

**ENVIRONMENTAL ANALYSIS AND DECISION ON THE
NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS)
Form 1600-1 Rev. 2-99**

State of Wisconsin Department of Natural Resources (DNR)

Region or Bureau: Northern

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

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

4:30pm August 20, 1999

(time)

(date)

Contact Person Rod Fouks

Title Douglas County Forest Liaison

Address P O Box 60
Gordon, WI 54838

Telephone Number (715)376-2299

Applicant: Douglas County Forestry Department

Address: PO Box 211
Solon Springs, WI 54873

Title of Proposal: Douglas County Forest Land Withdrawal and Trade

Location: County Douglas City/Town/Village Township of Gordon

Township, Range & Section(s) N ½ SENW Sec. 20, T44N, R12W (20 acres)
N ½ SWNE Sec. 20, T44N, R12W (20 acres)

PROJECT SUMMARY

1. General Description (brief overview)

Douglas County proposes to withdraw 40 acres from the County Forest Law, 28.11, WI Statutes, trade it for 40 acres of private land within the county forest block, and enter the 40 acres of acquired land under the county forest law. The land to be acquired by Douglas County is the SENW Sec. 12, T47N, R11W. This withdrawal and exchange will allow Douglas County to settle a possible adverse possession claim.

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

A fence was constructed over twenty years ago on this property. Approximately 14.5 acres of county land was encroached upon with this fence. The adjacent land is owned by Mr. Hennessy and he has maintained the fence. Douglas County Corporate Counsel acknowledges that Mr. Hennessy has a very strong claim of adverse possession for the 14.5 acres of County land. Mr. Hennessy has agreed to a 40 acre for 40 acre land exchange. This withdrawal and land exchange of said parcels would satisfy the encroachment and benefit Douglas County

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

Authority is provided in the Douglas County Forest 10-Year Comprehensive plan, Douglas County Forestry Ordinance and Chapter 28.11, WI Statutes. The Douglas County Board of Supervisors has unanimously passed a resolution to petition the Wisconsin Department of Natural Resources to begin withdrawal of the above described parcel.

4	Estimated Cost and Funding Source	<p>The cost of the investigation and processing the proposed withdrawal is not known. The value of the land to be withdrawn is \$24,000 as per land appraisal submitted by the Department of Natural Resources on 5/18/99. The land that would be acquired has a value of \$14,000 as per land appraisal submitted by the Department of Natural Resources on 5/26/99. The difference in appraisal values is because land values in the Town of Gordon are significantly higher than in other areas in Douglas County. The value difference is offset by the fact that Douglas County would most likely lose ownership of the 14.5 acres in the Town of Gordon that has a possible claim of adverse possession on it.</p>
PROPOSED PHYSICAL CHANGES (More fully describe the proposal)		
5.	Manipulation of Terrestrial Resources (include relevant quantities - sq. ft., cu. yard., etc.)	<p>No changes are anticipated. There are no known plans to reshape or develop any of these lands. Douglas County will carry on forest resource management activities on their acquired land and it is assumed the private landowner will carry out similar forest management activities on the land he acquires. Mr. Hennessy already has a residence adjacent to this parcel.</p>
6.	Manipulation of Aquatic Resources (include relevant quantities - cfs., acre feet, MGD, etc.)	<p>There are no plans to manipulate any aquatic resources.</p>
7.	Buildings, Treatment Units, Roads and Other Structures (include size of facilities, road miles, etc.)	<p>No building development is planned or anticipated for either property. Mr. Hennessy already has a residence adjacent to this parcel.</p>
8.	Emissions and Discharges (include relevant characteristics and quantities)	<p>There are none anticipated.</p>
9.	Other Changes	<p>No other changes proposed.</p>
10.	Identify the maps, plans and other descriptive material attached	<p>Attachment X County map showing the general area of the project Attachment X USGS topographic map Attachment Site development plan Attachment X Plat map Attachment DNR county wetlands map Attachment Zoning map Attachment X Other Land Appraisals</p>

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

Information Based On (check all that apply):

Literature/correspondence (specify major sources)

Personal Contacts (list in item 28)

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

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

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

Parcel to be withdrawn:

The parcel has gently rolling topography on the uplands and level lowlands. The soils are generally sandy loam on the uplands and peat or muck in the lowlands.

Parcel to be acquired:

The parcel has moderate to heavy rolling topography on the uplands and level lowlands. The soils are generally sandy loam on the uplands and peat or muck in the lowlands.

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

Parcel to be withdrawn:

7 acres of red pine, jack pine, balsam fir and white spruce poletimber.

7 acres of aspen saplings.

9 acres of aspen, balsam fir and white spruce poletimber.

7 acres of cedar and black spruce poletimber.

3 acres of open upland grass.

7 acres of a low shrub wetland.

This parcel also has approximately 735 feet of frontage on each side of Lord Creek, a small perennial warm water tributary to Spring Creek. This stream averages approximately four feet in width and one to two feet in depth with a wide emergent flood plain. This stream is only known to contain minnows.

Parcel to be acquired.

20 acres of aspen and maple poletimber and maple saplings.

20 acres of black ash sawtimber and poletimber.

Many common wildlife species inhabit portions of these two parcels. No known threatened/endangered species are known to inhabit either of these parcels.

13. Cultural

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

Both parcels are zoned F-1 Forestry. The use for both of these parcels should remain the same as Mr.

Hennessy's intended use is for recreation, hunting, and forest management similar to Douglas County Forest land.

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

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

c. Archaeological/Historical

Although no on-site survey has been conducted, Victoria Dirst from the Wisconsin Department of Natural Resources was contacted and has no knowledge of any archaeological or historical sites present on either of these parcels.

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

No special resources are known.

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

15. Physical (include visual if applicable)

This action causes an equal trade-off of 40 acres of county forest land. No physical consequences are anticipated.

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

No biological consequences are anticipated. Potential biological benefits and impacts should remain the same as the intended use is for recreation, hunting, and forest management similar to Douglas County Forest land.

17. Cultural

a. Land Use (include indirect and secondary impacts)

The 40 acre parcel in the Town of Gordon will be in private ownership and the 40 acre parcel in the Town of Maple will become Douglas County Forest land. Mr. Hennessy may pursue his strong claim of adverse possession of 14.5 acres in the Town of Gordon parcel. If this occurs Douglas County may actually lose 14.5 acres of County Forest land with no compensation. The result of this trade will be to maintain the County Forest acreage. Public access to 735 feet of Lord Creek may be lost without permission of the landowner. Douglas County will retain ownership of over 1 mile of Lord Creek.

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

No consequences are foreseen at this time.

c. Archaeological/Historical

No consequences are foreseen at this time.

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

No consequences are foreseen at this time.

19. Summary of Adverse Impacts That Cannot Be Avoided (more fully discussed in 15 through 18)
1. The difference in appraised values will be offset by the possible adverse possession claim on 14.5 acres of Douglas County Forest land.
 2. Public access to 735 feet of Lord Creek may be lost without permission of the landowner. However, this stream does not appear to have a significant fisheries and Douglas County will retain ownership on over 1 mile of Lord Creek.

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

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

No action: Land would remain as Douglas County Forest land and would be managed with the rest of the Douglas County Forest. Douglas County Forest would likely lose 14.5 acres of land with an adverse possession claim.

Enlarge, modify or reduce: The withdrawal could be larger or smaller but this size was the one negotiated between Douglas County and Mr. Hennessy.

Other locations: This would not be feasible for Mr. Hennessy.

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.

This withdrawal should not substantially change the quality of the environment. Mr. Hennessy plans on managing the parcel the same as Douglas County would.
 - 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)

There should not be significant impacts on historic or cultural resources and threatened or endangered species or ecologically sensitive areas since these resources are not currently identified on this parcel.

22. Significance of Cumulative Effects.
- Discuss the significance of reasonably anticipated cumulative effects on the environment. Consider cumulative effects from repeated projects of the same type. What is the likelihood that similar projects would be repeated? Would the cumulative effects be more severe or substantially change the quality of the environment? Include other activities planned or proposed in the area that would compound effects on the environment
- There is the possibility that similar requests may be received. Each request will be handled on its own merit. The Douglas County 10 Year Comprehensive plan will guide decisions.

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.

Forest management practices or future development on the withdrawn parcel will be at the discretion of the new landowner. His stated intentions are to manage the parcel for recreation, hunting and forest management similar to Douglas County Forest land.

- 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.

Anticipated land use practices on both parcels will remain similar to each other and also to other Douglas County Forest land.

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 set a precedent but each request would be handled as explained in #22.

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

There are no known conflicts.

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

There are no known controversial effects to the environment.

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

All factors have been previously covered.

SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES

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

Douglas County personnel noticed an encroachment by Mr. Hennessy during timber sale establishment work.

Douglas County Corporation Counsel was contacted about the possible adverse possession.

Douglas County and Mr. Hennessy negotiated a trade to alleviate the possible adverse possession.

Douglas County Forestry Committee and County Board of Supervisors approved this withdrawal and trade.

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>
2/18/99	Douglas County Board of Supervisors	Resolution#24-99 approved withdrawal
3/30/99	Victoria Dirst	No known historical features.
3/30/99	DNR- Archeologist David Heath DNR Endangered Resources Specialist	No known endangered or threatened resources.
5/18/99	Todd Naas DNR Lake Superior Basin Land Agent	Provided land appraisals for both parcels

Project Name Hennessy withdrawal and trade:
T44N, R12W, Section 20

County Douglas

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 []

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.

Brad Fouts

Signature of Evaluator

7/29/99

Date Signed

Brad A. Johnson

Noted: Team/Sub-team Supervisor or Bureau Director

8/3/99

Date Signed

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

William L. Grant

Regional Director or Director of ISS (or designee)

9/2/99

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.

RESPONSE FORM
(for Type II Actions)

DATE: 7/30/99

File Ref: 1600

TO: Rod Fooks - Gordon

County DeWright

FROM: William Gantz / Dan Michels

SUBJECT: PUBLIC PARTICIPATION - EA - Fooks Withdrawal - Gordon
(Hennessy property)

Attached is a copy of a news release for the Environmental Assessment (EA) you have written. You are named as the source of information on it as well as a recipient for comments.

Please keep a log, recording telephone, electronic, written, and in-person comments received concerning the project during the review period. As soon as possible after the closing date, complete the check-off section, signature and date block. Return this form, along with a log of any comments received. Please send original copies of any written letters received.

If revisions of the assessment are needed, advise us as to necessary changes. When the EA is certified, we will send you a copy of this form, and comments received, and the EA sign-off page to complete your file record.

The public review period for the above proposal has expired. As of this date:

No comment on the EA has been received by this office.

Comment has been received and addressed - see attached addendum for subject EA, log of comments, and correspondence received.

Rodney Fooks
(Originator of EA)

9/1/99
(Date)

Leave this section blank for Review Coordinator

P. C. Author: Fooks - Gordon
ISS: Pardee - SS/6
A.P.B. _____

Date: 9/2/99



NEWS RELEASE
Northern Region - Spooner
Wisconsin Department of Natural Resources
810 W. Maple, Spooner, WI 54801
715-635-2101 TDD 715-635-4001

EDITORS/NEWS DIRECTORS: The Department of Natural Resource's administrative code for the environmental impact process makes provision for public comment and review of all Environmental Assessments. This short news release is designed to sketch the proposed action and provide public contact information. Your usage of this item is vital to public notification. Use of the last three paragraphs in this release in their entirety would be appreciated.

Douglas County Forestry Department has made application to the Department of Natural Resources to withdraw 40 acres of County Forest in the Town of Gordon and exchange it for an equal amount of private land in the Town of Maple County to settle a possible adverse possession claim.

The 40 acres that would be withdrawn from the County Forest is located in a portion of Section 20, T44N, R12W and would be traded for 40 acres of private land in Section 12, T47N, R11W. The 40 acres of acquired land would be entered under the county forest law. There are no known plans to reshape or develop these lands.

Before the land withdrawal and trade can be approved, an opportunity for public review and comment must be provided. This notification ensures the chance for public input on the proposal.

The proposed project is not anticipated to cause significant adverse environmental effects. The Department has made a preliminary determination that an Environmental Impact Statement will not be required for this action. This recommendation does not represent approval from other DNR sections which may also require review of the project. Specific information about the project proposal can be obtained from Rod Fouks, Douglas County Forest Liaison, PO Box 60, Gordon, WI 54838, (715) 376-2299.

Comments on the proposed project are welcome and should be received by Rod Fouks no later than 4:30 p.m., August 20, 1999. Comments may be submitted either verbally or in written form.

To News Media Staff

Release Date: July 30, 1999

The following counties are in the Northern Region: Ashland, Barron, Bayfield, Burnett, Douglas, Florence, Forest, Iron, Langlade, Lincoln, Oneida, Polk, Price, Rusk, Sawyer, Taylor, Vilas, Washburn.

For any additional information regarding this release contact:

Rod Fouks, Douglas County Forest Liaison
PO Box 60, Gordon, WI 54838
(715)376-2299

