

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:	Northwest
Type List Designation:	NR150.03(8)(d)1.c.

Contact Person:	Norman Bickford
Title:	Burnett County Forest Liaison
Address:	7410 COUNTY ROAD K, #106 SIREN WI 54872
Telephone Number:	715 349-2158

NOTE TO REVIEWERS: Comments should address completeness, accuracy or the EIS decision. For your comments to be considered, they must be received by the contact person before
4.30 pm _____

Applicant: Burnett County

Address: 7410 County Road K #105
Siren, Wisconsin 54872-9786

Title of Proposal: Burnett County Forest Withdrawal

Location: County Burnett Township of Webb Lake
Township 41 North, Range 14 West

Section: 14; parcel in the Government Lots 4 & 5.

More particularly described as follows: Commencing at the south Quarter corner of section 14, T41N-R14W; thence N00°22'50"W 2178.60 feet along the north-south quarter line of section 14 to the Point of Beginning of the parcel herein described; thence N00°22'50"W 404.64 feet to a 2 inch iron pipe and the center quarter corner of section 14 as established by R.W. Buggart in 1962 and the southwest corner of Lot 3, certified Survey map Volume 1, page 79; thence S89°50'23"W 329.87 feet along the south line of said certified survey to a 1-1/4 inch iron pipe; thence S00°27'31"E 210.57 feet along east line of said certified survey to a 1-1/4 inch iron pipe and a meander line of Prinel Lake; thence S48°58'41"E 179.14 feet along said meander line; thence S34°12'28"E 159.62 feet along said meander line; thence N61°57'50"E 120.07 feet to the point of beginning. Said described parcel contains 3.09 acres.

PROJECT SUMMARY

1. General Description (brief overview)

The 3.09 acre parcel to be withdrawn is within the boundaries of the Burnett County Forest as established by Resolution #13 on November 15, 1972 and is identified in the 10 year Comprehensive Plan (page 900-14). Withdrawal procedures are described in ss. 28.11 (11). Mature jack pine and aspen was removed by Burnett County in 1983, and now has a scrub oak/young aspen cover type. The parcel has been surveyed and a map prepared. The parcel is presently zoned RR1.

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

Burnett County Forestry Committee has been negotiating since 1977 to acquire Government Lot 1 Section 14 of T41N-R15W (29.46 acres) on Fenton Lake with the intent of completing county ownership of the entire lake shore of Fenton Lake. In negotiating with the present owner (Marvin Johnson), he has requested a trade of lands on Prinel Lake. After several years of negotiating with Mr. Johnson, he has agreed to trade the 29.46 acres including 2200 hundred feet of shoreline plus \$3500 to Burnett County for 338.77 feet of lake shore containing 3.09 acres on Prinel Lake. This trade is more difficult than it appears; in order to consummate the trade Burnett County had to also trade with a third party in order to gain access to the property Mr. Johnson has agreed to accept in trade. The 3.09 acres to be withdrawn and traded by Burnett County: .256 acres of County Forest is to be traded by Burnett County to an adjacent landowner (Leroy Elberling) for a .862 acre parcel to gain access to Highway 77; in turn Burnett County will trade 2.834 acres of County Forest plus the .862 acres acquired from Elberling to Mr. Johnson for the Fenton Lake property containing 29.46 acres which will be entered into the County Forest Program; plus Burnett County will receive \$3500 cash payment from Mr. Johnson which will be used for forestry purposes. The attached map of the Prinel Lake property is attached.

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

1. Chapter 28.11(11) Wisconsin Statutes
2. Burnett County Forest 10 Year Comprehensive Plan
3. Burnett County Board of Supervisors
4. Wisconsin Department of Natural Resources

4. Estimated Cost and Funding Source

Cost of investigation and processing the proposed withdrawal is not known. The value of the land to be withdrawn is \$31,500.00 as per land appraisal submitted by the Department of Natural Resources on 5/31/89 (this appraisal was for 450 foot of frontage - County has reduced this to 338.77 feet). Mr. Johnson has agreed to trade 29.46 acres on Fenton Lake and pay Burnett County a cash payment of \$3500.00. This trade is agreeable to Burnett County.

PROPOSED PHYSICAL CHANGES (More fully describe the proposal)

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

The act of withdrawing the land from County Forest will not directly manipulate the resources except for land ownership.

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

The 3.09 acres parcel includes 338.77 feet of lake shore frontage on Prinel Lake which will be protected by County & State Zoning regulations.

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

There are no buildings presently located on the property. The individual that Burnett is proposing the trade with plans to divide the property and sell three lots suitable for building.

8. Emissions and Discharges (include relevant characteristics and quantities)
Future sanitary systems would conform to regulation of State and County Zoning.

9. Other Changes

In all probability there will be from one to three dwellings built on this parcel when it is subdivided; depending on whether Mr. Johnson sells it as three separate lots to three individuals or possibly one individual could buy all three lots.

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

Attachment	<u> X </u>	County map showing the general area of the project
Attachment	<u> X </u>	USGS topographic map
Attachment	<u> X </u>	Survey Parcel Map
Attachment	<u> X </u>	Flat map
Attachment	<u> X </u>	DNR county wet lands map
Attachment	<u> X </u>	Zoning map

AFFECTED ENVIRONMENT (Describe existing features that may be affected by 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: Other (list in item 28)

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

Flat terrain overlying sandy soil with a slight slope towards Prinel Lake.

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

Upland plant community is comprised of a young aspen, jack pine, scrub oak forest type. No threatened/endangered species are known to inhabit this parcel.

13. Cultural

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

Land is presently zoned RR-1 Residential Recreational. Forest cover type is now managed for multiple use purposes; once it becomes private ownership this management will change.

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

The act of withdrawal and ownership will affect who can use the land by permission of the new landowner.

c. Archaeological/Historical: No on-site survey has been conducted.

14. Other Special Resources (e.g., State Natural Areas, prime agricultural lands)
No special resources known.

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

15. Physical (include visual if applicable)

The parcel to be withdrawn is adjacent to lake shore property with development. There will be further development on the parcel that is being proposed for withdrawal and sale. Burnett County has retained approximately 600 feet of shoreline on Prinel Lake.

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

The biological aspect of this parcel will change with new ownership, but there is no way to predict to what extent. Based on current records no threatened/endangered species exist on or in the immediate vicinity of this parcel.

17. Cultural

a. Land Use (include indirect and secondary impacts): The 3.09 acre parcel will be in private ownership but with the trade for 29.46 acres on Fenton Lake in Swiss Township Burnett County Forest will have a net increase of 26.37 acres. Webb Lake Township will have a decrease of 3.09 acres of County Forest land. The income from the cash settlement will be used for forestry purposes to include possible purchase of land within the County Forest boundary. The acquisition of the property on Fenton Lake will allow Burnett County to control vehicular traffic around the fragile lake shore that is presently being destroyed by off-road use by ATV, summer snowmobile waterskiing, and 4X4 pickups.

b. Social/Economic (include ethnic and cultural groups, and zoning if applicable): Mr. Johnson plans to subdivide and sell three lots suitable for building. It is then possible that up to three dwellings could be built which would increase tax base for Burnett County.

c. Archaeological/Historical: No consequences are foreseen at this time.

18. Other Special Resources (e.g., State Natural Areas, prime agricultural lands):
No consequences are foreseen at this time.

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

Change of ownership from Public to Private. Development could change biological aspects of property and lake use could increase.

**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.

No Action Approach: Land would remain as County Forest and would be managed with the rest of the County Forest. Burnett County would have to purchase the property on Fenton Lake outright if agreeable with Mr. Johnson or Mr. Johnson could subdivide the property on Fenton Lake and sell lake shore lots.

Enlarge or Reduce: If the parcel was reduced, the trade would not be agreeable to Mr. Johnson. If the parcel was enlarged, it would only benefit Mr. Johnson. The withdrawal request is the agreed upon acreage between Mr. Johnson and Burnett County.

Modify: Option not beneficial to either party.

Other Location: No other locations were agreeable to both Mr. Johnson or Burnett County.

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 quality of the environment should not be affected since the proposed use of the proposed withdrawal area is similar to the adjoining property and the activities will be regulated by zoning.

- 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)

It is possible that there may be environmental effects in the future if the land on Prinel Lake is withdrawn and traded, but it is known that acquisition of the lake shore on Fenton Lake by Burnett County will make it possible to restrict the vehicular use will improve the environmental effects on Fenton Lake.

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.

There is always the possibility that similar situations may arise and withdrawals of County Forest requested. Each request will be handled on its own merit. In this case Burnett County initiated the trade to acquire the remaining private property on Fenton Lake in order to protect the fragile lake shore.

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.

There should be no unknowns with this withdrawal. The person that is asking for the withdrawal has already had the land surveyed and the lots described; it is known that Mr. Johnson will attempt to sell these lots and they will probably have improvements built. The unknowns would be if the withdrawal is denied; it is unknown what the landowner might do with the lake shore on Fenton Lake and if his actions would have environmental affects.

- 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.

Significance of problems on this parcel will be no different than any other shoreline development on Prinel Lake. If the withdrawal and trade is approved, Burnett County will have the opportunity to control activities on Fenton Lake and possibly stop the environmental damage that is occurring now.

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.

This action will set a precedent but each request is handled on its own merit as explained in #22.

- 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.

No known conflicts exist. Any improvements to the property will have to be done according to local and state zoning regulations.

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.

No known controversial effects to the environment exist. Improvements on Prinel Lake are common, and any improvements on the property proposed for withdrawal should not be controversial or effect the quality of the environment. If the trade is approved, the quality of the environment should be improved on Fenton Lake with the ability of the County to control vehicle use on the lake shore.

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

The major considerations have already been explained previously in this document.

SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES

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

Burnett County initiated the withdrawal/trade. Starting in 1977 Burnett County contacted the landowner of Fenton Lake in an attempt to acquire the land. Since that time several options have been explored; outright purchase to land trade. The present landowner wished to trade his Fenton Lake property for lake shore the County owns; with the lake shore on Prinel Lake the only property Burnett County wished to consider.

Burnett County Forest Office has been in contact with the Department of Natural Resources since the beginning negotiations.

Burnett County Forestry Committee and County Board of Supervisors have given their approval of a withdrawal and trade/sale to Mr. Johnson.

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>
1977	Chet Fryga - Admin	Contacted by Mr. Marvin Johnson wondering if Burnett County was interested in Fenton Lake property.
Aug 1977	Chet Fryga	County responded indicating Burnett County was interested in purchase or trade.
Feb 1980	Chet Fryga	Mr. Johnson indicated he was interested in sale or trade.
March 1980	Chet Fryga	County asking about price.
June 1983	John Wickland	DNR land appraisal of Fenton Lake property.
July 1983	Chet Fryga	County responds to trade offers.

Aug 1983	Chet Pryga	Marvin Johnson inquires about trading Fenton Lake Property for frontage on Prinel Lake.
Sept 1983	Chet Pryga	County made offer of \$10,800 for Fenton Lake property.
April 1987	Dave Olson - Admin	Letter to Marvin Johnson about sale/trade of Fenton Lake property.
Nov 1988	Dave Olson	Letter & map of Prinel Lake property to Marvin Johnson to consider trade.
May 1989	John Wickland - DNR	Land appraisal of Prinel Lake parcel & Fenton Lake property.
July 1989	Dave Olson	Letter to Marvin Johnson withdrawing County trade offer.
April 1990	Mike Luedeke - Admin	Letter from Johnson & Johnson Land Company to Burnett County indicating they are listing Fenton Lake property.
Aug 1990	Mike Luedeke	Letter to Johnson & Johnson Realty proposing purchase or trade for lake shore on Prinel Lake.
Sept 1990	Mike Luedeke Norm Bickford - DNR	Cruise & appraise timber on Fenton Lake property.
Sept 1990	Mike Luedeke	Letter from Johnson & Johnson declining County offer.
Jan 1991	Mike Luedeke	Phone call from Marvin Johnson discussing a trade/purchase.
Jan 1991	Mike Luedeke	Letter from County making a new trade offer.
Jan 1991	Mike Luedeke	Letter of counter proposal from Marvin Johnson.
Feb 1994	Mike Luedeke	Letter from Leroy Eberling (third party to trade) to Burnett County discussing trade.
May 1994	Jim Flanigan - Zoning Administrator	Letter explaining Prinel property is already zoned RR-1.
June 1994	Mike Luedeke	Letter to Marvin Johnson stating DOT had no problem with proposed driveway to Highway 77.
Aug & Sept 1994	Mike Luedeke	Correspondence from Swenson Land Surveying with the preliminary drawings for survey on Prinel Lake.
Oct 1994	Phil Anderson - DNR Forestry Staff	Attended meeting with the final trade agreements being made.

Nov 1994	Burnett County Forestry Committee	Recommendation to Burnett County Board of Supervisors to withdraw 3.09 acres of County Forest on Princel Lake and trade for 29.46 acres on Fenton Lake.
Nov 1994	Burnett County Board of Supervisors	Approved withdrawal and trade with Marvin Johnson. Resolution 94-40 PASSED 20-0 (1 ABSENT).

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

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

29. Complete either A or B below.

A. EIS Process Not Required [x]

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

B. Major Action Requiring the Full EIS Process. []

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

Signature of Evaluator	Date Signed
<i>Norman K. Beckford</i>	11-30-94
Noted: Area Director or Bureau Director	Date Signed
<i>Donald E. Hanson</i>	12-2-94

Copy of news release or other notice attached? [] Yes [] No

Number of responses to public notice 14

Public response log attached? [] Yes [] No

<i>William Gault</i>	2/13/95
CERTIFIED TO BE IN COMPLIANCE WITH NEPA District Director or Director of BEAR (or designee)	Date Signed