\_\_\_\_ (time), \_\_\_\_\_ (date).

Applicant: Wisconsin Dept. of Natural Resources

Address: 5350 Hwy 133 E  
Boscobel, WI 53805

Title of Proposal: Evaluation of Bear Creek Fishery Area

Location: County Richland & Sauk City/Town/Village \_\_\_\_\_  
Township 9,10,11 North, Range 1&2 East, West  
Section(s) See Map

**PROJECT SUMMARY**

**1. General Description (brief overview)**

Bear Creek is being removed from the Richland and Sauk County Cold Water Remnant Acquisition Program and is being established as a named fishery area with a specific boundary and acreage goal. There are extensive wetlands along Bear Creek and one of the main purposes of this project is to protect these wetlands. A goal of 1,031 acres will be established that will consist of 914 fee title and 117 easement acres. The fee title acres are mainly wetlands (790 acres) and wetlands that have been drained to create cropland (124 acres).

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

Bear Creek and its four main tributaries contain about 23.6 miles of trout water (classes I and II). This complex of streams is an hour drive from Madison. This project will provide public hunting, fishing, and other recreational access to the system, preserve critical habitat, and assure that the wetlands will remain as wetlands. Most of the wetlands along similar streams in southwest Wisconsin have been drained and now are cornfields.

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

23.09 (Wisconsin Statutes)

4. **Estimated Cost and Funding Source**

Land Acquisition - \$650,000 ORAP, Dingle-Johnson  
Development - Trout Stamp  
Maintenance - \$2,500/year - Fish & Wildlife Gen. Ops.

---

**PROPOSED PHYSICAL CHANGES (More fully describe the proposal)**

---

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

There will be no significant earth moving. Some filling will be done where parking lots are constructed. The parking lots will be built mainly by expanding the road shoulders with gravel fill material. The lot along Hwy 130 just north of Hwy N will have to be built in a pasture area.

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

None except as may occur when stream improvement work is done such as bank riprapping. The amount of riprapping needed hasn't been determined at this time. This is true also for the number of cover devices to be built.

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

No buildings or roads will be built but four parking lots are planned. The lots will be built to hold approximately 5 cars each and will be located as shown on Figure 3 of the Master Plan.

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

None except as may occur during the proposed development work. This is in a rural area where there is little traffic so increased emissions from machinery shouldn't be a problem. Some increases in auto and truck exhaust may occur if recreational use of the area increases.

9. **Other Changes**

None

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

- Attachment      \_\_\_ County map showing the general area of the project
- Attachment      \_\_\_ USGS topographic map
- Attachment      \_\_\_ Site development plan
- Attachment      \_\_\_ Plat map
- Attachment      \_\_\_ DNR county wetlands map
- Attachment      \_\_\_ Zoning map
- Attachment      \_\_\_  Other Master Plan and Tax Analysis

---

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

---

Information Based On (check all that apply):

Literature/correspondence (specify major sources)

---

Personal Contacts (list in item 28)

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

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

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

Bear Creek is located in southwest Wisconsin in an area that was never glaciated. The area topography consists of hills and valleys with the valleys being 300 to 400 feet below the hill tops. The water in the streams is spring and seepage fed and is fertile due to underlying limestone rock. The 790 acres of wetlands consist of some sedge meadows, wetland prairie, and cattail marshes. There is excellent air quality because the area is sparsely populated.

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

Wetland plants such as sedges, cattail and willow dominate the vegetation along the stream. Fish species present include brown and brook trout, white sucker, creek chub and various other forage minnows. Mammals present would include whitetail deer, muskrat, beaver, mink, raccoon, red fox, mice, and voles. (Other animal groups have not been inventoried). No known endangered or threatened species are present on the area.

13. Cultural

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

Most of the wet areas along Bear Creek are either unused or are pastured. Some have been drained for crop production.

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

Two families are living within the proposed boundary and they will be relocated if they are willing to do so. The area residents are mostly engaged in farming. There are no distinctive ethnic or cultural groups in the Bear Creek Area. Extensive access to the area from public roads should prevent significant amounts of trespass onto private lands.

**c. Archaeological/Historical**

Two buildings in the fee title area have been identified as being worthy of evaluation for listing in the National Register of Historic Places. They are an old schoolhouse along County Highway N about 1/2 mile east of Highway 130, and a concrete block house along Bear Valley Road about 1/4 mile east of the Village of Bear Valley.

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

The fields in the proposed fee title area are small in size and are all converted wetlands that are difficult to farm during wet years. The Bureau of Endangered Resources has surveyed the two sedge meadow areas and has indicated that they should be classified as public use natural areas.

---

**ENVIRONMENTAL CONSEQUENCES (Probable adverse and beneficial impacts including primary, indirect and secondary impacts)**

---

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

The main physical changes will be where the parking lots are constructed, where bank riprapping is done, and where habitat devices (instream) are installed. There will be turbidity when the riprapping and habitat devices are installed but the turbidity will be of short term duration (a few hours). The stream environment will benefit by this work because erosion will be reduced. As mentioned previously three parking lots will be built by expanding the road shoulders. The fourth lot will be built in a pasture area along Hwy 130.

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

Trout and other aquatic organisms will benefit by the riprap work and habitat (cover) devices. Long term productivity of the land along the stream will be enhanced by reducing bank erosion. Protecting the existing wetlands in the fee title area will assure the long term productivity of these areas as wildlife habitat.

**17. Cultural**

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

It is probable that local farmers will continue to plant crops on fields that are acquired by the Department. This will be done under sharecropping agreements.

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

Public use opportunities on the property will be enhanced by this project. Acquisition of lands will be on a willing seller basis.

There should be very little effect on local taxes as a result of any fee title purchases. A tax impact analysis has been prepared on this matter and it is attached.

c. Archaeological/Historical

If the two buildings mentioned previously are listed on the National Register they will be preserved in some manner unless funding isn't available to do so.

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

The area in Section 1, T9N-R3E known as the Bear Creek Sedge Meadow has already been purchased. A larger unnamed sedge meadow in Section 19, T10N-R3E will be purchased and preserved for future generations.

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

Some siltation during any riprapping work or bank cover work that will be done

---

**ALTERNATIVES (No action - enlarge - reduce - modify - other locations and/or methods)**

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

Alternatives are listed in the attached Master Plan.

---

**EVALUATION OF PROJECT SIGNIFICANCE (Complete each item)**

---

**21. Significance of Environmental Effects**

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

The wetlands along Bear Creek in the fee title area will be preserved for the foreseeable future.

- b. Discuss the significance of short-term and long-term environmental effects of the proposed project including secondary effects; particularly to geographically scarce resources such as historic or cultural resources, scenic and recreational resources, prime agricultural lands, threatened or endangered species or ecologically sensitive areas. (The reversibility of an action affects the extent or degree of impact)

This project will preserve about 800 acres of wetlands. Two sedge meadows are present in the fee title area. Sedge meadows are scarce in southwest Wisconsin. No prime agricultural lands are present in the project area. No threatened or endangered species are known to be present

**22. Significance of Cumulative Effects.**

Discuss the significance of reasonably anticipated cumulative effects on the environment. Consider cumulative effects from repeated projects of the same type. What is the likelihood that similar projects would be repeated? Would the cumulative effects be more severe or substantially change the quality of the environment? Include other activities planned or proposed in the area that would compound effects on the environment.

Preservation of these streams and wetlands by public acquisition will prevent environmental degradation. Hydrological and biological functions of this natural system will be preserved.

Additional projects of this type will further preserve natural systems.

**23. Significance of Risk**

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

Public acquisition will remove the risk of wetland losses due to draining by private individuals.

- 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.

Some risks are associated with controlled burns. Such risks are minimized by following established guidelines for conditions and procedures.

#### 24. Significance of Precedent

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

If the Natural Resources Board feels that this is a worthy project then it will (probably) receive approval. Land acquisition is a long term program in the DNR.

- b. Describe any conflicts the proposal has with plans or policy of local, state or federal agencies that provide for the protection of the environment. Explain the significance.

None

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

There is concern that the water table is rising in Bear Valley and that this project will aggravate this situation by eliminating further drainage of wetlands. The department can make no guarantees on this.

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

There is concern that deer hunting with rifles will be a problem in the fee title area. The Department can make no guarantee on this either.

---

**SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES**

---

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

The size of this project was reduced due to citizen concern about ag lands being acquired. A citizen committee has met with DNR personnel about this project.

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

<u>Date</u>	<u>Contact</u>	<u>Comment Summary</u>
-------------	----------------	------------------------

		Land acquisition on Bear Creek is an ongoing program. The initial purchases were made in the 1970's. Various newspaper articles have been published about the proposed Master Plan and various meetings have been held concerning it. State Representative Dale Schultz and State Senator Richard Kreul have attended and participated in these meetings. More meetings will be held about it.
--	--	--

lands being

County: \_\_\_\_\_

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

accordance with s. 1.11, Stats., and Ch. NR 150, Wis. Adm. Code, the Department is authorized and required to determine whether it has complied with s. 1.11, Stats., and Ch. NR 150, Wis. Adm. Code.

29. Complete either A or B below.

A. EIS Process Not Required

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

B. Major Action Requiring the Full EIS Process.

The proposal is of such magnitude and complexity with such considerable and important impacts on the quality of the human environment that it constitutes a major action significantly affecting the quality of the human environment.

Signature of Evaluator <i>Roger A. Kerr</i>	Date Signed <i>May 27, 1987</i>
Noted: Area Director or Bureau Director <i>Clare Gussner</i>	Date Signed <i>4/3/87</i>

Copy of news release or other notice attached?  Yes  No

HSA 6-1187

Number of responses to notice 4 *late addition to include more land in the project*

Public response log attached?  Yes  No

CERTIFIED TO BE IN COMPLIANCE WITH WEPA	
District Director or Director of BEAR (or designee) <i>Roger A. Kerr</i>	Date Signed <i>5/14/87</i>

**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.