

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

Baron
SEP 14 1987
FR/4

Department of Natural Resources

District or bureau: West Central Region

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

Contact Person: Russell A. Kind
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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: Jackson County

Address: 307 Main Street
Black River Falls, WI 54615

Title of Proposal: County Forest Withdrawal for Saddle Mound Cranberry Company Land Trade Proposal

Location: County Jackson City/Town/Village : City Point

Township 22 North, Range 1 West

Section(s) 30, 31, 32

PROJECT SUMMARY

1. General Description (brief overview)

The Jackson County Forest and Parks Department (the "applicant") proposes to withdraw and trade the following County Forest Land (CFL) acreage to Saddle Mound Cranberry Company (SMCC):

T22N, R1West, Section 30: S ½ SESW:	20.00 Acres
T22N, R1West, Section 31: N ¼ NWNE:	<u>10.00 Acres</u>
	30.00 Acres

in exchange for (from SMCC):

T22N, R1West, Section 32: SWSE:	40.00 Acres
plus \$11,000.00 in cash	

A general location of the above acreage is located in Appendix 1.

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

SMCC owns and operates a cranberry marsh located in Sections 29, 30, 31, and 32, Township 22 North, Range 1 West and Section 25, Township 22N, Range 2 West. The current SMCC boundaries are shown in Appendix 1.

In November of 1994, SMCC requested the purchase of 120 acres of County Forest land located to the south of the existing SMCC marsh in the Town of City Point (see 1/9/95 report in Appendix 2). Processing of the application was complicated by the discovery of numerous shooting lanes cut across County owned lands from hunting blinds and cabins located on SMCC property. It was also discovered that SMCC was posting some of its lands to which the County had retained public hunting and fishing rights.

In January of 1995, SMCC withdrew its land purchase proposal and gave notice to the County that it intended to exercise a 1977 flowage easement on the same property (see Appendix 10). The easement also included sand removal rights on the 120 acres. SMCC gave notice that it wanted the trees removed immediately so that it could begin sand removal operations. The County took the position that the easement was not valid. SMCC filed a legal claim for damage in August of 1995.

Following extensive negotiations between attorneys from both SMCC and the County, SMCC agreed to drop its claim for damages, and to relinquish the contested easement, if the County would trade 30 acres of land to SMCC, which lands are adjacent to the SMCC marsh. In return, SMCC would trade 60 acres of similar and suitable forest land back to the County. The County Board approved the agreement and authorized the Forestry and Parks Committee to proceed with the matter to conclusion.

Since then, SMCC has been unable to located 60 acres of suitable land. Instead, it has offered the County 40 acres of land, plus \$11,000 cash. The cash portion is one half the value of the 40 acre tract which SMCC purchased to satisfy the agreement. The Forestry and Parks Committee agreed to this proposal on September 11, 1997 (see Appendix 8).

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

Authority for withdrawal of County Forest lands from provisions of the County Forest Law is addressed in Chapter 28.11, Wisconsin Statutes. Authority on the county level is addressed in the Jackson County Forest ten-year plan. Approval of County Forest land withdrawal from the County Forest Law is required by the Wisconsin Department of Natural Resources and the Jackson County Board of Supervisors. Procedures for land sales and trades are in Chapter 420.2 of the Jackson County 10 year CFL plan (see appendix 11). Environmental Assessment required under NR 150 and associated WEPA compliance.

4. Estimated Cost and Funding Source

Opinions of value for the tracts was conducted by Richard A. Mertig, DNR Land Agent (see Appendix 5). His opinions of value are listed below:

	<u>Market Value</u>
30 Acres to be traded from Jackson County to SMCC	\$13,500.00
40 Acres to be traded from SMCC to Jackson County	\$20,000.00

In addition to the 40 acre tract, Jackson County will receive \$11,000.00 in cash.

PROPOSED PHYSICAL CHANGES (More fully describe the proposal)

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

The 30 acre parcel under consideration for withdrawal contains an oak poletimber forest type (26 acres) and a wetland (4 acres). The wetland will be addressed in #6 below. As proposed, the mineral rights for the county withdrawal parcel will go with the land. While this violates section 420.3.4 of the approved county forest 10-year plan, the Department may consider and waive conditions upon a specified future use as provided by NR 48.05(2). Use of sand for cranberry operations may be applicable.

The 26 acre upland oak forest type is generally level to slightly rolling. The soils are FeA (Fairchild-Elm lake Complex) and IxA (Ironrun - Ponycreek Complex). Soil details are located in Appendix 3. The low quality trees are 64 years old. The tract contains about 345 cords of merchantable timber worth about \$6,000.00.

The above land is to be used for cranberry bed expansion and for construction of supporting dikes, ditches, and roads. Any fill material removed will be used as a sand supply for normal cranberry operations. Development of cranberry beds will involve the harvesting of all merchantable trees followed by bulldozing and burning to remove stumps and other vegetation. The area will be leveled and dikes will be constructed for water control and access purposes. Cranberry vines will be planted in the newly constructed beds.

The 40 acre parcel under consideration for trade from SMCC to Jackson County is generally level land, sandy upland with a steep ridge along the south boundary. The area is forested to low quality pine-oak poletimber. The tract contains about 450 cords of merchantable timber worth about \$5,500.00. The soils are TrB (Tarr Sand) and detailed in Appendix 3. The trees are 71 years old.

A map of the proposed cranberry marsh expansion is located in Appendix 13.

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

Four acres of the 30 acre parcel being considered for withdrawal from the County Forest are wetland. The wetland designation is E2H; this is an emergent wet meadow with narrow - leaved persistent vegetation growing in standing water on wet soil. The soils are DA (Dawsil musky peat) and detailed in Appendix 3. The wetlands are located in Appendix 13.

Under Chapter 550.2(3) of its 10 Year CFL plan, Jackson County has a policy that it "will not consider land trade proposals which would remove non-forest wetlands from County ownership unless the recipient of those lands agrees by deed restriction to preserve those lands in their natural condition." Jackson County indicates that the settlement was in progress before the current 10 Year Plan was approved. The Jackson County Forest 10-Year plan was approved by the Jackson County Board of Supervisors on May 27, 1997. Jackson County entered into an agreement with SMCC (Appendix 8) on November 17, 1997. They believe the agreement should be grandfathered under the old 10 Year Plan. See Appendix 14 for Chapter 535.2 (wetland management from the 1986-1995 county 10 Year Plan). In any case, if wetlands are to be developed, they would require a permit from the Corps of Engineers and an associated state (DNR) water quality certification allowing Corps permit issuance. Even if a Corps permit were not required, DNR would have to review the withdrawal request for consistency with NR 103, water quality standards for wetlands.

Development of cranberry beds will involve the harvesting of all merchantable trees followed by bulldozing and burning to remove stumps and other vegetation. The area will be leveled and dikes will be constructed for water control and access purposes. Cranberry vines will be planted in the newly constructed beds.

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

SMCC does not intend to construct any buildings in this proposed parcel. Roads will be constructed on top of the dikes which are developed for maintenance of cranberry beds. Other structures will be limited to water

control structures for the cranberry dikes. A high voltage fence may surround the parcel to prevent deer damage.

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

While the cranberry beds are being developed, there will be some exhaust emission from motorized equipment used for dredging, bulldozing, and leveling. Short-term emissions from brush pile burning will occur.

Cranberry culture involves the use of fertilizers on the cranberry vines and the applications of pesticides to control insects, disease, and weeds.

Pesticides used by the applicant include:

<u>Pesticide</u>	<u>Use</u>	<u>Method</u>	<u>Applications</u>
Roundup	Herbicide	Wick type application	1 time/year
Casoron	Herbicide	Ground application	25 lbs/ac/year
Funginex	Fungicide	Ground application	3 times/year
Devrinol	Herbicide	Ground application	1 time/year
Evital	Herbicide	Limited to problem spot (approx. 10 ac)	1 time/year
Orethene	Insecticide	Ground application	1 time/year
Diazinon	Insecticide	Ground application	2 times/year
Guthion	Insecticide	Ground application	1 time/year

Tests on Roundup show that fish are quite tolerant to this herbicide.

Studies by the Department of Agriculture and the Wisconsin Department of Natural Resources, in cooperation with the Wisconsin Cranberry Growers Association, have discovered certain pesticides in discharge water from cranberry marshes in Wisconsin. It is probable that residues from pesticides will be present in water running off of cranberry beds and be discharged into Crawford Creek.

9. Other Changes

The most extensive change taking place will be the reduction of timber production, wildlife habitat and recreation potential as the Jackson County Forest parcel goes into private ownership. This change will prevent multiple use management as practiced under the County Forest Law.

Jackson County will retain public hunting and fishing rights on undeveloped (i.e., lands not in actual cranberry beds) portions of the withdrawal parcel pursuant to Jackson County Ordinance 13.09(6) and Section 420.3.3 of the county 10-Year Plan. See Appendix 7 to review this ordinance.

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

- Appendix 1: County plat map showing current SMCC boundaries and parcels involved in the project.
- Appendix 2: Report on 1995 SMCC land purchase request.
- Appendix 3: Soil types.
- Appendix 4: DNR archaeologist report.
- Appendix 5: Opinions of value.
- Appendix 6: County Forest Law withdrawal application.
- Appendix 7: Jackson County Ordinance 13.09(6).
- Appendix 8: Agreement made between SMCC and Jackson County.
- Appendix 9: County Forest Land Withdrawal resolution.

- Appendix 10: 1977 assignment of easement and easement for flowage rights.
- Appendix 11: Chapter 420.2, Jackson County 10 Year Plan.
- Appendix 12: Chapter 420.3.6, Jackson County 10 Year Plan.
- Appendix 13: SMCC proposed marsh expansion.
- Appendix 14: Chapter 535.2, 1986-1995 Jackson County 10 Year Plan

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

Information Based On (check all that apply):

Literature/correspondence

Personal Contacts (list in item 31)

Field Analysis By: Author

Past Experience With Site By: Author

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

The 30 acre tract being considered for withdrawal has flat topography. Soils consist of a Fairchild-Elm Lake complex and Ironrun-Ponycreek complex on the 26 acres of upland and a Dawsil peaty muck on 4 acres of wetland. The E2H mapped wetland is an emergent wet meadow with narrow leaved persistent vegetation.

The 40 acre tract being considered for entry into the county forest is generally level upland with a steep ridge along the southern boundary.

Air quality is excellent.

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

An oak poletimber forest type is the primary forest type on 66 acres of the 70 acres under review. The low quality oak trees are 64 to 71 years old. The average diameter at breast height is 9 inches.

A wetland classified as E2H is on 4 acres of the 30 acres being considered for withdrawal from the county forest.

Primary fauna consists of whitetail deer and ruffed grouse. As noted by the wildlife manager, timber wolf, mink, coyote, woodchuck, opossum, skunk, gray and red squirrel, raccoon and mice can also be found. Common raptors include great-horned owl, red-tailed hawk, broad winged hawk, and kestrel. There are periodic sightings of bald eagles in the area, however, it is not known if nesting sites exist on or around the proposed withdrawal parcel. Common songbirds are present. The individual loss of 30 acres of wildlife habitat may not be significant; however, the cumulative effects of such losses can be significant.

The species and abundance of fish in the affected Crawford Creek are as follows: Abundant - brook stickleback, central mudminnow, common white sucker. Relatively scarce - golden shiner, northern red-belly dace, creek chub, and pearl dace.

13. Cultural

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

City Point Township is not zoned; all tracts under review are not zoned.

The tracts are not occupied by any residences.

The 30 acre tract being considered for withdrawal from the County Forest Law is owned by Jackson County. Because of public ownership, the tract is primarily used for hunting, hiking, and timber production.

The 40 acre tract being considered for entry in the county forest is primarily used for private recreational purposes. This tract is not entered into the Woodland Tax Law, Forest Crop Law, or Managed Forest Law programs.

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

There are no ethnic or cultural group implications.

Economically, Jackson County would receive revenue (\$11,000.00) from the sale of the tract. This money would be placed in the land acquisition account and earmarked for purchase of lands to be entered into the County Forestry Program. Also, this area would be added to the county tax rolls. Additional tax revenue will be partially or entirely offset by the increased valuation of City Point Township. A higher valuation will result in higher taxation by the county and the state. The 40 acre tract would be entered into the County Forest Law program.

Cranberry bed development will result in large capital expenditures by the applicant. Additional personnel will be hired on a temporary basis during the development stages. Once these proposed cranberry beds are operational, additional employment would be created in the tending and harvesting of the crop. SMCC will receive revenue from this operation by selling of their cranberry crop.

c. Archaeological/Historical

The DNR archeologist indicates that there is no architectural, archaeological, or historical significance to the tracts under review. See appendix 4.

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

The Bureau of Endangered Resources indicates the following species may be on the areas under review:

<u>Scientific Name</u>	<u>Common Name</u>	<u>Species Type</u>	<u>Status</u>
Euphyes Bimacula	Two-Spotted Skipper	Butterfly	State Special Concern
Lycaena Epixanthe	Bog Copper	Butterfly	State Special Concern
Lycaeides Samuelis	Karner Blue	Butterfly	State Special Concern and Federally Endangered
Carex Folliculata	Long Sedge	Plant	State Special Concern
Thelypteris Simulata	Massachusetts Fern	Plant	State Special Concern
Myriophyllum Farwellii	Farwell Water-Milfoil	Plant	State Special Concern
Bartonia Virginica	Screw Stem	Plant	State Special Concern
Polygala Cruciata	Cross Milkwort	Plant	State Special Concern

The four acres of designated wetlands can be considered to be special resources under the wetlands definitions, section NR 1.95, of the Wisconsin Administrative Code. In May and June 1998, rare plant and lepidoptera surveys were conducted on both the withdrawal and trade parcels. Scattered lupine was found at the trade parcel, but surveys did not reveal presence of the Karner blue butterfly. None of the special concern butterflies were detected. Long sedge was found along the south edge and northeast corner of the withdrawal parcel. Massachusetts fern was found within the sedge meadow wetland near the southeast corner of the withdrawal parcel.

Two Wisconsin Special Concern plants have been documented on the county forest lands proposed for withdrawal, Massachusetts fern (*Thelypteris stimulata*) and folliculate sedge (*Carex folliculata*).

Several dozen populations of these plants were documented in the central sands counties during recent field inventory projects. Some of these populations are very large, numbering in the thousands of individuals.

It's worth noting that all known populations of these plants are restricted to the central sands region of Wisconsin, and that the vast majority of them occur in wet white pine-red maple swamps, a community type which is also very restricted in distribution in Wisconsin. Both of these species are somewhat disjunct from their usual ranges (northeastern N.A.), the fern exceptionally so. These are primarily forest-dwelling species, and while they are tolerant of some degree of logging, it's unlikely that they will survive the hydrologic disruptions associated with a cranberry operation.

The loss of these populations in an already somewhat disturbed and developed area will not seriously impact the status of these plants in the state or region, But the county should be aware that it owns and is responsible for other sites which contain natural features of very high significance and we would like to work with them to explore protection opportunities.

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

15. Physical (include visual if applicable)

If development occurs on the 30 acre tract proposed for withdrawal, the forest land will be clearcut and remaining vegetation will be removed or destroyed by burning. Cranberry bed development will include bulldozing and clearing the land to expose mineral soil. The native soil will be disturbed as leveling for ditch and dike construction occurs. Four acres of mapped wetlands will be destroyed. Wetlands will be exposed to the same developmental practices.

The consequences of construction of cranberry beds will also be the eventual discharge of fertilizer and possibly pesticide residue into Crawford Creek. Since this is the creek SMCC currently discharges water into from its cranberry beds, a possibility of increasing the amount of these residues in Crawford Creek exists. Actual amounts of fertilizers and pesticides to be discharged is undetermined.

A displeasing visual impact occurs during land clearing and bulldozing operations. The area is removed from public view and the negative impact will remain only during the development period. Completed cranberry beds can present a neat and orderly appearance.

The 40 acre tract being considered for entry into the county forest would "block in" well with surrounding county land. Blocking a contiguous area under one ownership (Jackson County) improves recreational and management opportunities and lowers overall administrative costs when implementing these activities.

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

The removal of natural vegetation has been discussed earlier in this document. This native vegetation will be replaced by an agricultural system of cultured cranberry vines. Natural habitat for all species of wildlife will be altered by this action.

Cranberries appear to be a preferred food for whitetail deer. In order to reduce the deer damage to cranberry vines, SMCC may have to install a high voltage deer fence. Deer, grouse, small mammals, and furbearer loss will occur.

The additional discharge of water from the new cranberry beds may cause fluctuating water levels of Crawford Creek near the discharge point. Fertilizer residue will add nutrients to the creek and will have some effect on the vegetation. The amount of pesticide residue in this discharging water is not known, but it may have some effect on stream fauna and flora, especially in the vicinity of the discharge where it would be most concentrated.

Crawford Creek is not a trout stream; it flows into Morrison Creek which eventually flows into the Black River.

Pesticide and fertilizer residues may have an effect on fish and bird populations. Water entering Crawford Creek after use for cranberry culture may be warmer than if no cranberry culture development had occurred. The amount of possible warming is undetermined.

Two special concern plant species, long sedge, and Massachusetts fern, are present and could be impacted by cranberry bed development at the withdrawal site.

17. Cultural

a. Land Use (include indirect and secondary impacts)

On the 30 acres proposed for withdrawal from the county forest, land use will significantly change. Hunting, hiking, and other recreational uses will be replaced by uses associated with cranberry production. The land will be used for sand excavation, roads, dikes, flowages, and cranberry beds. Jackson County will retain public hunting and fishing rights on lands not in cranberry beds. Long term timber harvesting income will be lost.

On the 40 acres proposed for trade with SMCC, land use will change in other ways. Uses such as hunting, hiking, and other recreational activities will be similar before and after the trade. However prior to the trade, land use was private with no public use. After the trade, land use will be public.

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

Cranberry bed development has numerous economic secondary effects. A large capital expenditure by the applicant will be needed in the initial phases of development. Increases in equipment and labor use can be anticipated during this period. Once the new cranberry beds are producing a full yield of berries in approximately three years, a dollar return per acre per year on this tract will be higher than it would have been under management for the production of forest products.

Funds received by Jackson County for the proposed land trade will be put in their land acquisition account. The county forest 10-year plan outlines this procedure in Appendix 12.

Jackson County will retain public and fishing rights on all withdrawn areas, if any, that are not in cranberry beds in accordance with Section 420.3.3 of the 10-Year Plan.

Mineral and timber rights will be lost on the 30 acres withdrawn from the county forest, but gained from SMCC on the 40 acres obtained in the trade.

City Point Township is not zoned.

c. Archaeological/Historical

The Department of Natural Resources archaeologist reports that she is not aware of any reported information regarding architectural, historical, or archaeological significance on these tracts (see Appendix 4).

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

Refer to #14 for the Bureau of Endangered Resources report of Endangered and Special Concern species.

The tract contains 4 acres of mapped wetlands. These wetlands will be destroyed by cranberry bed development. A conflict with Wisconsin Administrative Code NR 1.95 may exist. NR 1.95 directs the DNR to avoid the destruction or alteration of wetlands if at all possible where the department has regulatory jurisdiction of such actions. It should be noted that the wetland types included in this tract are not scarce in Jackson County. The withdrawal of these wetlands from county control and subsequent destruction for cranberry bed development will result in a permanent loss of this acreage in the natural wetlands of Jackson County, which compound long term losses of state and national wetland resources. Jackson County Shoreland Ordinance (wetland provisions) allow cranberry cultivation construction activity in mapped wetland areas.

These tracts are not currently agricultural or state natural areas.

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

To summarize 15-18, the following adverse impacts will occur on the 30 acre tract proposed for withdrawal from the county Forest Law:

1. Destruction and loss of 4 acres of mapped wetlands.
2. Removal of all natural vegetation from 30 acres.
3. Additional fertilizer and pesticide residues added to Crawford Creek.
4. Conversion to monotypic (cranberry) vegetation.
5. Loss of public recreation opportunities and public hunting and fishing rights on areas that are in cranberry beds. However, a net gain of 10 acres of public recreation and public hunting would accrue as a result of the land trade.
6. Loss of 30 acres of mineral and timber rights.
7. Loss of 30 acres of existing wildlife habitat.

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.

A. No action.

Under this alternative, Jackson County would retain ownership. The 30 acre tract with its mapped wetlands would remain in its natural state. Long term income from timber production to Jackson County will be less than income from cranberry production to SMCC.

In addition, the 40 acre parcel that SMCC proposes to trade would remain in their ownership; SMCC would not be paying Jackson County \$11,000.00 in cash.

If no action is taken, SMCC would likely exercise a 1977 flowage easement on 120 acres (see item #2 for background). All negotiated agreements between Jackson County and SMCC would be nullified. The situation would probably be settled in court with uncertain results for either party. Lengthy and costly litigation and legal proceedings would occur from no action being taken.

B. Enlarge.

Enlarging the proposal would allow SMCC to develop a larger area for cranberry production. A larger acreage would be devoted to cranberry beds, dikes, roads, and flowages. In addition, the adverse impacts (see item #19 for the summary of adverse impacts) would increase because of larger areas involved with cranberry production.

Enlarging the proposal would nullify the previous agreement made between Jackson County and SMCC. Additional negotiations or possible legal proceeding would be necessary. The Forestry and Parks committee has come under increasing scrutiny from the public for cranberry production withdrawals. In 1995, SMCC gave notice to exercise a 120 acre flowage easement; a court challenge from Jackson County nearly ensued.

C. Reduce

Reducing the proposed size of the 30 acre county forest withdrawal would nullify the previous agreement made between Jackson County and SMCC; SMCC might decide to exercise their 120 acre flowage easement. Additional negotiations and/or court proceedings between Jackson County and SMCC would occur from reducing the size of the proposal.

Adverse impacts would be reduced (see summary in item #19).

The Department of Natural Resources has suggested that the proposal be reduced by 4 acres; the wetland area would remain under county ownership with the remaining 26 acres being sold or traded to SMCC. Jackson County does not wish to pursue this alternative because they feel there may be more wetland losses if this proposal is not completed and they would have to honor the old easement agreement.

D. Modify

Although the locations of the 30 acre tract to be withdrawn and the 40 acre tract to be entered into the county forest are not likely to be changed or modified (see Appendix 1 for locations), the amount of the cash payment made to the county might be modified. For example, if the land to be withdrawn from the county forest is reduced by 4 acres (for the wetland area), the amount of cash being paid to

the county might have to be reduced also. Current agreements indicate an \$11,000.00 cash payment is to me made from SMCC to Jackson County. Section 420.3.1 of the county forest 10-year plan states that the acres and value may be more, but shall not be less than the acres an appraised value of the land which will be removed form county ownership. The cash payment could be revised up or down to fulfill section 420.3.1. Appraisal results are detailed in item #4.

E. Other Locations and/or Methods.

With the locations of present cranberry beds, dikes, ditches, reservoirs, and pumps, opportunities for other locations are limited. Jackson County and SMCC have settled on the current locations in order to resolve disagreements over a 20-year-old, 120 acre flowage easement.

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.

Physical

The proposed withdrawal parcel converted to cranberry production would not significantly change the quality of the environment. The flat, poorly drained area is typical of the east side of Jackson county. The 4 acres of wetlands is not a scarce type. When considering that the parcel is 30 acres and land forms of this type cover many thousands of acres, the overall significance is small. In addition, air quality would virtually remain the same, except for brief periods during developmental stages.

Biological

Cover types on the proposed withdrawal parcel are in abundance on the east side of Jackson County. The loss of this 30 acre tract would not significantly change the quality of the environment.

Concerning the fauna, there will be a loss of habitat. Wildlife in the immediate area will have their environment significantly altered. Some wildlife may even be destroyed during the developmental phases. Again, however, the many species found on the tract are in abundance on the County Forest, so the overall significance is minimal.

Socio-Economic

By the creation of cranberry beds on the parcel, the assessed valuation would increase substantially. The amount of public land in a township has been shown to have an insignificant effect on taxation. However, the increased valuation of the parcel would probably raise the level of taxation in City Point Township. The level of possible increase has not been determined.

From SMCC's view, increased capital expenditures for development by SMCC would increase revenues from their cranberry crop. This expansion would add economic diversification to the area. Any increases in employment would be expected to enhance the localized socio-economic environment.

Funds from the sale of County Forest tracts will be used to purchase other lands for entry into the County Forest Program. This concept has had success in acquiring private parcels for sale, usually

quarter-quarter sections (40 acres). This has led to better blocking of the County Forest and will lead to easier and more efficient land management.

- 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)

Short-term environmental impacts would be the immediate destruction of and an area reduction of natural vegetation and wetlands in the county and state. Once this 30 acre tract is converted to cranberry production, it is highly unlikely that the land can be "converted" back to its natural state. Thus, current public recreational opportunities, timber production, and wildlife habitat will, for all practical purposes, be "excluded" from this parcel for the long term.

There are no significant short-term or long-term environmental effects to geographically scarce resources such as: historic or cultural resources, scenic resources, prime agricultural land, threatened or endangered species or ecologically sensitive areas.

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.

As shown in Appendix 2, SMCC or previous owners has purchased and developed over 800 acres of Jackson County Forest Land since 1966. Land withdrawals for cranberry production have reduced the public land base in the area. A single withdrawal for cranberry production may have minimal significance to the total resource, yet the cumulative effects of many withdrawals for this purpose are significant. Numerous environmental assessments in the past dealing with withdrawals for cranberry production have mentioned this long-term issue.

A reasonable likelihood exists that SMCC will petition the county for additional acreage for cranberry production in the future. This has been the pattern for over 30 years.

A possibility exists for increasing the amount of fertilizer and pesticide residues in the discharge water that is released into Crawford Creek and eventually Morrison Creek. This may lead to increasing destruction of aquatic vegetation and possible contamination of aquatic organisms within the stream environment.

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.

As discussed in item 22, the risks of increasing fertilizer and pesticide residues into the Crawford Creek aquatic environment are unknown. It is possible that annual discharge of these residues have significantly affected the quality and quantity of aquatic organisms. Studies or analyses have not been done on Crawford Creek.

Some additional measures may be available to reduce risk associated with the proposed withdrawal:

1. County or DNR could approve withdrawal subject only to SMCC receipt of any necessary regulatory permits. This would avoid wetland disturbance until after Corps of Engineers (404 permit) and DNR (water quality certification and NR 103) reviews and approvals are granted.
2. County or DNR approval could be subject to field survey for federally endangered Karner blue butterfly during spring and/or summer flight periods to determine need for and if necessary approval of incidental take permit.
3. SMCC could be required to submit and receive approval for an erosion control permit.

- 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.

A chemical spill could occur with the use of pesticides and fertilizers. If a spill occurs, the grower's responsibility is to contact the Department of Natural Resources so appropriate cleanup measures can be implemented immediately. With contaminated soil and/or water, efforts would be made to reasonably remediate the affected area.

A reservoir dike could fail causing the release of large amounts of water and sediment into the surrounding area. This situation may occur under unusually heavy precipitation periods. However, inundation of the surrounding area would be temporary because the excess water would be carried away by various drainages. Sediments flushed downstream would largely not be recovered.

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 may influence future decisions on withdrawals of county lands for cranberry marsh development since there is a trend at this time toward expansion of many cranberry marshes. In past history, withdrawals of Jackson County Forest land for cranberry expansion have not been denied either at the county or state level because the higher and better use test has been satisfied (see Appendix 11, Section 420.2 and Wis. Stats. Chapter 28.11)

It is possible that in the future a County Forest parcel may not be withdrawn for cranberry purpose due to environmental concerns. However, until that denial occurs, a viewpoint exists to suggest that request from growers for County Forest withdrawals for cranberry culture will always obtain approval at both the county and state levels. The concern in this situation is that cumulative environmental concerns and unknowns may be overlooked.

- 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.

In Chapter 28.11 of Wisconsin's Natural Resources Laws, the following is stated concerning the County Forest Program, "...to enable and encourage the planned development and management of the county Forest for optimum production of forest products, together with recreational opportunities, wildlife, watershed protection and stabilization of streamflow, giving full recognition to the concept of multiple-use to assure maximum public benefits;..." Lands under the county Forest Program are managed with the above concepts in mind.

However, if the Department of Natural Resources determines through an investigation that benefits to the people of the county and state after withdrawal of a parcel outweigh benefits under continued entry and the land is put to a higher and better use. The department shall make an order withdrawing lands from entry. In the past, cranberry culture, through the approvals of County Forest withdrawals by the state, has been determined to be a higher and better use of County Forest land. The Jackson county Ten year plan also provides for withdrawal from the County Forest Law. Jackson County indicates that the settlement was in progress before approval of the current 10 Year Plan. They believe the agreement should be grandfathered under the old 10 Year Plan.

This cranberry expansion proposal may conflict with the multiple-use management concept on public lands. It will reduce the recreational opportunities and wildlife habitat. The pesticide and fertilizer residues found outside of SMCC's beds and reservoirs may conflict with the concept of watershed protection in Chapter 28.11, if the definition of protection is intended to mean the prevention of chemical contamination.

On the state level, this proposal appears to conflict with NR 1.95, which establishes a policy of wetlands protection. Natural wetlands would be destroyed if this proposal is implemented. Cranberry culture is dependent upon continuous supplies of water; the beds are kept in a moist condition. Although cranberry beds differ physically and biologically from natural wetlands, the development of cranberry beds may not be devastating to some but not all normal wetland values and functions.

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.

A potential controversy exists when Jackson County Forest lands are withdrawn and developed for cranberry production. The destruction of wetlands may generate another controversy.

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

None.

SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES

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

The Jackson County Board resolution concerning the proposed transaction (see Appendix 9) was in the minutes of that meeting; the Banner Journal newspaper reported the resolution. A news release will be published asking for public comments on the proposal.

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>
10/20/97	Robert Hess - Jackson County Forest Administrator	Additional information requested from Jackson County.
10/21/97	Tim Babros - Water Reg. Spec.	Wetlands map interpretation.
10/23/97	Dick Mertig - Real Estate Agent	Real Estate appraisal information.
10/24/97	Peter Normington - SMCC owner	Development and land use information.
10/24/97	Kathy Bleser - Endangered Resources Specialist	Endangered resources information.
10/27/97	Terry Schmidt - Zoning Adm.	Shoreland zoning interpretation.
10/27/97	Greg Mathson - Wildlife Tech.	Wildlife habitat information.
10/29/97	Victoria Durst - Archaeologist	Archaeological information.
11/5/97	Jim Talley - Fish Manager	Fish management information.

Project Name: Saddle Mound Cranberry Company

County: Jackson

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

Russell A. Kind

7/29/98

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

Number of responses to public notice _____

Public response log attached? [] Yes [] No

CERTIFIED TO BE IN COMPLIANCE WITH WEPA
Regional Director or Director of BISS (or designee)

Regional Director or Director of BISS (or designee)

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.

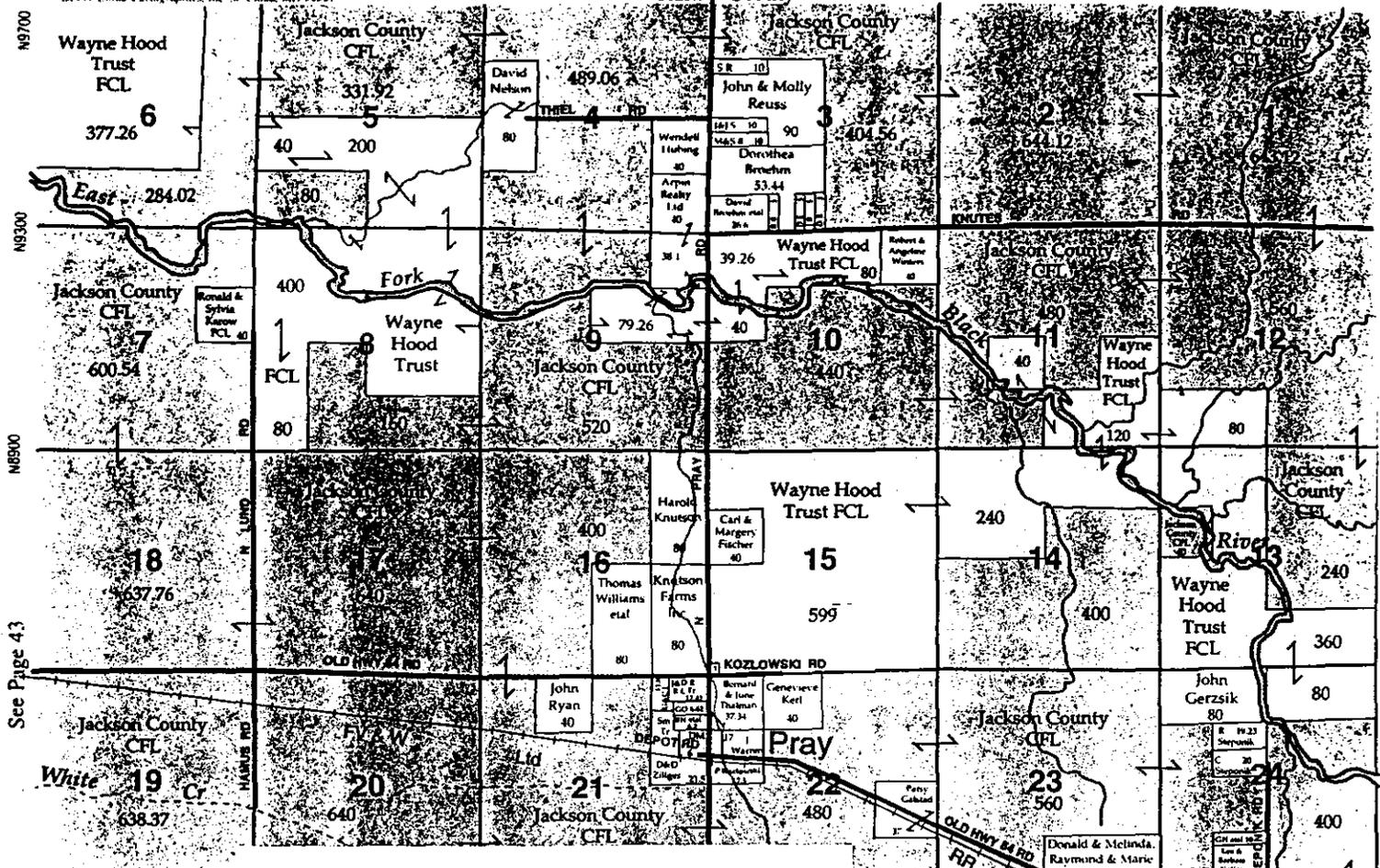
To request a contested case hearing pursuant to section 227.42, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. The filing of a request for a contested case hearing is 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.

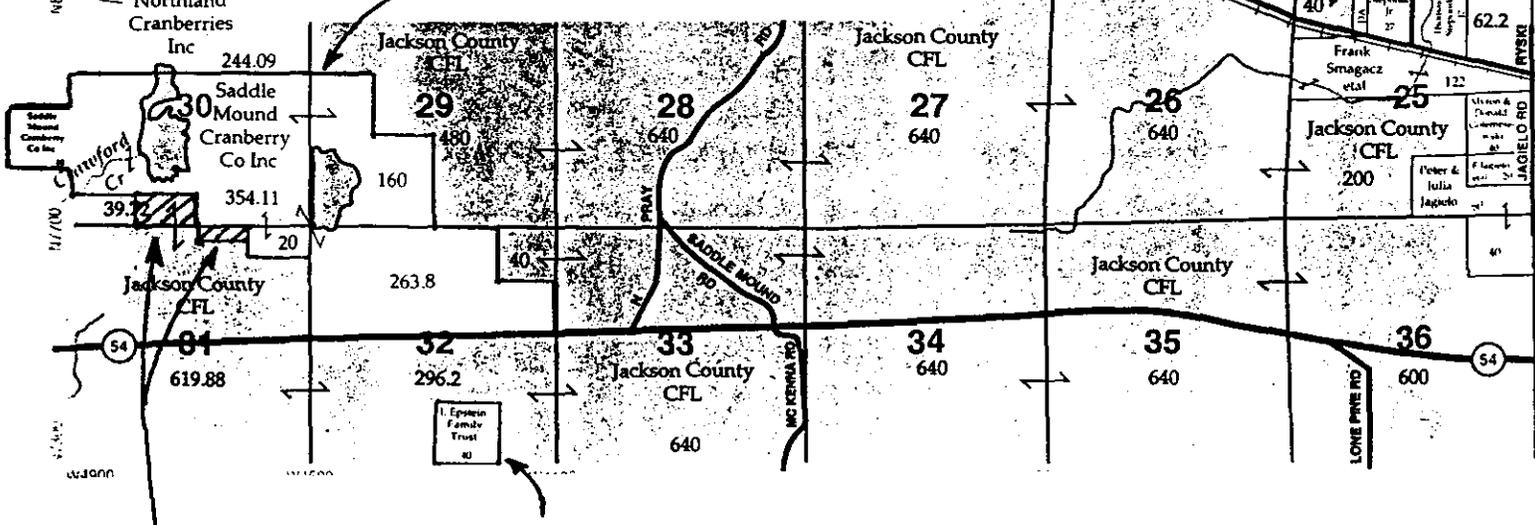


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See Page 43

Current SMCC boundaries



40 acres to be traded from SMCC to Jackson Co

30 acres to be traded from Jackson Co to SMCC

1995 SMCC Land Purchase Request

FIVE

January 9, 1995

TO: Forestry and Parks/Tax Deed and Land Committees
FROM: Robert J. Hess
RE: Report on land purchase request from Saddle Mound
Cranberry Company, Inc.

Mr. J.J. Normington has submitted a request to purchase 120 acres of County Forest land for expansion of cranberry beds on the Saddle Mound Cranberry Co., Inc. marsh located in the Town of City Point. On November 23, 1994 and again on December 14, 1994 I conducted field examinations of the parcel proposed for purchase and adjacent undeveloped lands owned by the cranberry marsh. My findings, observations and recommendations are contained in the following report.

cc: Russell Kind

Report of Findings
Saddle Mound Cranberry Company, Inc. land purchase proposal

THE PROPOSAL

The land transaction application received from Saddle Mound Cranberry Co., Inc. (SMCC) requests the purchase of 120 acres of land currently entered under the County Forest Law in order to build cranberry beds (see attached map). The application states that this development is not possible on SMCC lands because its lands are "...too hilly (not flat) meaning much extra cost in land leveling." It proposes land clearing and dike construction to construct cranberry beds measuring 150 feet wide by 1000 feet long. According to SMCC, Ocean Spray has allocated 18 acres of additional cranberry beds to SMCC for construction between 1995 and 1996. SMCC wants to develop County Forest land because it is not classified as wetland. Construction of cranberry beds on uplands apparently does not require permits from the U.S. Army Corps of Engineers and the Department of Natural Resources.

LAND EXAMINATIONCounty parcel under consideration

The parcel proposed for purchase is about one mile in length and one quarter mile wide. SMCC owns land to the north and east. County Forest lands lie to the south and west. A narrow marsh drainage runs the length of the parcel.

Soils are sandy except for the open marsh areas which have peat or muck soil layers over sand. The terrain is quite level except for a low hill toward the eastern end of the parcel. Most of the hill lies on SMCC land.

Major vegetation types on the parcel are as follows:

Marsh/swamp	35 acres
Pine/hardwood upland	25 acres
Oak upland	25 acres
<u>Cutover land</u>	<u>25 acres</u>
Total	110 acres*

* SMCC already owns 10 acres of the parcel in the proposal through a previous land purchase.

A preliminary estimate of timber on the parcel shows the following volumes and values:

Oak pulpwood	160 cords	\$	1,280
Oak logs	100 MBF		7,500
Aspen	65 cords		650
Mixed hardwood	70 cords		700
Jack pine	200 cords		5,000
White pine pulp	10 cords		90
White pine logs	35 MBF		2,700
Spruce/tamarack	10 cords		90
<u>Maple logs</u>	<u>7 cords</u>		<u>525</u>
Total value		\$	18,545

SMCC adjacent lands

SMCC owns 40 acres of land just above the northwest corner of the parcel proposed for purchase. The land is mostly upland. A ridge (about 15 acres) of sand, sandstone and shale lies roughly in the center of the parcel. The northern part of the parcel (about 20 acres) is fairly level, high and sandy. This land was purchased from Jackson County in 1987 as a sand source for SMCC.

SMCC also owns about 60 acres of undeveloped land immediately to the south of the existing beds and flowages in Section 30. About half of this land is wetland marsh or woodland. The other half is upland forest. Most of the land has sandy soil or sand covered by thin layers of muck or peat.

SMCC also owns about 100 acres of undeveloped land in Section 32, on either side of the entrance road to the marsh. A sand and shale pit occupies less than 10 acres in the southwest corner. About 40 acres along the eastern edge is wooded wetland. About 40 acres of level sandy woodland take up the remainder of the site. Two planted wildlife openings totalling about 10 acres are located here.

OTHER PERTINENT FINDINGS FROM LAND EXAM AND RESEARCHPast transactions/relations with SMCC

A. From 1966 to 1968 J.J. Normington, a.k.a. Saddle Mound Cranberry Company, purchased about 500 acres of County Forest for expansion of the marsh. The County retained public hunting and fishing rights on all of these lands. In 1976 the DNR rejected a County application to withdraw this 120 acre parcel for sale to SMCC because the company was posting its lands contrary to deed restrictions. In 1973 the County, by Board resolution, allowed SMCC to post beds and certain roads for safety and security.

In 1990 it was discovered that the same lands along Highway 54 were still being posted contrary to the 1977 agreement. As of January 9, 1995 the entire south boundary of SMCC remains posted.

B. In 1985 Jackson County sold J.J. Normington and partners 110 acres of County Forest land to develop the Crawford Creek Cranberry Company (CCCC). An easement was also granted to allow flooding of some adjacent county forest marshes following the construction of dikes and flowages on CCCC lands. Without informing the County, CCCC constructed 3300 feet of dike across county lands within the easement area creating a major flowage and flooding extensive county marshes and low lying wooded areas. The County allowed the dike to remain with certain guarantees from CCCC for public access and compensation for loss of timber.

C. In 1989 J.J. Normington and several partners proposed the development of the White Creek Cranberry Company (WCCC), to be located to the north of SMCC and to the east of CCCC. WCCC was granted an easement to flow a marshy area along White Creek on County Forest land. Within days of starting construction, dike building had gone across the boundaries designated in the easement. WCCC had also contracted for the removal and sale of County owned timber within the flowage basin without knowledge of the County. The County negotiated with WCCC and issued an expanded flowage easement. The County also issued WCCC a timber sale contract for the trees to be removed from the basin. Jackson County eventually sold an additional 130 acres of County Forest Land to WCCC in 1991 for development of the marsh proper.

D. Before WCCC was fully developed, J.J. Normington and partners sold both WCCC and CCCC to Northland Cranberries Inc. of Wisconsin Rapids.

E. Some time in the 1980's SMCC harvested aspen from its property around the sand pit near Hwy 54. A cutting boundary established on the west edge of the cut is about 90 feet onto County land. As a result several acres of County timber were cut. It appears that whoever put in the property line for SMCC mistook a USGS elevation marker for a survey monument.

F. The land examination also discovered the existence of three portable shooting cabins located on SMCC lands within a few feet of the boundary with County Forest lands. From these three cabins, seven shooting lanes up to 15 feet wide have been cut or bulldozed onto County Forest lands for distances of 400 to 600 feet. A one tenth acre clearing was also bulldozed on County Forest land adjacent to one of the shooting cabins. The clearing has been baited with corn.

At another of the shooting cabins located on a ditchbank over 450 feet of bank top on County land has been leveled. The leveled area has also been baited with corn.

CONCLUSIONS

1. SMCC does not need additional land from Jackson County in order to install the 18 acres of beds noted in the application. SMCC actually owns over 100 acres of land which could be developed into cranberry beds. Full development of this acreage would require using some wetlands. This is a more expensive option for the grower and would require permits from the Corps of Engineers and/or the WDNR. The Corps of Engineers advises that such permits are normally available. SMCC should use its own land for development first.

2. Since 1966 J.J. Normington has purchased and developed more than 800 acres of County Forest land for cranberry production. This has diminished the public land base in the area. If this practice is continued it will be contrary to official County policy. Furthermore, the sale of the Crawford Creek and the White Creek marshes to Northland Cranberries Inc. suggests development for speculative purposes. The purchase and development of County forest lands for speculation is also contrary to official policy.

3. In spite of an agreement with the Board of Supervisors in 1973, SMCC continues to post certain property boundaries in direct violation of deed restrictions. It is documented that Saddle Mound Cranberry Company and/or its associates have harvested and sold County timber, built dikes on County land without permission and allowed the cutting and bulldozing of shooting lanes on County land.

RECOMMENDATIONS

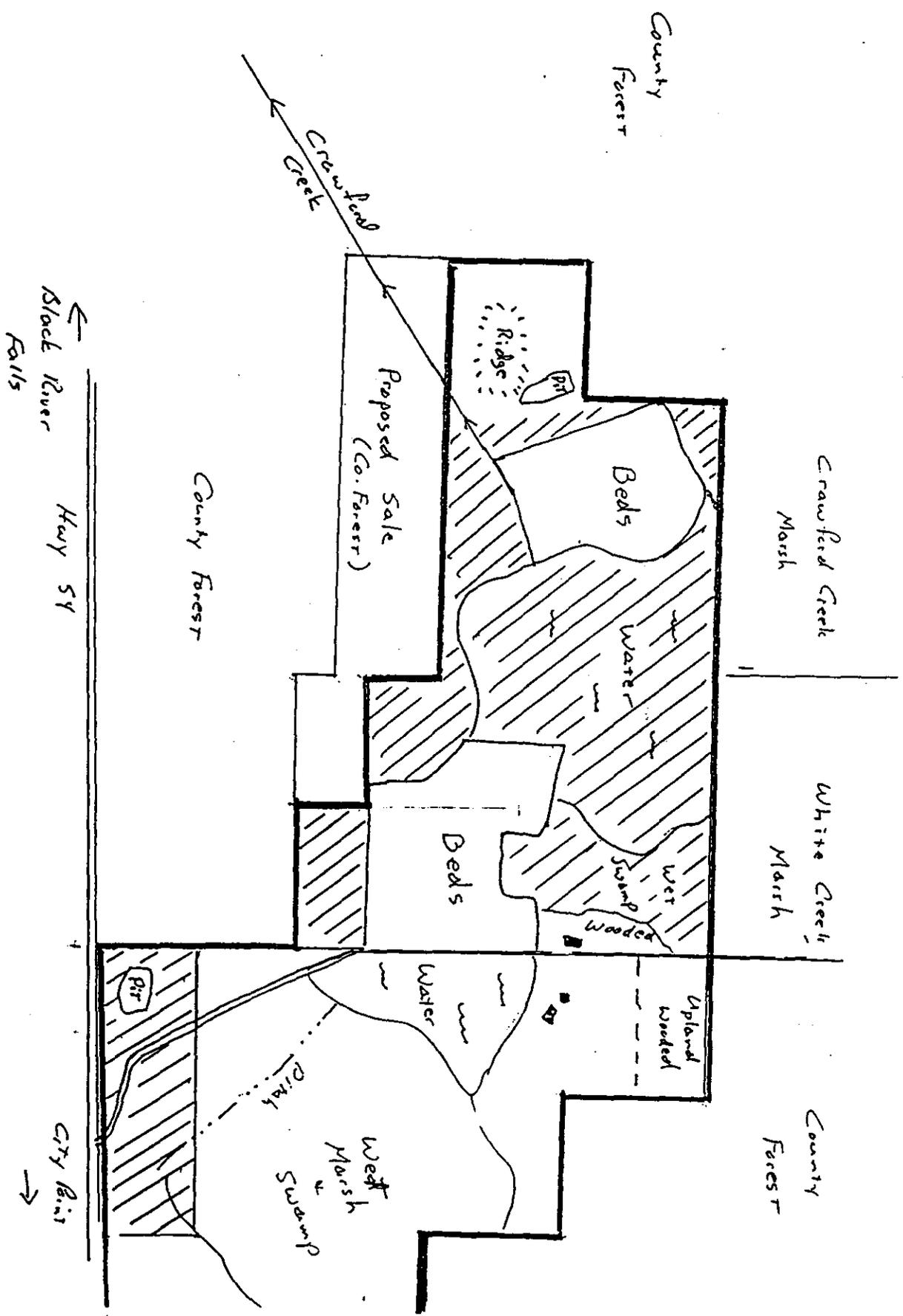
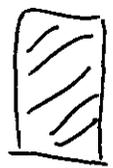
The application from Saddle Mound Cranberry Company, Inc. should be denied for at least two reasons.

1. It has failed to show a real need for County lands to accomplish its stated expansion goals.
2. It is requesting far more acres of County land than necessary to install the 18 acre bed expansion noted in the application.

Saddle Mound Cranberry Company should once again be required to remove all signs restricting access for hunting and fishing on those lands where Jackson County has retained those rights.

Saddle Mound Cranberry Co.

Hunt / Fish Rights Areas in Shaded Area



SOIL TYPES

IXA

Ironrun-Ponycreek complex, 0 to 3 percent slopes

This map unit contains 2 main components: IRONRUN - Somewhat poorly drained sandy soil. Low available water capacity. This soil is not hydric. The maximum allowable erosion rate is 5 tons/acre/year. PONYCREEK - Poorly and very poorly drained sandy soil. Frequently ponded. Low available water capacity. This soil is hydric. The maximum allowable erosion rate is 5 tons/acre/year. MAPUNIT DATA - Not assigned a highly erodible soil class. Not prime farmland. The land capability subclass is 6W. The subclass is 3W where the wetness limitation is removed.

FeA

Fairchild-Elm Lake complex, 0 to 3 percent slopes

This map unit contains 2 main components: FAIRCHILD - Somewhat poorly drained sandy over loamy soil. Soft bedrock is at a depth of 20 to 40 inches. Low available water capacity. This soil is not hydric. The maximum allowable erosion rate is 4 tons/acre/year. ELM LAKE - Poorly and very poorly drained sandy over loamy soil. Frequently ponded. Soft bedrock is at a depth of 20 to 40 inches. Low available water capacity. This soil is hydric. The maximum allowable erosion rate is 4 tons/acre/year. MAPUNIT DATA - Not assigned a highly erodible soil class. Not prime farmland. The land capability subclass is 6W. The subclass is 3W where the wetness limitation is removed.

a DA

Dawsil mucky peat, 0 to 1 percent slopes

Very poorly drained organic over sandy soil. Frequently ponded. Very high available water capacity. This soil is hydric. The maximum allowable erosion rate is 4 tons/acre/year. Not assigned a highly erodible soil class. Not prime farmland. The land capability subclass is 7W. The subclass is 4W where the wetness limitation is removed.

f TRB

Tarr sand, 0 to 6 percent slopes

Excessively drained sandy soil. Low available water capacity. This soil is not hydric. The maximum allowable erosion rate is 5 tons/acre/year. Not assigned a highly erodible soil class. Not prime farmland. The land capability subclass is 6S.

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Archaeology Office
952 Tacoma Beach Rd.
Sturgeon Bay, WI 54235
Telephone: 920-743-2083

Tommy G. Thompson, Governor
George E. Meyer, Secretary

October 31, 1997

Russell A. Kind
DNR: Black River Falls Office
910 Highway 54 East
Black River Falls, WI 54815

SUBJECT: Jackson County environmental assessment

Dear Mr. Kind:

The State Historical Society sent me your request for information on known cultural resources on three parcels in Jackson County (T22N, R1W, portions of sections 30,31,32).

I checked State Historical Society records, and have determined that no archaeological sites or historic structures have been reported on these parcels. This completes my review for potential effects on historic properties, as required by Wis. Stats. 44.40. Though unreported sites may exist, state compliance has been met.

Sincerely,

A handwritten signature in cursive script that reads 'Victoria Dirst'.

Victoria Dirst, Ph.D.
DNR Archaeologist

OPINION OF VALUE

INTRODUCTION

Landowner: Lewis Epstein Family Trust, 3180 North Lakeshore Drive, Chicago, IL 60657.

Purpose: To estimate the market value of the subject property in fee simple and unencumbered as required by Wisconsin Statue 28.11(11) for possible county forest land withdrawal and trade. The subject is the property to be traded to the County.

Report: This is a complete summary appraisal report as defined in the Uniform Standards of Professional Appraisal Practice (USPAP).

Project: Jackson County Forest.

Legal Description: The SW 1/4 SE 1/4 of Section 32, T22N, R1W, Town of City Point, Jackson County, Wisconsin.

History of Conveyance (5 years): Volume 344, Page 141; Warranty Deed dated April 12, 196; Stuart Baker as trustee of the Epstein Trust Dated 5/1/84 and Alegra Epstein to the Lewis Epstein family trust by David L. And Steven Lane Epstein, Co-Trustees; 160 acres including the subject property; transfer fee of \$57.88. It has been learned that the subject 40 acres is in the process of being sold to Saddle Mound Cranberry Company, Inc., for \$22,000.00.

LOCAL INFORMATION

Subject Location: Fifteen miles East of Black River Falls in East Central Jackson County.

Neighborhood Description: The area is primarily wooded with scattered open marsh areas. Primary land uses include pulping, harvesting moss, growing cranberries, and recreation including hunting, fishing, camping, snowmobiling, and skiing. Much of the land is owned by Jackson County or the State of Wisconsin.

SUBJECT DESCRIPTION

Property Size: 40 Acres.

Dimensions: Approximately 1320' by 1320'.

Shape: Square.

Vegetative Cover (include acreage): 40 acres poor quality mixed oak.

Topography: Flat to gently rolling.

Soils/Drainage: Boone fine sand/well to moderately well drained.

Improvements: None.

Road Frontage/Access: No road frontage/access by unimproved logging road across adjacent county owned lands for 1500 feet from STH "54."

Water Frontage: None.

Utilities: None.

Real Estate Taxes: Tax Year 1996.

Tax Parcel	#012-1318.0000
Assessed Value	\$4,000.00
Equalized Full Market Value	\$5,200.00
Real Estate Taxes	\$ 105.61

Zoning: None.**Present Use:** Recreation.**EVALUATION****Highest and Best Use:** Recreation and timber production.**Severance Damages:** Since the subject property is not a portion of an income producing entity, there are no severance damages.**Consideration of Approaches:****Cost Approach:** Not used. Subject is unimproved.**Income Approach:** Not used. Subject is not capable of producing a sustained income stream.**Sales Comparison Approach:** Analyzed below.**SALES COMPARISON APPROACH:** The following verified sales are recent, similar and proximate to the subject: (A minimum of three sales)

<u>Sale No.</u>	<u>Vol.</u>	<u>Page</u>	<u>Date</u>	<u>Price</u>	<u>Size (Ac.)</u>	<u>Price/Ac.</u>	<u>H&BU</u>
1	355	555	8/1/97	\$26,000	49	\$531	Recreation
2	350	948	1/17/97	\$10,000	20	\$500	Recreation
3	350	810	1/15/97	\$55,000	80	\$688	Recreation
4	343	840	3/28/96	\$18,000	55	\$327	Recreation

Comments on Market Data and Final Estimate of Value:

All four sales are located in Eastern Jackson County within fifteen miles of the subject property. Three of these sales occurred within the past ten months. Sale #4 was included because it is legally landlocked as is the subject. The pending sale of the subject was not included in his analyses because the buyer appears to be highly motivated. Adjustments for time, size, water, land, access, location, and timber were applied to each sale in comparison to the subject on a percentage basis. The final adjusted values were \$509, \$499, \$541, and \$468 per acre, respectively. Based on the analyses of these four sales, it is my opinion that the fair market value of the subject property is \$500 per acre or \$20,000.00.

CERTIFICATION

I certify that, to the best of my knowledge and belief:

The statements of fact contained in this report are true and correct.

The reported analysis, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analysis, opinions and conclusions.

I have no present or prospective interest in the property appraised; and I have no personal interest or bias with respect to the parties involved. I also have not discussed the value of the property with the owners or their representatives.

My employment or compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.

My analysis, opinions and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.

No one provided significant professional assistance to me in the preparation this report.

I personally inspected the property on October 28, 1997. Mr. David Epstein who represents the Lewis Epstein Family Trust, did not wish to accompany me on my initial inspection.

My opinion of market value for the subject property as of October 28, 1997 is \$20,000. This value is allocated as follows:

Land	\$20,000
Improvements	\$0
Personal Property	\$0
Severance Damages	\$0


 Richard A. Mertig, Certified General Appraiser #443 Date

October 28, 1997

OPINION.25

OPINION.19

COMPARABLE SALES DATA				
Sale Number	1	2	3	4
Date	8/1/97	1/17/97	1/15/97	3/28/96
Acres	49	20	80	55
Price	\$26,000	\$10,000	\$55,000	\$18,000
Price/Acre	\$531	\$500	\$688	\$327
Time	+1	+5	+5	+10
Adj. Price	\$536	\$525	\$722	\$360
Size	0	0	+5	0
Water	0	0	-10	0
Land	+5	+5	0	+20
Access	-10	-10	-10	+5
Location	0	0	-10	0
Timber	0	0	0	+5
Net Adjustment	-5	-5	-25	+30
Indicated Value of Subject	\$509	\$499	\$541	\$468

Photographs of Subject
by R.A. Mertig - October 28, 1997



Looking Southwest from near Northeast corner.



Looking Northwest from near Southeast corner.

Subject

Johnson

Marsh

Gate

Gate

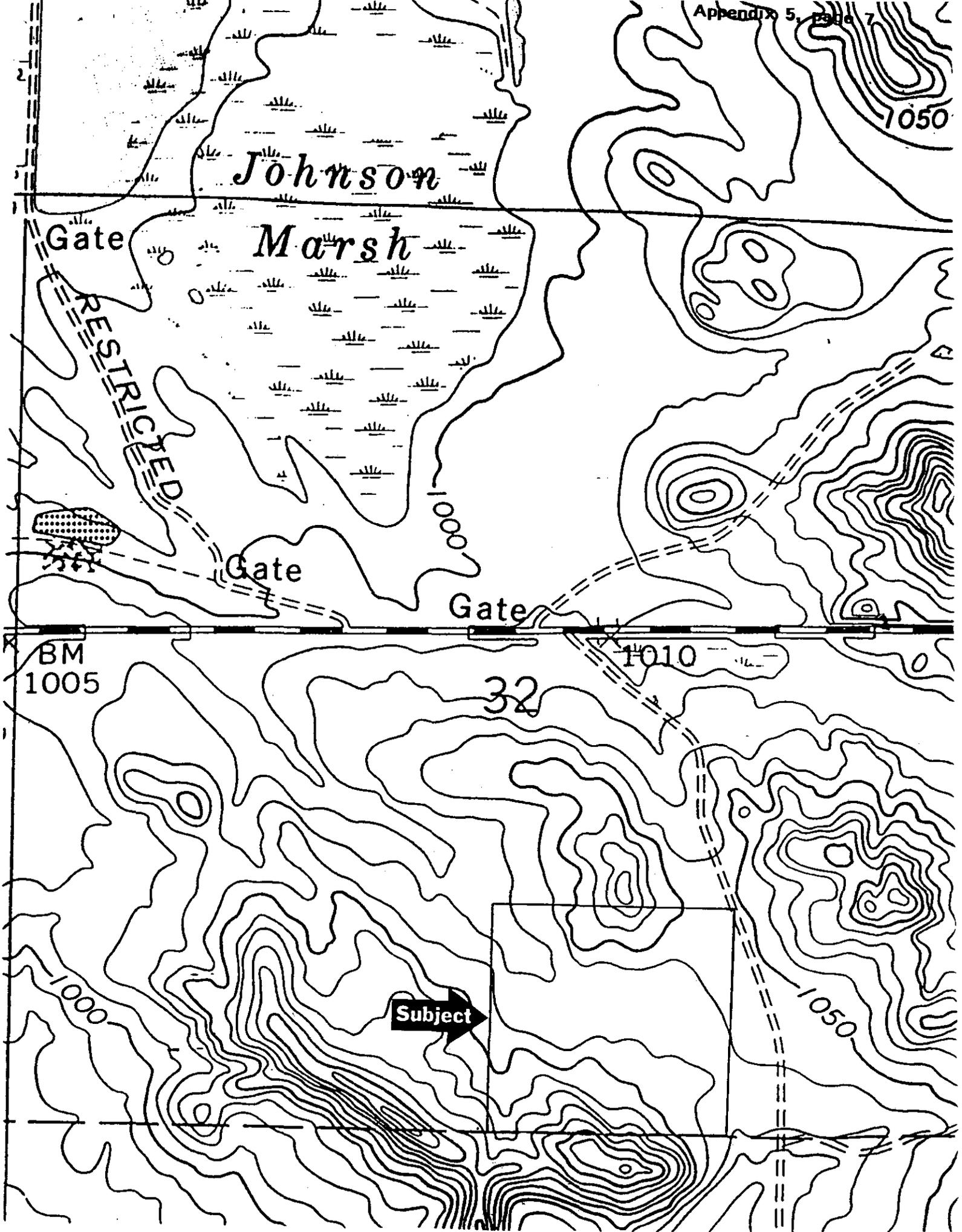
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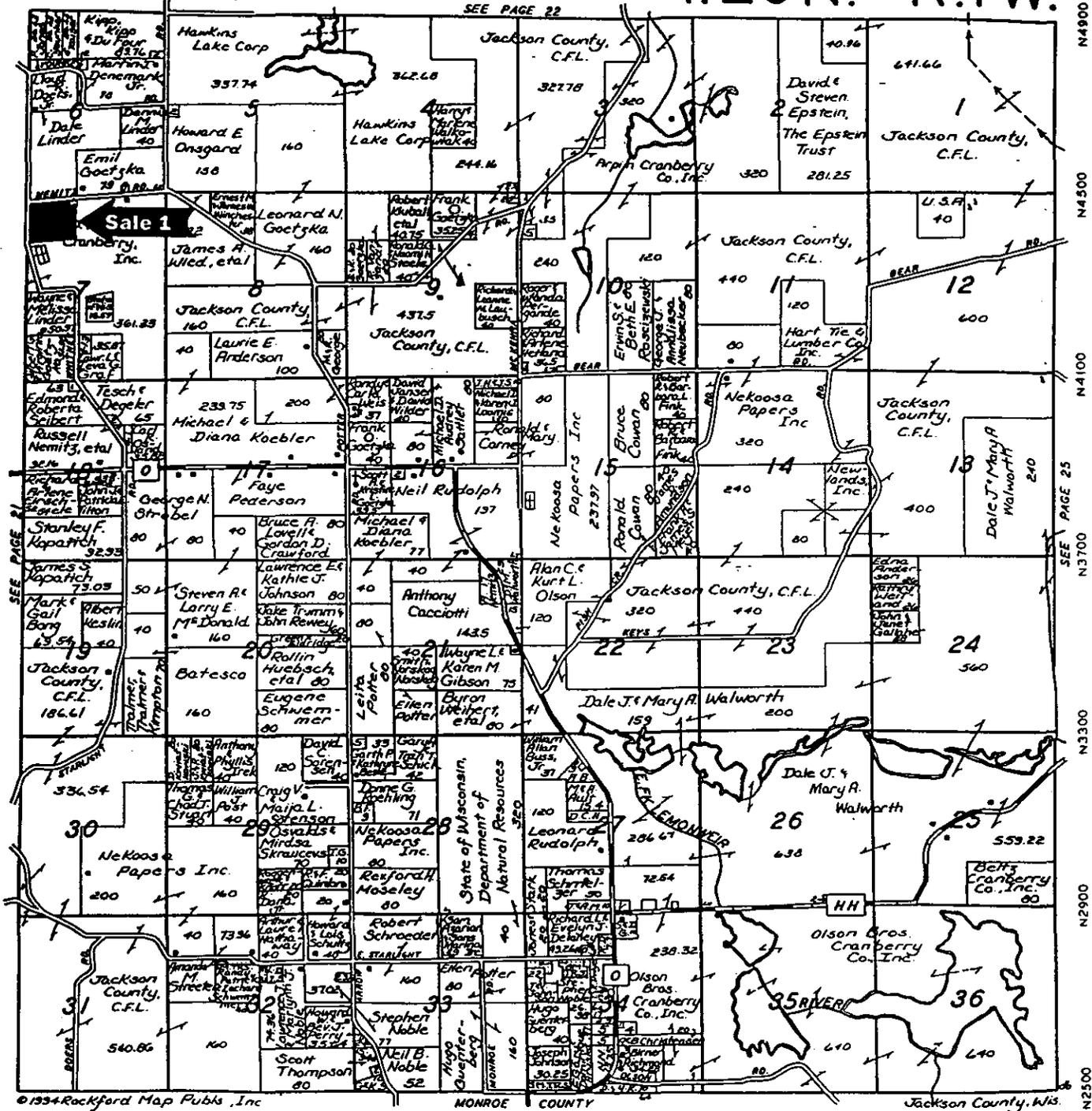
Subject



SOUTH PART KNAPP

T.20N.-R.1W.

SEE PAGE 22

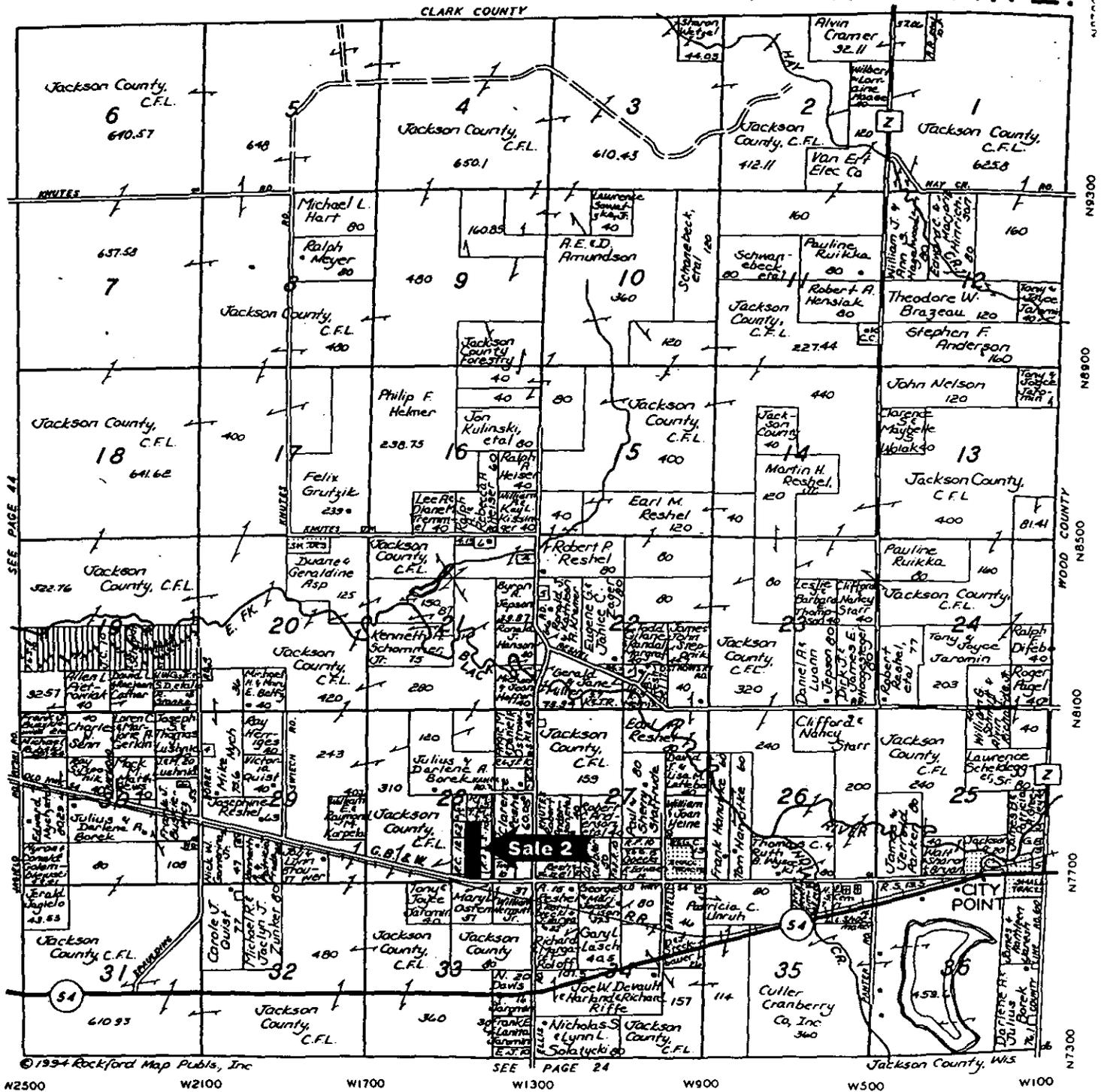


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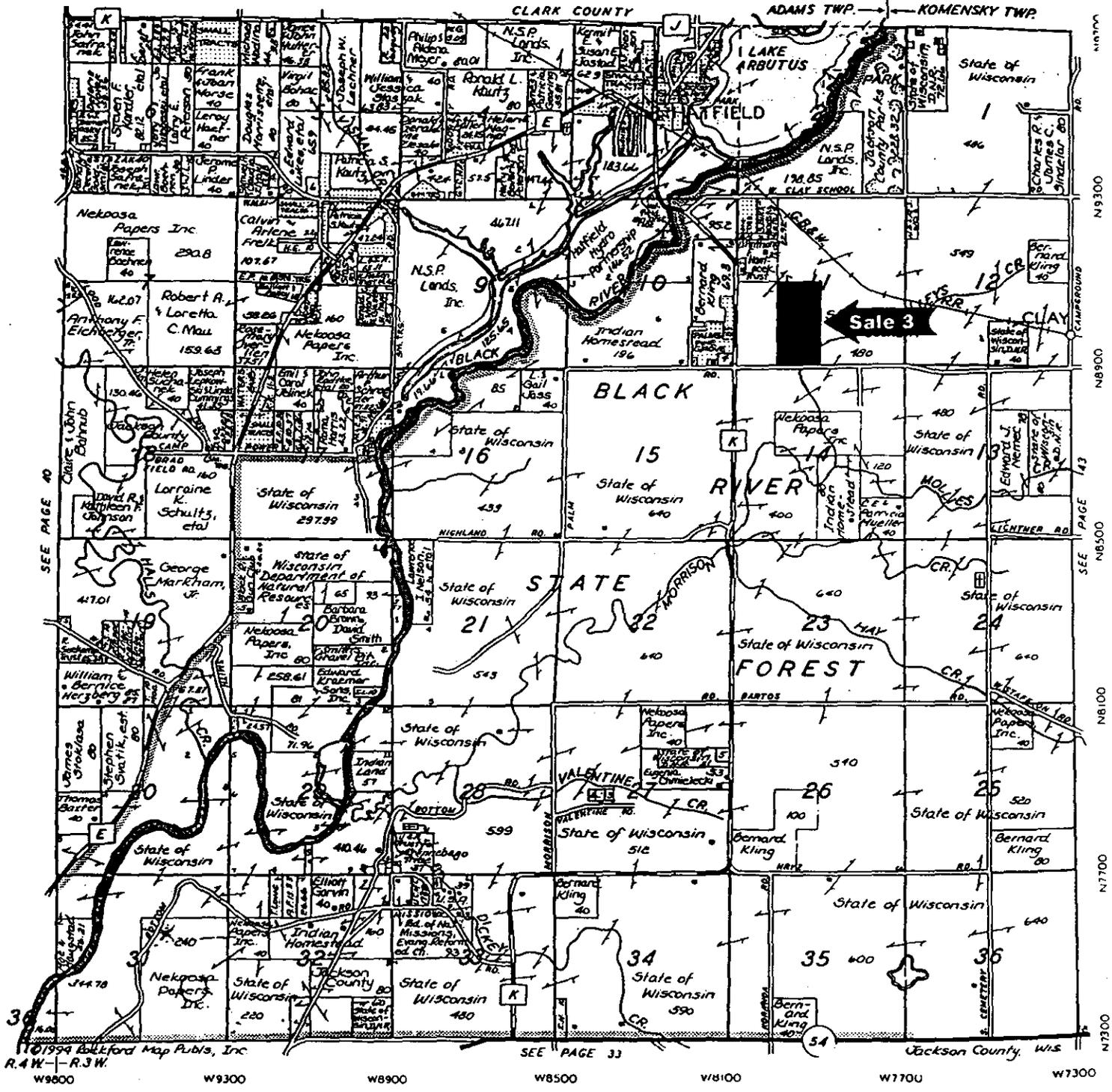
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EAST PART CITY POINT

T.22N.-R.1E.



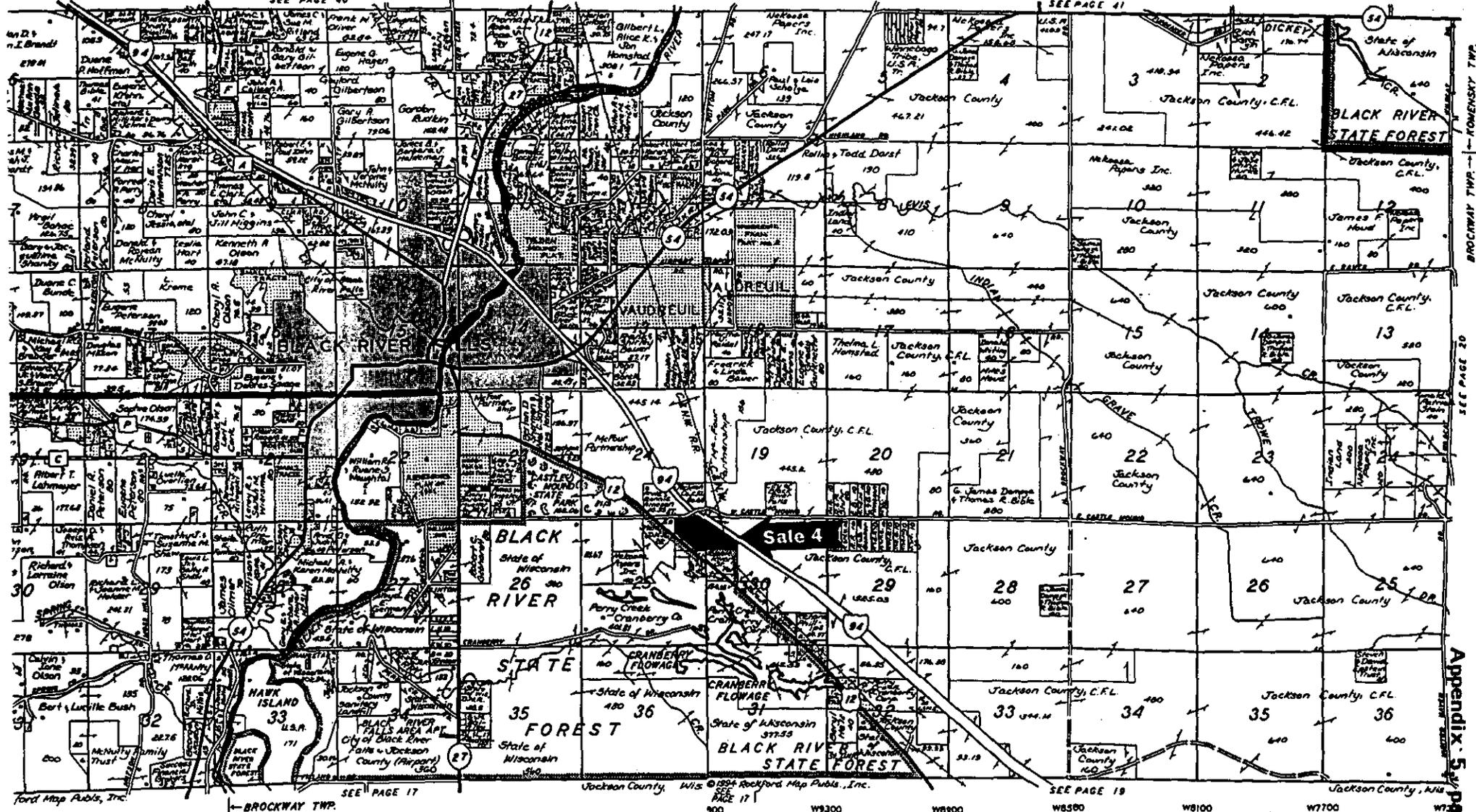
EAST PART ADAMS WEST PART KOMENSKY T.22N.-R.4-3W.



©1999 Bullford Map Publs, Inc
R.4W.—R.3W.

ADAMS
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T.21N.-R.4W.EAST PART BROCKWAY SOUTH PART KOMENSKY T.21N.-R.3W.



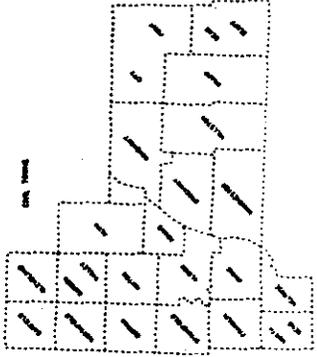
SEE PAGE 14 SEE PAGE 11 SEE PAGE 17 SEE PAGE 18

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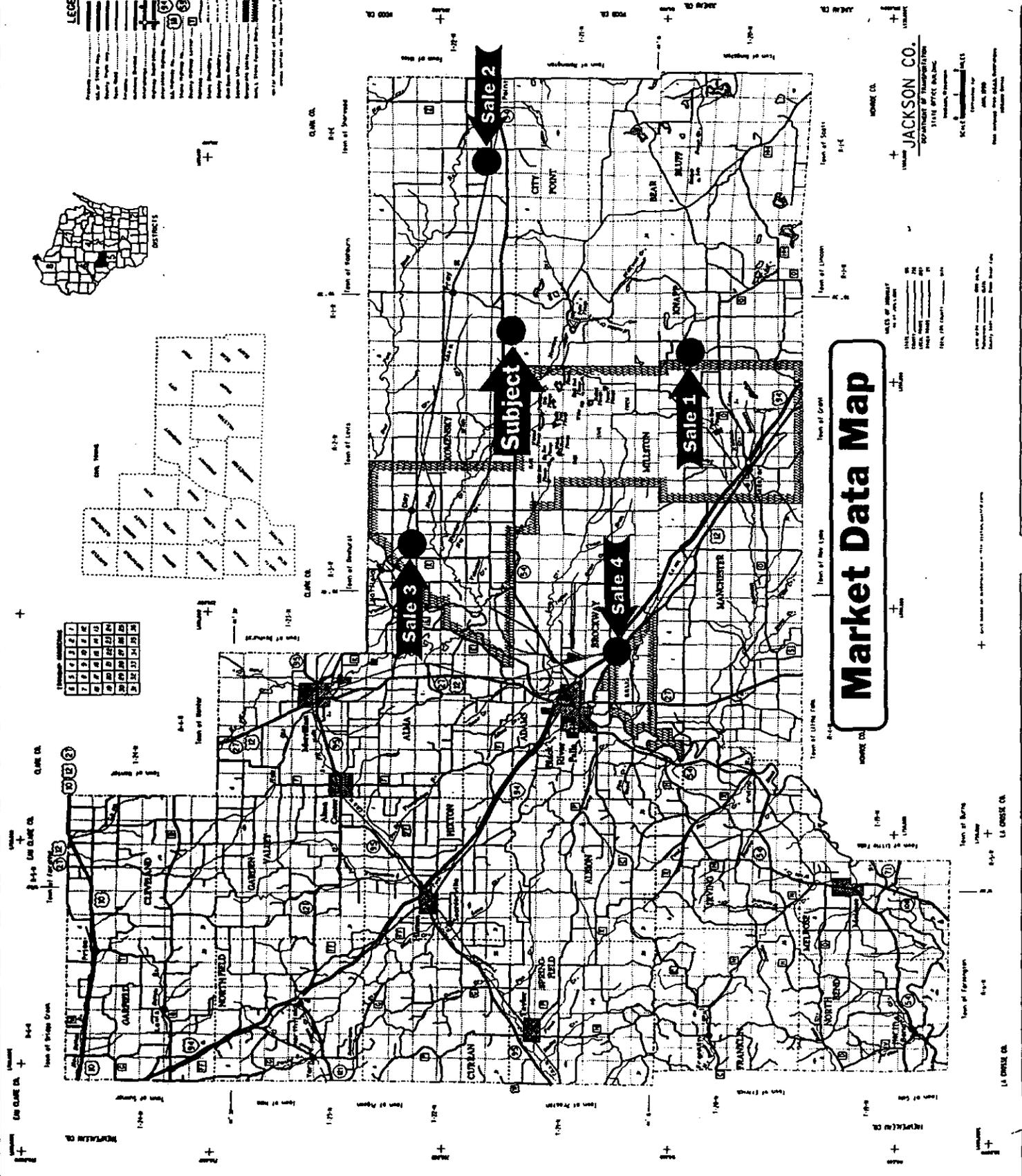
BROCKWAY TWP. KOMENSKY TWP. SEE PAGE 20 Appendix 5, Page 12

LEGEND

1	1/4 Section
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80	1/2 Section
81	1/4 Section
82	1/2 Section
83	1/4 Section
84	1/2 Section
85	1/4 Section
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93	1/4 Section
94	1/2 Section
95	1/4 Section
96	1/2 Section
97	1/4 Section
98	1/2 Section
99	1/4 Section
100	1/2 Section



1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100



Market Data Map

JACKSON CO.
DEPARTMENT OF TRANSPORTATION
STATE OFFICE BUILDING
JACKSON, WISCONSIN

SCALE OF MILES
1:100,000
1:200,000
1:500,000
1:1,000,000

JACKSON CO.
LA CROSSE CO.

DEFINITIONS

MARKET VALUE: Market value is the most probable price, estimated in terms of money, which a property will bring, if exposed for sale in the open market, with a reasonable time allowed to find a buyer who has knowledge of all uses and purposes to which the property is best adapted, and for which it is capable of being used.

HIGHEST AND BEST USE: Highest and best use is the most profitable likely legal use to which a property can be put. It is that use of land which may reasonably be expected to produce the greatest net return over a given period of time or over the remaining life of the improvements.

INCOME APPROACH TO VALUE: The income approach considers the stream of income which the property is likely to produce during its economic life.

COST APPROACH TO VALUE: The cost approach estimates the property value as indicated by the sum of the value contributed by the land, as though unimproved and subject to improvement, and the value contributed by the improvements.

MARKET APPROACH TO VALUE: The market data approach consists of a comparison of the subject property with other similar properties which have been sold.

RAM:jjf
RE6RM.DEF

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2. The appraiser assumes there are no conditions of the property that are hidden that would render the property more or less valuable than otherwise comparable property. The appraiser assumes no responsibility for such conditions or engineering required for discovery of such things.
3. The information and data supplied to the appraiser by others, and which have been considered in the valuation, are from sources believed to be reliable; but no further responsibility is assumed for their accuracy.
4. The distribution of the total valuation in this report between land and improvements applies only under the existing program of utilization. The separate valuations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
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EXPERIENCE

Employed by the State of Wisconsin, Department of Natural Resources since 1966.

Held position of Area Land Agent since 1973.

Appraised over 400 properties throughout central and western Wisconsin.

CERTIFICATION

Wisconsin Certified General Appraiser and Licensed Appraiser (June 1993) Certification #443.

RE6RM228

OPINION OF VALUE

INTRODUCTION

Landowner: Jackson County, Courthouse, 307 Main Street, Black River Falls, WI 54615

Purpose: To estimate the market value of the subject property in fee simple and encumbered with a flowage easement. The intent of this report is to fulfill requirements of Wisconsin Statute 28.11(11) for possible county forest land withdrawal and trade. The subject is the property to be withdrawn from the County Forest.

Report: This is a complete summary appraisal report as defined in the Uniform Standards of Professional Appraisal Practice (USPAP).

Project: Jackson County Forest.

Legal Description: The S ½ SE 1/4 SW 1/4 of Section 30 and the N ½ N ½ NW 1/4 NE 1/4 of Section 31, all in T22N, R1W, Town of City Point, Jackson County, Wisconsin.

History of Conveyance (5 years): Volume 108, Page 15; Treasurers deed dated April 23, 1930; Jackson County Treasurer to Jackson County; Subject property plus other lands; Consideration of delinquent taxes.

LOCAL INFORMATION

Subject Location: Fifteen miles East of Black River Falls in East Central Jackson County.

Neighborhood Description: The area is primarily wooded with scattered open marsh areas. Primary land uses include pulping, harvesting moss, growing cranberries, and recreation including hunting, fishing, camping, snowmobiling, and skiing. Much of the land is owned by Jackson County or the State of Wisconsin.

SUBJECT DESCRIPTION

Property Size: 30 Acres in two parcels of 20 acres and 10 acres respectively.

Dimensions: Two parcels with one common corner, the first parcel being approximately 1320' X 660' and the second parcel being approximately 1320' X 330'.

Shape: Both rectangular.

Vegetative Cover (include acreage): 26 acres poor quality mixed oak, 4 acres open marsh.

Topography: Gently rolling to flat.

Soils/Drainage: Dunning sand and deep peat/moderate to very poorly drained.

Improvements: None.

Road Frontage/Access: No road frontage/access by foot across adjacent county owned lands for one half mile from STH "54" or by an unimproved driveable trail across adjacent privately owned lands to the East.

Water Frontage: None.

Utilities: None.

Real Estate Taxes: Since the subject property is owned by Jackson County, it is not assessed and no taxes are generated.

Zoning: None.

Present Use: Recreation and timber production.

Additional Comments on Subject: The subject property is encumbered by an easement for flowage rights and sand removal by an adjacent cranberry grower. While flooding the property is unlikely, removal of a large quantity of sand would have a negative effect on value for recreational and forestry use.

EVALUATION

Highest and Best Use: Recreation and timber production. A prospective buyer wishes to use the subject to expand an adjacent cranberry growing operation.

Severance Damages: Since the subject property is not a portion of an income producing entity, there are no severance damages.

Consideration of Approaches:

Cost Approach: Not used. Subject is unimproved.

Income Approach: Not used. Subject is not capable of producing a sustained income stream.

Sales Comparison Approach: Analyzed below.

SALES COMPARISON APPROACH: The following verified sales are recent, similar and proximate to the subject: (A minimum of three sales)

<u>Sale No.</u>	<u>Vol.</u>	<u>Page</u>	<u>Date</u>	<u>Price</u>	<u>Size (Ac.)</u>	<u>Price/Ac.</u>	<u>H&BU</u>
1	355	555	8/1/97	\$26,000	49	\$531	Recreation
2	350	948	1/17/97	\$10,000	20	\$500	Recreation
3	350	810	1/15/97	\$55,000	80	\$688	Recreation
4	343	840	3/28/96	\$18,000	55	\$327	Recreation

Comments on Market Data and Final Estimate of Value:

All four sales are located in Eastern Jackson County within fifteen miles of the subject property. Three of these sales occurred within the past ten months. Sale #4 was included because it is legally landlocked as is the subject. Adjustments for time, size, water, land, access, location, timber and encumbrances were applied to each sale in comparison to the subject on a percentage basis. The final adjusted values were \$456, \$446, \$469, and \$432 per acre, respectively. Based on the analyses of these four sales, it is my opinion that the fair market value of the subject property is \$450 per acre or \$13,500.00.

CERTIFICATION

I certify that, to the best of my knowledge and belief:

The statements of fact contained in this report are true and correct.

The reported analysis, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analysis, opinions and conclusions.

I have no present or prospective interest in the property appraised; and I have no personal interest or bias with respect to the parties involved. I also have not discussed the value of the property with the owners or their representatives.

My employment or compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.

My analysis, opinions and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.

No one provided significant professional assistance to me in the preparation this report.

I personally inspected the property on October 28, 1997. Robert Hess, the Jackson County Forester, did not wish to accompany me on my initial inspection.

My opinion of market value for the subject property as of October 28, 1997 is \$13,500. This value is allocated as follows:

Land	\$13,500
Improvements	\$0
Personal Property	\$0
Severance Damages	\$0


 Richard A. Mertig, Certified General Appraiser #443 Date

October 28, 1997

COMPARABLE SALES DATA				
Sale Number	1	2	3	4
Date	8/1/97	1/17/97	1/15/97	3/28/96
Acres	49	20	80	55
Price	\$26,000	\$10,000	\$55,000	\$18,000
Price/Acre	\$531	\$500	\$688	\$327
Time	+1	+5	+5	+10
Adj. Price	\$536	\$525	\$722	\$360
Size	0	0	+5	0
Water	0	0	-10	0
Land	+5	+5	0	+20
Access	-10	-10	-10	+5
Location	0	0	-10	0
Timber	0	0	0	+5
Encumbrances	-10	-10	-10	-10
Net Adjustment	-15	-15	-35	+20
Indicated Value of Subject	\$456	\$446	\$469	\$432

Photographs of Subject
by R.A. Mertig - October 28, 1997



Looking West from near center of ten acre tract.



Looking West from near center of twenty acre tract.



Cranberry Bogs

30

Cranberry Bogs

Subject

Subject

953

97

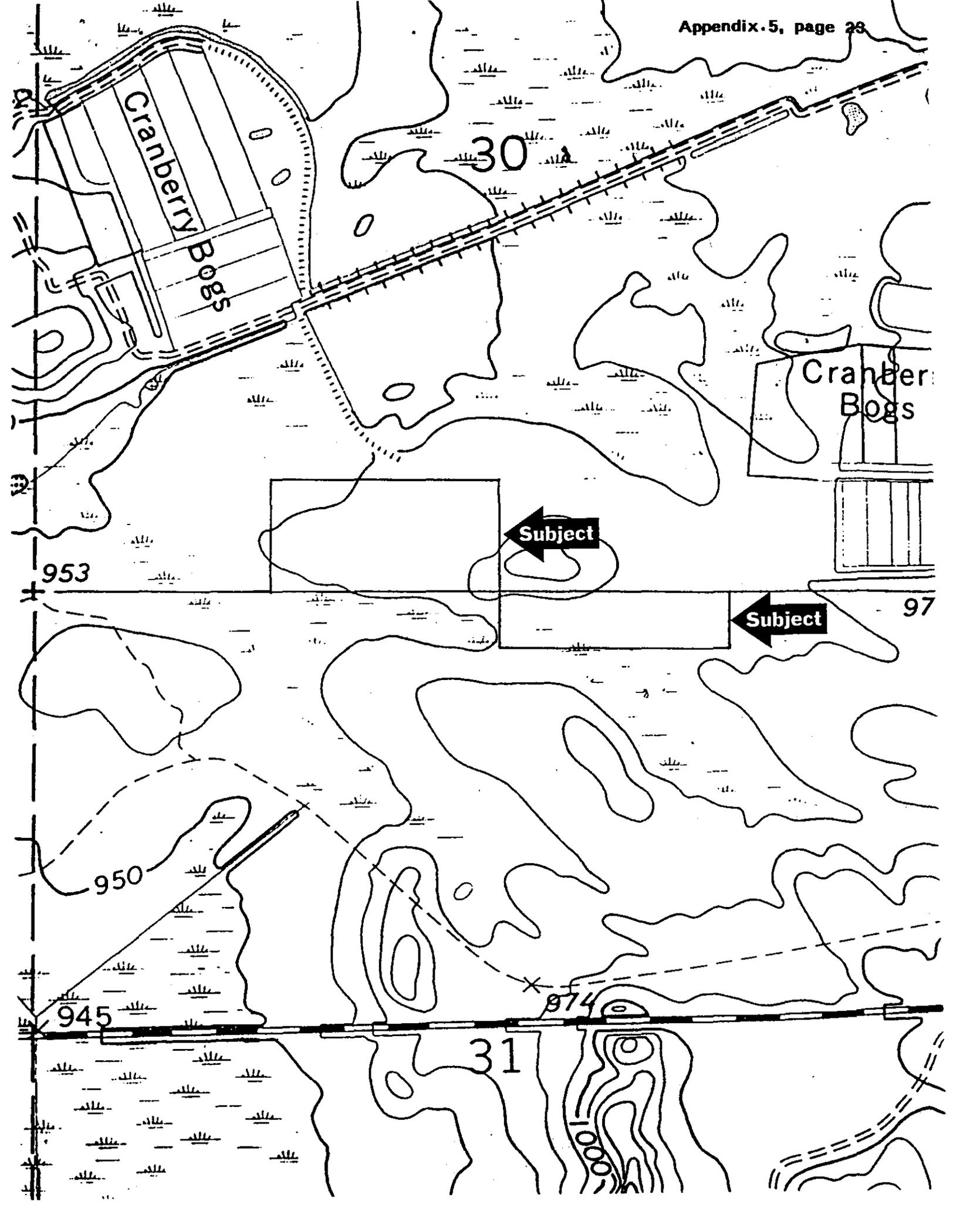
950

945

974

31

1000

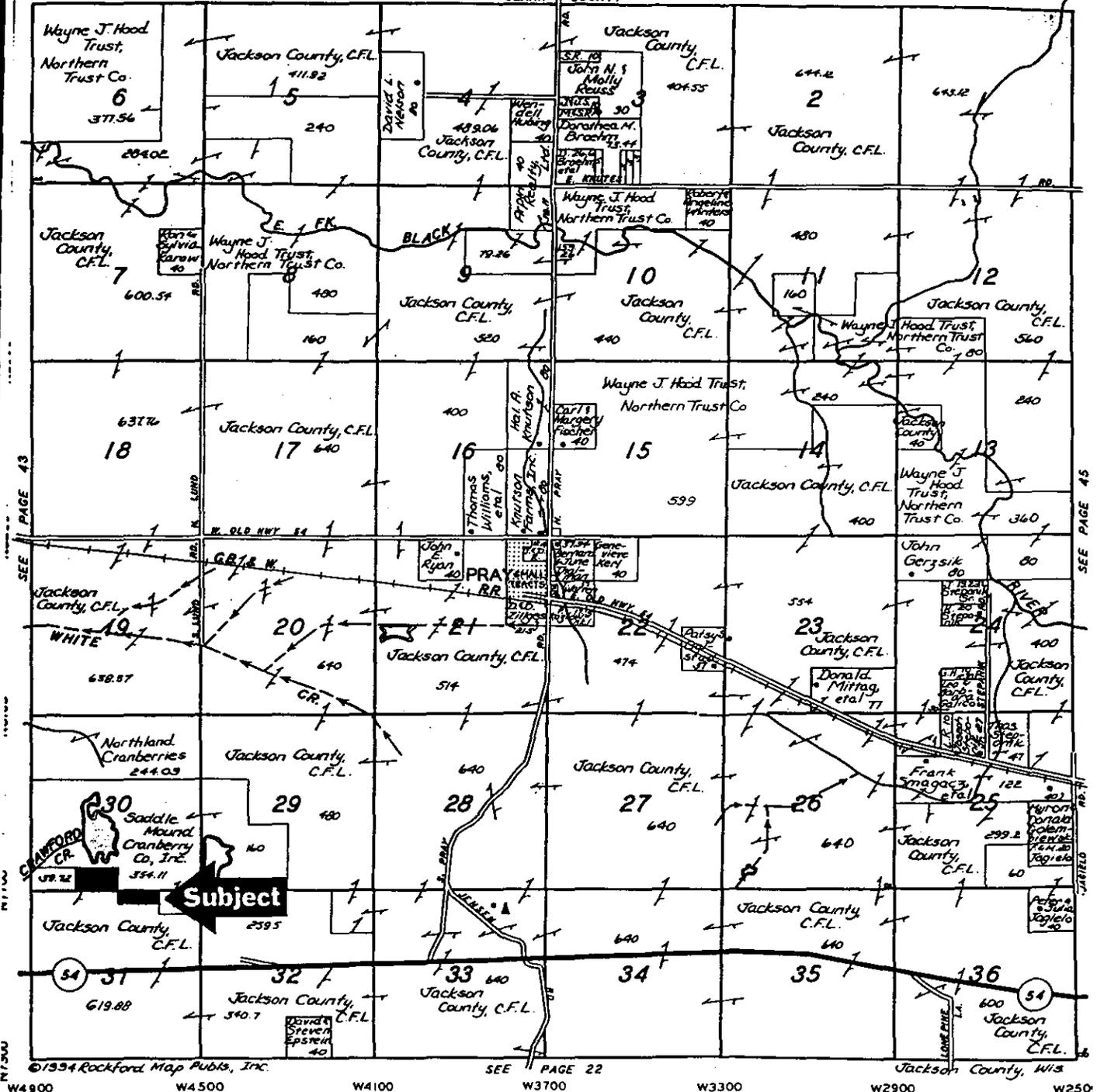


Not to be used for any other purpose than that for which it was prepared.

WEST PART CITY POINT

T.22N.-R.1W.

CLARK COUNTY



SEE PAGE 43

SEE PAGE 45

Subject

©1954 Rockford Map Publs, Inc.

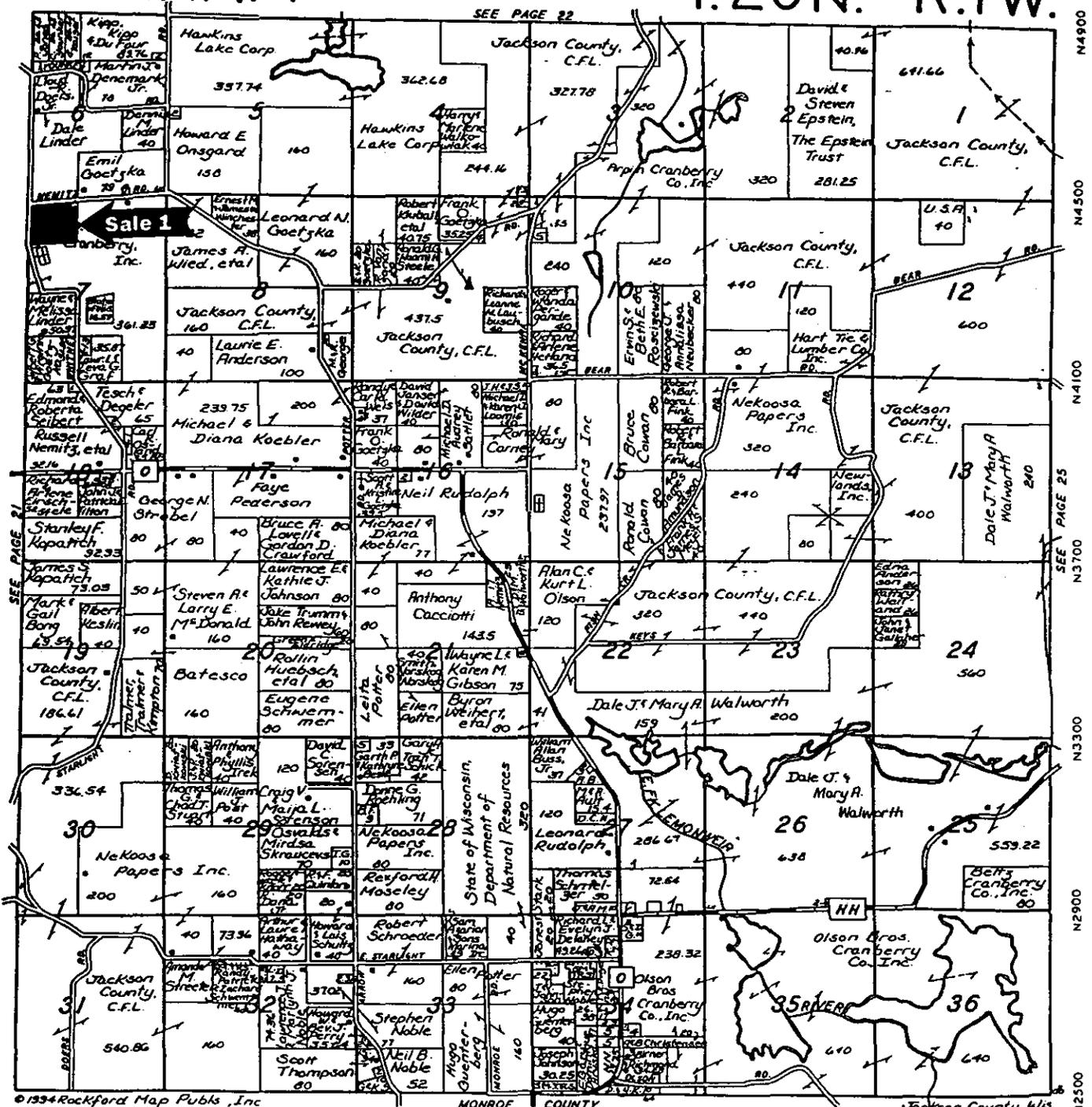
SEE PAGE 22

W4900 W4500 W4100 W3700 W3300 W2900 W2500

SOUTH PART KNAPP

T.20N.-R.1W.

SEE PAGE 22



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MONROE COUNTY

Jackson County, Wis.

W4900

W4500

W4100

W3700

W3300

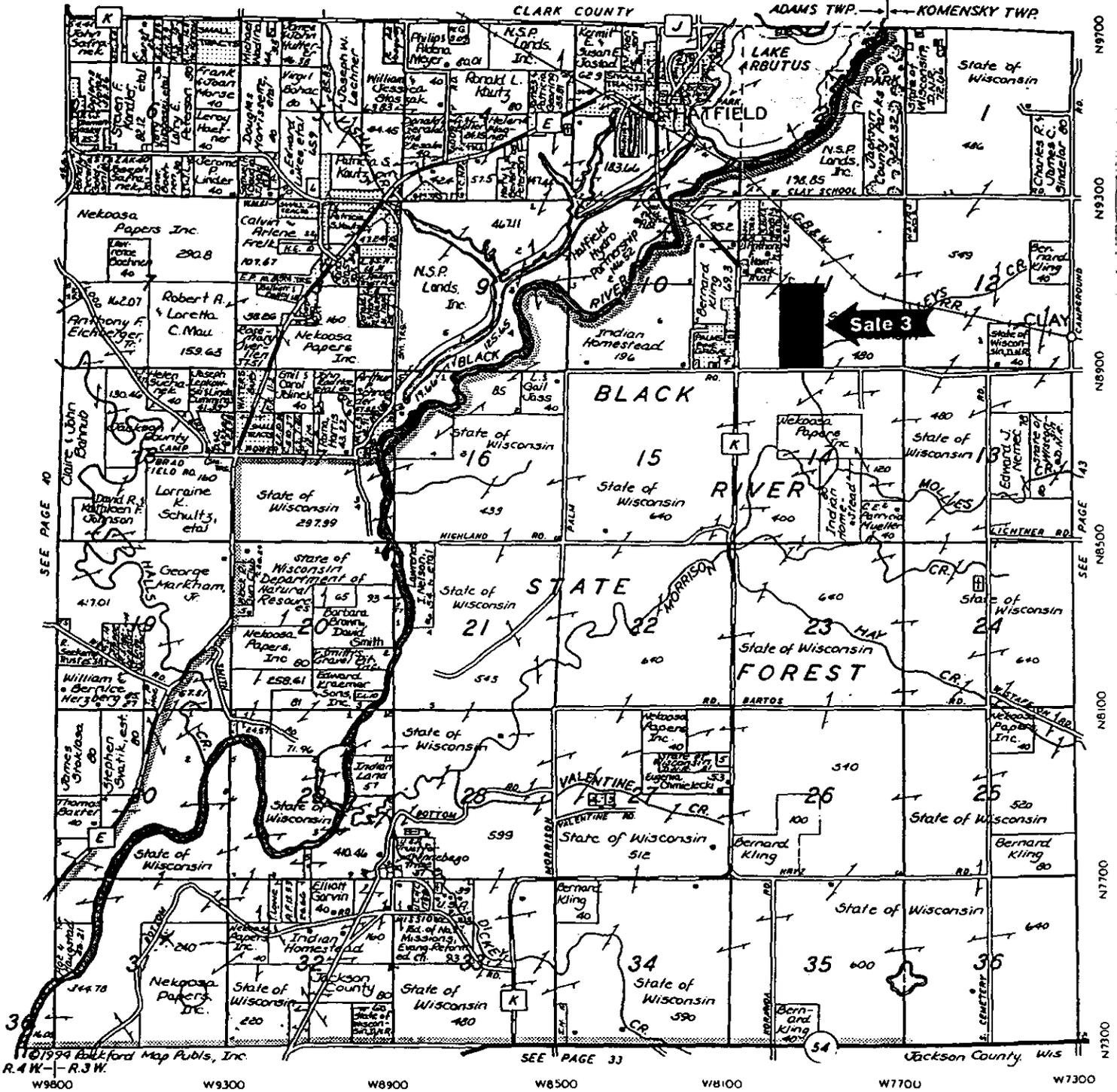
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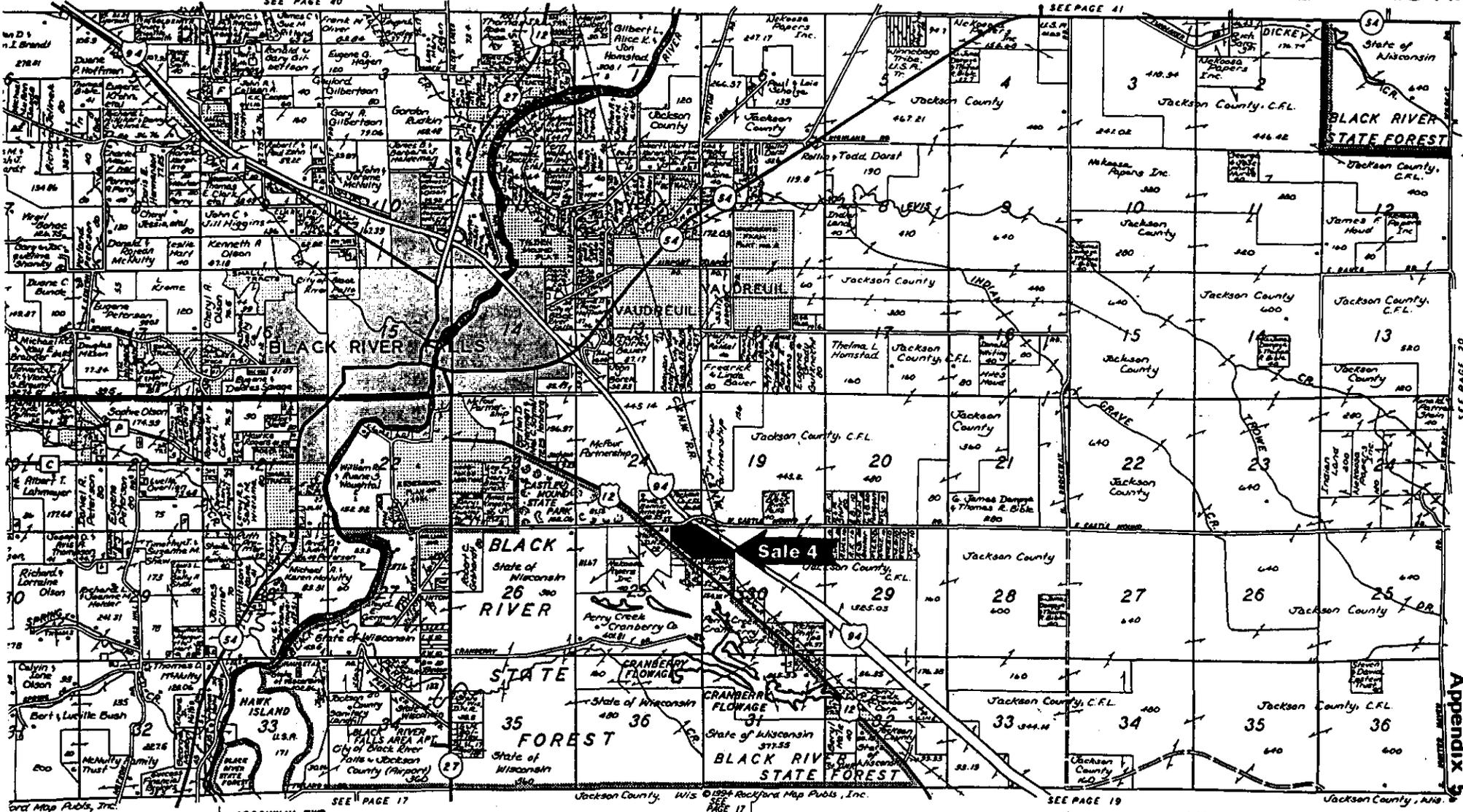
W2500

N4900
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N4100
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N2900
N2500

SEE PAGE 25

EAST PART ADAMS WEST PART KOMENSKY T.22N.-R.4-3W.





W11800 W11400 W11000 W10600 W10200 W9800 W9300 W8900 W8500 W8100 W7700 W7300

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