

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

Form 1600-1

Rev. 6-2001

Department of Natural Resources (DNR)

Region or Bureau
West Central

Type List Designation
NR150.03(8)(f)(1)

NOTE TO REVIEWERS: This document is a DNR environmental analysis that evaluates probable environmental effects and decides on the need for an EIS. The attached analysis includes a description of the proposal and the affected environment. The DNR has reviewed the attachments and, upon certification, accepts responsibility for their scope and content to fulfill requirements in s. NR 150.22, Wis. Adm. Code. Your comments should address completeness, accuracy or the EIS decision. For your comments to be considered, they must be received by the contact person before 4:30 p.m., 9/5/06.

Contact Person:

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Forester

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Jason Gazdecki, author

Title: Water Management Specialist

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Telephone Number

(715) 284-1424

Applicant: Village of Merrillan

Address: PO Box 70, Merrillan, WI 54754

Title of Proposal: Oakwood Lake Revitalization Project

Location: County: Jackson City/Town/Village: Village of Merrillan

Township Range Section(s): T23N R4W, Section 23

PROJECT SUMMARY

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

Oakwood Lake is an impoundment of Halls Creek which is classified as class II trout water upstream from the lake, in the Village of Merrillan, Jackson County. The lake is 13.6 surface acres and has a maximum depth of 14 feet near the center of the lake. The lake is surrounded by private, public and residential areas. The dam, once used for power, has a 20 foot height and is owned by the Village of Merrillan.

The Village of Merrillan proposes to dredge approximately 28,000 cubic yards of accumulated sediment from Oakwood Lake. As well as; install a non-motorized boat ramp, a gate in the dam, and a handicapped fishing pier. A survey conducted in the winter of 2000 indicated less than 10 feet depth at the dam and very shallow to sediment bars in the upper reaches. The Village of Merrillan proposes to commence lake drawdown in September 2006 and conduct sediment removal Fall 2006-Winter 2007.

The dredging project will involve draining the lake. The Village of Merrillan hired Tri-State Diving to inspect the old gate in the dam and it is felt that the gate can be opened to allow the lowering of the lake. A new gate structure would be installed when the lake is lowered, which will provide the Village of Merrillan some flood control that is currently not available. It is thought there will be minimal flowage through the channel when the lake is lowered. Base flow during a 2 year event is approximately 74 cfs (it is assumed regular base flow is substantially less than that). Once the lake is drained, sediment will be mechanically excavated from an area approximately 300 feet wide by 950 feet long (commencing near the dam and ending near the STH 95 bridge). The lake will be dredged in the lower reaches to an approximate depth of 10 feet and graded to approximately 5 feet of depth near STH 95. The equipment used for the dredging operation includes a track backhoe, a wide pad high flotation dozer and trucks to haul the material away from the site.

The Village of Merrillan proposed 6 potential spoil disposal sites. These sites include Oakwood Cemetery, Gile Park, Cormican Property, Bates Property, Barhyte Property and Jackson County Forest Land located off Matthew Road. Of the six sites the Jackson County site is the preferred option. The Jackson County Forest land site is currently entered into county forest law and will need to be withdrawn. MSA Professional Services has developed a map and sites plans for the Jackson County site.

The Village of Merillan has saved approximately 50% of the estimated cost of \$200,000. It is contemplated an additional \$10,000 to \$20,000 can be raised from local civic organizations and fundraisers. The Village will also make grant applications where it is deemed feasible. The possibility of donated labor and inter-governmental cooperation exists and will be researched by the Village.

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

Oakwood Lake is an impoundment of Halls Creek in the Village of Merrillan, Jackson County. The lake has had an excessive accumulation of sediment over the years, creating deterioration to fish habitat, eliminating recreational uses, as well as degrading its natural, scenic beauty. The drainage area into the lake is about 48 square miles. It drains the area west and south of Alma Center and extends north to a point northwest of Humbird. The purpose of the project will be to restore depth to the area of the lake commencing near the dam and ending near the STH 95 bridge. This project will help improve the habitat for fish and aquatic organisms, increase its use as a recreational resource, provide some flood control not currently available to the Village of Merrillan, as well as maintain and enhance the lakes natural, scenic beauty.

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

Section 28.11, Wisconsin Statutes (county forest withdrawal)
Section 30.20, Wisconsin Statutes (dredging)
Section 147.02, Wisconsin Statutes (wastewater discharge permit)
Wisconsin Administrative Code NR 115 (Shoreland Zoning)
Wisconsin Administrative Code NR 116 (Floodplain Zoning)
Wisconsin Administrative Code NR 140 (groundwater quality)
Wisconsin Administrative Code NR 150 (Wisconsin Environmental Policy Act)
Wisconsin Administrative Code NR 216 (construction site erosion control and stormwater runoff)
Wisconsin Administrative Code NR 345 (dredging)
Wisconsin Administrative Code NR 347 (dredging material sampling)
Wisconsin Administrative Code NR 500 (solid waste)

PROPOSED PHYSICAL CHANGES (more fully describe the proposal)

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

The applicant proposes to remove approximately 28,000 cubic yards of material from the bed of Oakwood Lake. The material will be removed mechanically by the use of a track backhoe and a wide pad high flotation dozer. The spoil material will be transported by dump truck to the Jackson County Forest site (SE 1/4, NW 1/4, T 23N, R 4W, Section 36). The dump trucks will utilize a temporary haul road from the lake bed towards Oakwood Place road. No dewatering is proposed at this time. None of the spoils will be disposed of in or near any wetland, waterway, or floodplain. The Jackson County Forest land site is located off Matthew Road in the Town of Alma, T23N R4W, Section 36. The disposal site will encompass 3.9 acres of a 5 acre site that has recently been clear cut. The maximum height of the disposal pile will be 5 feet and the edge areas will be at a 3:1 slope. The spoil material will be seeded with a grassed mix, and a silt fence is to be installed around the perimeter. The site will be monitored and if in one years time from its placement the site has not been adequately re-vegetated the site may need to be top soiled and reseeded.

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

A total of 28,000 cubic yards of bottom material will be removed from the bed of a navigable waterway. The area to be dredged is approximately 300 feet wide by 950 feet long (commencing near the dam and ending near the STH 95 bridge). At the lower reaches, the lake will be deepened to a 10 feet depth and then graded to about a 5 feet depth near HWY 95. The entire lake will be drained prior to dredging. Up to 6 inches of water depth may be drained per day, and the lake must be drawn down to its lowest level by no later than November 15th, 2006. All aquatic plants and invertebrates that remain present in the area to be dredged will be removed along with the sediment. Oakwood Lake contains a poor quality bass and panfish fishery, with a few trout seasonally. These fish are expected to move upstream during the drawdown.

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

The Village of Merrilan plans to construct a non-motorized boat access ramp and handicapped fishing accessibility. The location for this is in question at this point. The plans submitted demonstrate the structures on the dam. Chapter 31 does not allow structures to be placed upon a dam, so further plans and review of this aspect are required. A new gate structure will also be installed when the lake is lowered, which will provide the Village of Merrilan some flood control that is currently not available.

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

Operation of the excavating equipment and the trucks used to haul the spoil will cause noise and exhaust emissions. As well as, normal machinery operations usually have some oil dripping, leaking gasoline, and/or hydraulic fluid. Odors will be emitted from the exposed spoil materials. It is estimated there will be minimal flowage through the channel when the lake is lowered, which may result in sediments into the creek as it flows through the exposed lake bed. Base flow during a 2 year event is approximately 74 cfs (it is assumed regular base flow is substantially less than that). This could cause increased turbidity in the water column and some degree of sediment deposition downstream.

According to the MSA Professional Services Sediment Sample Analysis, sediment sampling results indicate arsenic, copper and mercury are either low or typical in this part of the west central region. The results of total kjeldahl nitrogen (range of 200-3500 mg/kg) and phosphorus (160-1900 mg/kg) are indicative of moderately polluted or nutrient-rich sediments. Because of high nitrates, the spoils should not be removed from the approved disposal site. The spoil material will be seeded with a grassed mix, and a silt fence is to be installed around the perimeter. The site will be monitored and if in one years time from its placement the site has not been adequately re-vegetated the site may need to be top soiled and reseeded.

8. Other Changes

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

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

Attachment - 1, County map showing the general area of the project

Attachment - 2, USGS topographic

Attachment - 3, aerial photo map

Attachment - 4, Oakwood Lake Revitalization plan

Attachment - 5, Plat map

Attachment - 6, DNR county wetlands map

Attachment - 7, E-mail/Correspondence

Attachment - 8, Other - Describe: Sediment Sample Analysis

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

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

Literature/correspondence (specify major sources)

April 2003, MSA Professional Services Sediment Sample Analysis
Surface Water Resources of Jackson County, DNR 1970

Correspondence between; Ray Ransom (Merrilan - Village President), Mark Schraufnagel (WDNR-Water Management Specialist), Gregg Breese (WDNR - Aquatic Habitat Expert), Mike Miller (WDNR - Solid Waste), Brad Johnson (WDNR - Storm Water), Dan Helsel (WDNR - Basin Leader), Jason Gazdecki (WDNR - Water Management Specialist)

Personal Contacts (list in item 26)

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

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

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

Lake

Oakwood Lake is an impoundment of Halls Creek in the Village of Merrilan, Jackson County. The lake is 13.6 surface acres and has a maximum depth of 14 feet. The lake is surrounded by private, public and residential areas. The dam, once used for power, has a 20 foot height and is owned by the Village of Merrilan. As common with most impoundments Oakwood lake has accumulated sediment via Halls Creek and surface run-off.

Stream

Halls (Stockwell) Creek is 22.1 miles long and flows in a southeasterly direction. It is a tributary of the Black River. Halls Creek is classified as a Class II trout stream known to support Brook and Brown Trout.

Spoil Site

The spoil site location is owned by Jackson County and is currently enrolled in the County Forest Land program. The 5-acre spoil site was a 55-year-old red pine plantation that was clear-cut in 2004 (tract 5-04, sale #1989). Red pine stumps and root systems, as well as low growing grasses and brush species remain. The soil is Merrilan fine sandy loam with 0-3 % slopes (MPA soil designation). After reclamation, the site will be considered for reentry into the County Forest Law program. Replanting of dredge spoil sites is reviewed by Solid Waste Staff of the department, and often not allowed dependent upon composition of material to be deposited. According to Mike Miller (Solid Waste) of the Department it may be an option at this site, as the site can still accommodate most if not all County Forest uses.

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

Oakwood Lake does not have a large variety or distribution of aquatic plants. Terrestrial plant life includes hardwoods and pine. Some of the land surrounding the lake is developed, with parks located above and below the dam.

The lake fishery consists primarily of bass and panfish; however, there is potential for seasonal trout.

Oakwood Lake has no significant wildlife value due to its relatively highly developed shoreline area, however; it is possible that waterfowl, mainly geese and ducks may use the lake during seasonal migration.

Although there are no known threatened or endangered species within the project limits (both dredge and spoil sites) the western ribbon snake (*Thamnophis proximus*) and sand violet (*Viola fimbriatula*) were noted in the area. Discussions with DNR's regional ecologist led to the determination that impacts to these species are unlikely provided wetlands are not disturbed and because the project limits do not provide other suitable habitat for these species.

The spoil site location is owned by Jackson County and is currently enrolled in the County Forest Land program. The 5-acre spoil site was a 55-year-old red pine plantation that was clear-cut in 2004 (tract 5-04, sale #1989). Red pine stumps and root systems, as well as low growing grasses and brush species remain. The soil is Merrilan fine sandy loam with 0-3 % slopes (MPA soil designation). After reclamation, the site will be re-entered into the County Forest Law program. Replanting of dredge spoil sites is reviewed by Solid Waste Staff of the department, and often not allowed dependent upon composition of material to be deposited. According to Mike Miller of the Department it may be an option at this site, as the site can still accommodate most if not all County Forest uses.

13. Cultural Environment

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

Current Land use in the Watershed includes a mix of residential, agriculture, forestry, and recreation. Agricultural use includes dairy, and cattle farms; as well as cranberry production. A large portion of the watershed is owned by and part of the County Forest Land, including the currently proposed spoil site. Recreational opportunities include; a thriving fishery which includes trout and the area also has recreational trail opportunities for ATV riders.

Jackson County owns the land being proposed for use as the disposal site. The land is currently part of the Jackson County Forest and will need to be withdrawn from the county forest law.

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

Oakwood Lake and dam have been popular sites for travelers and residents of the Village of Merrillan. Numerous wedding, anniversary parties, and reunions are held each year in the parks located above and below the dam. The lake and dam have been the subject of articles and photographs across the upper Midwest for the past 60 years. The residents of the Merrillan area have expressed a strong emotional attachment to the lake, and support the project.

The Jackson County Forest is 120,000 acres. The county forest receives significant timber sale revenue and heavy recreational (ATV and snowmobile) and hunting use.

c. Archaeological/Historical

According to the State Historical records, there are no archaeological/historical areas known to be present within the area of the proposed dredging project.

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

No other special resources are known of.

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

15. Physical (include visual if applicable)

The proposed project will increase the water depth of the lake to 10 feet depth in its lower reaches to about a 5 foot depth near STH 95. The project may result in increased turbidity downstream of Oakwood Lake during the dredging operation. The total operation is estimated to take from fall 2006 – spring 2007. During the lake drawdown suspended sediments will travel down Halls Creek. During this time water will continue to travel through the lake bed and establish a channel. This could cause sediment deposits as the creek cuts a channel. Once the lake bed is dry/frozen equipment will be brought in to begin the excavation process. During this time erosion caused by equipment and precipitation could potentially discharge sediment into Halls Creek. Once the dredge project is completed the water level will be restored to its original elevation. The draw will take approximately 2 – 3 weeks based on a drawdown rate of 6''/day, and an average water depth of 9 – 11 ft. The lake level must be at its lowest intended level by no later than November 15th, 2006.

Lake bed sediment cores have undergone chemical analyses. Analytical procedures were derived from EPA Standard Methods and conducted by MSA Professional Services in 2003. Sediment sampling results indicate arsenic, copper and mercury are either low or typical in this part of the west central region. The results of total kjeldahl nitrogen (range of 200-3500 mg/kg) and phosphorus (160-1900 mg/kg) are indicative of moderately polluted or nutrient-rich sediments. Based on a review of the sediment analysis DNR solid waste staff has determined that the placement of dredge spoils at the disposal site will not pose a significant threat to surface and or groundwater quality. However, the spoils should not be removed from the approved disposal site because of high nitrates. The disposal site will be and seeded, and if in one years time the vegetation has not substantially returned, the site may need to be top soiled and again reseeded. Sediment analysis data is available from Jason Gazdecki, Water Management Specialist, at DNR's Black River Falls Service Center, phone # (715) 284-1424. At this point it appears that the site may be eligible for tree replanting. With the exception of an ATV or snowmobile trail, the area appears to be acceptable for all other forms of recreational use attributed to the County Forests.

The disposal site for the spoils is located on Jackson County land. The disposal area will be seeded upon completion and a silt fence will be installed around the perimeter. The applicant will be required to obtain a stormwater permit that will stipulate use of best management practices to prevent serious erosion problems.

In accordance with NR 500.08 (3)(c), the disposal of sediment in this proposal is exempt from solid waste licensing and plan review process. A very small amount of inorganic contaminants exist in the sediment. Proper sloping, and seeding should adequately minimize the potential for any migration of contaminants.

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

The deepening of the area between the dam and HWY 95 will improve habitat for fish species. All existing resident fish and benthic organisms will either migrate upstream or downstream or be lost during project construction. Native fish and other aquatic species present upstream are expected to quickly reestablish after the dredging project is completed and lake bed sediments have stabilized. No DNR fish stocking of the lake is expected after dredging is completed due to limited public access and use in the

lake.

Additionally, if the lake remains drawn down until the growing season it may allow for native emergent vegetation to re-establish along portions of the shoreline. This could serve to provide additional habitat for fish and invertebrates.

According to Wisconsin's Natural Heritage Inventory, there is no record of threatened or endangered species in Oakwood Lake or the area of dredged spoil placement. However, the native aquatic life population will be affected by the dredging. The drawdown will dewater amphibian and reptile habitat and affect the food resources (aquatic invertebrates) of many of the species. Since the lake will be lowered in the Fall, the amphibians and reptiles are likely to relocate prior to the actual dredging of the lake.

Minimal impacts long-term impacts are expected to the downstream fishery of Halls Creek. The reason for this is that fish generally migrate to deeper water during the winter months (where the water doesn't freeze through). In this case that would be Trow (lower) Lake, which is located downstream from Oakwood (Upper) Lake.

Short term temporary impacts downstream could result from the drawdown itself. The temporary increase of flow could lead to erosion and potential sedimentation downstream. These are short term impacts not unlike your average storm event, which occurs several times throughout the year, and not expected to result in an impact to the downstream fishery.

Oakwood Lake has no significant wildlife value. However, it is possible that waterfowl may use the lake during seasonal migration.

17. Cultural

a. Land Use (including indirect and secondary impacts)

The project will eliminate the ability of the public to utilize the lake during the dredging process. The lake will be drawn down, eliminating recreation opportunities. Air pollution caused by equipment may have a minor negative effect on the air quality around the lake. Noise pollution will result from the use of heavy equipment.

The current land use at the disposal site is County Forest. This is a tract of County Forest Land that has been clear cut in recent years. In order to utilize the area for the dredge spoils, it is required for the area to be withdrawn from the County Forest Land. The tentative plan is to re-enroll the land into County Forest Land at a later date. It has already been stated that the area will be acceptable for most uses attributed to the County Forest, so this impact should be temporary.

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

The Village of Merrilan considers Oakwood Lake to be a valuable resource in terms of aesthetics and as a recreational resource. The maintenance and improvement of this lake would ensure that more opportunities for recreation and enjoyment are available in the future.

c. Archaeological/Historical

According to the State Historical records, there are no archaeological/historical areas known to be present within the dredging project area.

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

There are no known special resources associated with the project.

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

The project may result in increased turbidity downstream of Oakwood Lake during the dredging operation. The drawdown could lead to mobilized sediment that may travel downstream. It is estimated there will be minimal flowage through the channel when the lake is lowered, this may result in sediment eroding into the creek as it flows through the exposed lake bed. However, this is unlikely as long as the lake is lowered at a rate that the downstream portion of Halls Creek can accommodate; at a rate of no more than 6 inches per day. A rate of 6 inches per day will mimic the approximate flow rate of a 25 year rainfall event which takes place several times throughout the year. All aquatic vegetation, invertebrates, amphibians, reptiles, fish and other biota will either migrate upstream; or, those that remain are likely to be impacted during the drawdown and the dredging. The drawdown will temporarily eliminate the ability of waterfowl to utilize the area. Minor air and noise pollution from equipment are likely to occur. There is minimal risk of groundwater and surface water contamination from the dredge spoil disposal site.

Impacts to the County Forest should be temporary as well. In order to be utilized for the disposal site it is required that the area be withdrawn from the County Forest Land. During that time the spoils are to be placed there, and the area is to be seeded and stabilized. It is uncertain at this time as to whether or not the area will be able to be replanted with forest cover; however, it appears that it will. Regardless, the area should still qualify for re-entry into the County Forest as it will still be suitable for a wide range of recreational uses such as; hiking, hunting, fishing, and biking. At this point the only recreational activities that have been ruled out are ATV/snowmobile trails.

DNR EVALUATION OF PROJECT SIGNIFICANCE (complete each item)

20. Environmental Effects and Their Significance

- a. Discuss which of the primary and secondary environmental effects listed in the environmental consequences section are long-term or short-term.

The increase in water depth and retention time will serve to trap more sediment within Oakwood Lake decreasing the long-term pollutant load to Halls Creek. In the long-term, the deeper water will provide improved fish habitat creating a deeper, colder water refuge.

Short-term impacts include sedimentation that may occur due to the drawdown and mechanical dredging. This sediment would potentially be deposited downstream in Halls Creek. This should not have a negative impact on the cold water fishery present in Halls Creek, as the primary Trout populations are located upstream of the Oakwood Lake impoundment. The elimination of aquatic vegetation, invertebrates, and other biota should be a short-term impact, they should return in a few years.

Air and noise pollution due to the use of heavy machinery could be a short-term secondary environmental effect of the project.

- b. Discuss which of the primary and secondary environmental effects listed in the environmental consequences section are effects on geographically scarce resources (e.g. historic or cultural resources, scenic and recreational resources, prime agricultural lands, threatened or endangered resources or ecologically sensitive areas).

There are no adverse impacts anticipated on any geographically scarce resources. Recreational opportunities on Oakwood Lake will be temporarily limited during the duration of the dredging project. County forest land will need to be withdrawn from the County Forest Law program during use, but it is planned that the site will be re-entered after completion.

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

The potential of sedimentation entering Halls Creek is not a reversible consequence. The only way to restore an area of severe sedimentation would be through dredging. Oakwood Lake will eventually fill in with sediment and revert back to existing conditions. It is difficult to ascertain exactly how long these impoundments will last before needed to be re-dredged; historically it would appear last approximately 10-15 years judging from other similar impoundments before needing to be dredged again.

21. Significance of Cumulative Effects

Discuss the significance of reasonably anticipated cumulative effects on the environment (and energy usage, if applicable). Consider cumulative effects from repeated projects of the same type. Would the cumulative effects be more severe or substantially change the quality of the environment? Include other activities planned or proposed in the area that would compound effects on the environment.

Projects of the same type would have the same potential for impact on the resource. The cumulative impact of the same type of project could have negative effects on the thermal characteristics of Halls Creek. Increased sedimentation as a result of this project could have an impact and change the quality of the environment. Many factors would come into play including time of year and methods.

Increased noise is also a temporary cumulative effect. Residents within the lake will feel the effects of the noise generated by the equipment used for this project.

It is not possible to calculate the amount of time that will pass before another dredging operation will be necessary. However it is likely that dredging will be necessary in the future (approximately 10 – 15 years) as the lake fills with sediment. If a dredging project is proposed in the future the availability of suitable spoil sites will be reduced. At this point the only suggested use of the disposal site are that of ATV/snowmobile trails. These may still be an option if the trails can be elevated off the material adequately, and measures taken to ensure riders stay on the trail.

22. Significance of Risk

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

The unknown risk is the extent to which the project will alter the behavior of the species currently utilizing these areas. However, it is not possible to conduct studies that would conclusively determine behavioral changes in the species that currently inhabit the areas, and it can be reasonably expected that the species will migrate to other suitable/similar habitats.

It is unknown how much sedimentation may deposit into Halls Creek and how that may affect aquatic life. Also, temperature changes in Halls Creek resulting from the project are not fully known but are not expected to be significant enough to impact aquatic resources, including the cold-water fishery.

- b. Explain the environmental significance of reasonably anticipated operating problems such as malfunctions, spills, fires or other hazards (particularly those relating to health or safety). Consider reasonable detection and emergency response, and discuss the potential for these hazards.

The potential for spills, fires, and malfunctions is low; however, should such problems arise, the appropriate authorities should be contacted immediately.

23. Significance of Precedent

Would a decision on this proposal influence future decisions or foreclose options that may additionally affect the quality of the environment? Describe any conflicts the proposal has with plans or policy of local, state or federal agencies. Explain the significance of each.

Dredging projects on impoundments are commonly proposed and approved in Wisconsin. Each proposal must be evaluated on a case by case basis.

24. Significance of Controversy Over Environmental Effects

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

There are no effects, which are likely to be highly controversial, associated with the dredging project portion of the project. The County Forest withdrawal has the potential to be controversial, but with the plan to re-enroll the parcel back into County Forest Land the potential for controversy will be significantly reduced.

ALTERNATIVES

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

A). No action taken. This would result in further sedimentation and filling of the lake. As a result, lake resources and recreational activity would continue to decline.

B). Hydraulic dredging. This alternative was not the preferred method for the following reasons:

- lack of suitable disposal site within project area (current disposal site would have resulted in miles of piping) and the costs, and maintenance associated with it
- the cost of the actual dredging itself is increased substantially with this option
- this would not remove the potential impacts associated with the project

C). Other disposal sites. Many other potential disposal sites were looked at. And all of them for various reasons (predominantly there proximity to residential areas and residential wells), were deemed unsuitable disposal locations.

SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES

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

<u>Date</u>	<u>Contact</u>	<u>Comment Summary</u>
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4/17/02	Mike Miller (WDNR - Waste Management Specialist)/Mark Schraufnagel (WDNR-Water Management Specialist)	Discussion about proposed spoil disposal sites
5/10/02	Ray Ransom (Village President)/Buzz Sorge (WDNR - Program and Planning Analyst)	Request for planning grant extension
5/14/02	Ray Ransom (Village President) /Bruce Norton (A.C.O.E. - Project Manager)	Letter from A.C.O.E. stating no Corp permit required if no wetlands impacted
10/3/02	Dan Helsel (WDNR - Basin Leader)/Mark Schraufnagel (WDNR-Water Management Specialist)	Correspondence regarding sediment sampling requirements
4/10/03	Dan Helsel (WDNR - Basin Leader)/Mark Schraufnagel (WDNR - Water Management Specialist)	Correspondence regarding sediment sample review
5/7/03	Ray Ransom (Village President)/Mark Schraufnagel (WDNR - Water Management Specialist)	Letter discussing Notice of Incomplete Application
6/8/04	Ray Ransom (Village President)/Mike Miller (WDNR - Waste Management Specialist)	Letter discussing Jackson County Forestry Dept. suggestion on disposal site
12/14/02	Mike Miller (WDNR - Waste Management Specialist)/Mark Schraufnagel (WDNR - Water Management Specialist)	Discussion of resolution of solid waste concerns
8/22/05	Mike Miller (WDNR - Waste Management Specialist)//Jason Gazdecki (WDNR - Water Management Specialist)	Request for information on solid waste status of project
05/13/06	Judy Hayducsko (WDNR - Waste Water Engineer)/Jason Gazdecki (WDNR - Water Management Specialist)	Discussion of any potential Waste Water concerns/permit requirements
05/19/06	Mike Miller (WDNR - Waste Management Specialist)/Jason Gazdecki (WDNR - Water Management Specialist)	Disposal site location confirmation
05-24-06	Dan Hatleli (WDNR - Fisheries Biologist)	Oakwood Lake & Halls Creek Fish Species
05-24-06	Tim Babros (WDNR - Area Supervisor)	Wildlife & Habitat Value
07-17-06	Jim Doperalski (WDNR - EA Specialist)	EA Review

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

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

Complete either A or B below:

A. EIS Process Not Required

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

B. Major Action Requiring the Full EIS Process

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

Signature of Evaluator	Date Signed

Number of responses to news release or other notice:

Certified to be in compliance with WEPA	
Environmental Analysis and Liaison Program Staff	Date Signed

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.

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

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

Complete either A or B below:

A. EIS Process Not Required



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

B. Major Action Requiring the Full EIS Process



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

Signature of Evaluator <i>Russell A. Kind</i>	Date Signed <i>6/9/06</i>
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Number of responses to news release or other notice:

Certified to be in compliance with NEPA	
Environmental Analysis and Liaison Program Staff <i>Tom Lovin</i>	Date Signed <i>6/12/06</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.

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This notice is provided pursuant to section 227.48(2), Stats.

→ *L. Kind - BRF*
P. Westgaard - BRF
J. Brunkley - FR/BW