

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

Department of Natural Resources (DNR)

Region or Bureau  
NER

Type List Designation  
II

NOTE TO REVIEWERS: This document is a DNR environmental analysis that evaluates probable environmental effects and decides on the need for an EIS. The attached analysis includes a description of the proposal and the affected environment. The DNR has reviewed the attachments and, upon certification, accepts responsibility for their scope and content to fulfill requirements in s. NR 150.22, Wis. Adm. Code. Your comments should address completeness, accuracy or the EIS decision. For your comments to be considered, they must be received by the contact person before 4:30 p.m., **November 26, 2010.**

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Applicant: Wisconsin Department of Natural Resources

Address: 2984 Shawano Avenue, Green Bay WI, 54313

Title of Proposal: Land Acquisition and Project Establishment – Menominee River State Park and Recreation Area

Location: County: Marinette City/Town/Village: Niagara and Pembine Twps.

Township Range Section(s): Town of Niagara

Township 38 North, Range 20 East, Sections 13 and 14. Township 38 North, Range 21 East, Sections 26, 34, 35 and 36. Township 38 North, Range 22 East, Section 31. Township 37 North, Range 21 East, Sections 1 and 13. Township 37 North, Range 22 East, Sections 6, 7, 8, 17 and 18.

Town of Pembine

Township 37 North, Range 21 East, Section 24. Township 37 North, Range 22 East, Section 19.

PROJECT SUMMARY

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

The Department of Natural Resources has proposed to acquire 2,714 acres of Menominee River land known as the Piers Gorge and Quiver Falls Tracts from WE Energies, to establish the Menominee River State Park and Recreation Area. The Department would by the same action combine the newly acquired lands with the existing Menominee River Natural Resources Area project located in Marinette County, Wisconsin and rename the entire project as the **Menominee River State Park and Recreation Area**. The size of the project resulting from this action would be 4,833.36 acres. State purchasing authority is provided by the Recreation Areas statute (s. 23.091) using funds from the Knowles/Nelson Stewardship program. The cost is \$3,256,800 to acquire the 2,714 acres of land from WE Energies.

The Menominee River Natural Resources Area (MRNRA) includes the Wisconsin portion of 4,450 acres of land purchased by the Richard King Mellon Foundation (Foundation) and the Conservation Fund in 1997 from Wisconsin Public Service Corporation (WPSC). This includes 2,530 acres in Michigan and 1,922 acres in Wisconsin. The Menominee River, which forms the boundary between the states of Michigan and Wisconsin, passes through the center of the property resulting in about 6.3 miles of publicly owned river frontage in each state. This presents Michigan and Wisconsin with an opportunity for coordinated planning and management of boundary water resources. Planning staffs for both states have worked together in developing similar management strategies within the river corridor. The approved acreage goal for the original project is 2119.36. Proposed acquisition of the 2,714 acres of WE Energies land would add 10.85 river miles to the existing 6.30 miles of the Menominee River Natural Resources Area, resulting in a total of 17.15 miles of state owned and protected Menominee River Corridor.

The property proposed for acquisition by this action is divided into two distinct tracts, separated by about four miles. The Piers Gorge Tract is upstream near the city of Niagara Wisconsin, while the remainder of the land is downstream and extends south to Quiver Falls in Pembine Township. Hence this portion is known as the Quiver Falls Tract. It should be noted that the WE Energies lands also extend to the Michigan shore of the Menominee River and that the State of Michigan may acquire those portions within the state of Michigan for similar purposes as the Wisconsin project.

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

NEED/OPPORTUNITY/AUTHORITY

The Master Plan for the Menominee River Natural Resources Area (MRNRA) was approved on January 26, 2000 by the Natural Resources Board (NRB) of the Wisconsin Department of Natural Resources (DNR) and published in March 2000.

The approved master plan recognized the fact that there were a number of additional large-block properties owned by public utility companies and others along the entire 117-mile length of the Menominee River. Public participation sessions and focus groups conducted during the master planning process documented a definite desire on the part of local stakeholders for additional lands along the river to be preserved. The final recommended master plan alternative was to only acquire the WPS lands, plus a few select private lands that were either partially or entirely within the proposed project boundary.

The approved master plan did, however, recognize the importance of widespread preservation of the river corridor. This project has the potential of protecting over 10.85 miles of undeveloped shoreline thereby protecting water quality throughout the remainder of the watershed. The river in the project area is crossed only by a single railroad bridge.

The plan provided authority to take swift action on future land acquisition along the Menominee River by saying, in part:

*“This will empower the WDNR to acquire the land more expediently if it becomes available. In the mean time, the WDNR would act in a responsive mode only if WE determines that they wish to sell some or all of their holdings.”*

*“The public emphasized protecting and managing as much of the Menominee River corridor as possible. However, securing approval for new land acquisition outside an existing project is often time-consuming and threatened by delays. “*

*“In the event that some or all of the WE properties would become available for addition to the MRNRA, the interim response would be to continue the general management themes used by the former owners. The*

*additional land would be added to the project boundary of the MRNRA.”*

Acquisition of the Piers Gorge and Quiver Falls Tracts would provide opportunities for public recreation, allow natural resource management, consolidate state ownership, and preserve the scenic, natural scenic condition of the Menominee River. After site evaluation and a new public planning effort, portions of the area may be proposed for limited park development. The Department will engage the public in such planning and return to the Board for plan approval.

State purchase would be authorized under the Recreation Areas statute (s. 23.091) using funds from the Knowles/Nelson Stewardship program. The cost would be \$3,256,800.

It should be noted that there are several “inholdings” of privately owned land within, as well as adjacent to the boundaries of the Piers Gorge and Quiver Falls Tracts. These parcels may have similar resource values and be valuable assets to the overall project goals. It would be advantageous to investigate the need for these parcels and the feasibility of adding them to the project at some point. This could be addressed during a master planning amendment process.

The DNR would conduct the necessary planning tasks required by Chapter NR 44 Wisconsin Administrative Code to amend the MRNRA master plan to accommodate management and development of the proposed addition. During this process the general rules and regulations governing state property provided in Chapter NR 45 Wisconsin Administrative Code would be in force. No development would be done on the new property with the exception of posting, clean-up, repairs or maintenance of existing facilities until the master plan amendment is approved. Any timber sales previously scheduled to take place on the property during the interim period would be reviewed to assure that there would be no conflict with future resource management potentials.

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

- NR 150 Wisconsin Environmental Policy Act (WEPA)
- NR 44 Master Planning for State Properties
- DNR Natural Resources Board approval
- Wisconsin Joint Committee on Finance approval to purchase
- HB 2210.1 Property Planning Handbook
- Recreation Areas statute (s. 23.091)

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PROPOSED PHYSICAL CHANGES (more fully describe the proposal)

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4. Manipulation of Terrestrial and Aquatic Resources; Construction, Potential Emissions and Other Effects (include relevant quantities - sq. ft., cu. yard, etc.)

This proposal is for land acquisition and project establishment only. In the future, a Master Plan Amendment designating management, development, and operation of the project will be prepared in fulfillment of NR 44, Wis. Administrative Code. Citizens, local government and state agency experts will all be invited to participate in the process. During master planning details of land use, resource management, recreation, preservation and public access will be discussed. A review of the project boundary will also be conducted to determine its adequacy.

No emissions or discharges are proposed.

Acquisition of the WE Energies parcels will provide opportunities for public recreation, allow natural resource management, consolidate state ownership, and preserve the scenic, natural condition of the Menominee River. After site evaluation and a new public planning effort, portions of the area may be proposed for limited park development. The Department will engage the public in such planning and return to the Board for plan approval.

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

Attachment X County map showing the general area of the project

Attachment USGS topographic map

Attachment Site development plan

Attachment Plat map

Attachment DNR county wetlands map

Attachment Zoning map

Attachment X Other - Describe: Map of DNR, WE Energies and other utility land ownership along the Menominee River; Appendix, list and description of referenced documents used for this EA.

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

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

Literature/correspondence (specify major sources)

“MENOMINEE RIVE NATURAL RESOURCES AREA MASTER PLAN”, March 2000

“ECOLOGICAL LANDSCAPES OF WISCONSIN” HB 18051

“THE WILDERNESS SHORES SETTLEMENT AGREEMENT”

“CULTURAL RESOURCES ALONG THE MENOMINEE RIVER” Dr. Victoria Dirst, October 1998

“WISCONSIN LAND LEGACY REPORT” DNR 2004

“WISCONSIN FOREST ACCORD” Darrell Zastrow, July 1994

“UPPER GREEN BAY BASIN INTEGRATED MANAGEMENT PLAN”, February, 2001

“SOIL SURVEY OF MARINETTE COUNTY WISCONSIN”, USDA, February 1991

“MENOMINEE RIVER FISHERIES MANAGEMENT PLAN” (1992)

“MARINETTE COUNTY LAND & WATER RESOURCE MANAGEMENT PLAN” 2011 - 2020

“DRAFT REAL ESTATE APPRAISAL SUMMARY REPORT”, 9/22/2010.

“CURRENT AND HISTORIC RESOURCE MANAGEMENT INFORMATION FROM THE CURRENT OWNER”

Personal Contacts (list in item 26)

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

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

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

### Geological Significance

The Menominee River forms part of the northeast border between Michigan and Wisconsin. Originating in Florence County at confluence of the Brule and Michigamme Rivers it flows past the cities of Iron Mountain, Kingsford, and Niagara. For the next 100 miles it flows generally in a southerly direction through some of the least developed land in Wisconsin. The river’s 117-mile passage ends as it flows between the cities of Marinette, Wisconsin and Menominee, Michigan to empties into the waters of Green Bay. Attributes of the

river are identified in the Wisconsin Wildlife Action Plan (2005-2015) as important for species and habitats of conservation need.

The Upper Menominee River Basin lies on a southern extension of the Precambrian Canadian Shield. This crystalline dome slopes downward from the northwest to the east and southeast. The general orientation of the Menominee Basin has an average gradient of about 7-10 feet per mile, with some extremely steep reaches. The bedrock near many of the waterfalls and rapids consists of intrusive rocks, some of which are weakly to moderately deformed and metamorphosed volcanic and sedimentary rocks. Although usually buried beneath glacial deposits, Quinnesec schist a heavily metamorphosed series of eruptive greenstone flows and intrusions of granodiorite are found exposed at falls and rapid sites along the river. Many of these sites are now hidden beneath the flowages of the dams on the river. Unmapped bedrock communities, such as occur on this site, are identified as having State significance in Wisconsin's Wildlife Action Plan (2005-2015).

The landform varies from gently rolling to rugged in some areas. Much of the site appears to be deposits of glacial moraine. The soil has a sandy, gravelly character. Basaltic bedrock underlies the area and is exposed most notably in the riverbed itself. The bedrock has several intrusions of harder material, mainly quartz and granite. These more resistant bands of rock form the ledges over which the river cascades at Piers Gorge, Sturgeon Falls, Pemene Falls and Quiver Falls. The bedrock takes on a smooth rounded appearance in some areas due to the relentless abrasive effects of the flowing water. This effect is most evident at Piers Gorge and Pemene Falls where the entire flow of the Menominee River is forced through a narrow opening. Several of these sites have been developed with hydropower plants for the generation of electricity. The WE Energies properties under consideration now had this potential, but were never developed.

#### **Soils**

The soils in the Menominee Basin are principally derived from weathering of glacial deposits. The upper portion of the watershed is comprised of sands. These were formed from sandy parent materials derived from the Cambrian and Lake Superior sandstone formations. These soils are generally infertile and mostly acidic. In the lower portion of the watershed, from the mouth of the Pike River to Green Bay, rolling pink loams are the primary soil. These soils have good natural drainage and provide some of the best agricultural lands in the basin.

Within the area of proposed acquisition the primary soils association is the Mancelona-Emmet-Menahga group of deep, well-drained to excessively well-drained soils. This group can pose severe limitations for wastewater treatment systems because of its excessive permeability. The other association present with significant frequency is the Ishpeming-Michigamme-Rock outcrop association. Basically this group also has excessive permeability with the added complication of bedrock outcrops at or near the surface.

Soils of the Seelyeville-Markey association are also common to the area, primarily found in the swamps and lowlands and consist of organic muck soils derived from the decomposition of vegetative matter.

The WE Energies parcels that are in Sections 34, 35, and 36 of T.38N – R.21E, and the N ½ of Section 1 of T.37N – R.21E, are overlapping into an area classified as **Ishpeming-Michigamme-Rock Outcrop**

**Association:** Moderately deep, gently sloping to moderately steep, somewhat excessively drained and well drained, sandy and loamy soils, and rock outcrop, on outwash plains and moraines (*Soil survey of Marinette County, Wisconsin; USDA-1991*). Water and wind erosion, bedrock outcrops, and droughtiness are the main limitations in managing these soils as woodland, cropland, or pasture (*Marinette County Land & Water Resource Management Plan 2011-2010; Marinette County Land Information Committee – 2010*).

Groundwater in Marinette County is generally of good quality. Nearly all the water is hard to moderately hard with calcium and magnesium bicarbonate as the primary minerals. Iron is also present in many wells in the region but is not considered a health problem. The northern part of the county where the We Energies property

is located does not have as abundant or reliable source of well water because of the nearness to the surface of igneous and metamorphic bedrock that yields little or no water. In these areas the overlying deposits of glacial material serve as the aquifer. Where the glacial till is thick and bedrock lies at greater depths, adequate supplies of water may sometimes be found.

### Surface Water

In general the water quality in this stretch of the Menominee River, between the Sturgeon Falls Dam and south to the County Z highway bridge, is considered to be very good. Levels of dissolved oxygen are high and levels of turbidity and contaminants are low. Improvement has also been noted in that the fish consumption advisory due to mercury contamination has been removed. PCB contamination in bottom sediments remains and therefore, there is a one-meal-per-month fish consumption advisory for carp, due to PCBs contained in the fatty tissues of these fish.

Biological Environment (dominant aquatic and terrestrial plant and animal species and habitats including threatened/endangered resources;

### NHI Species of Special Interest

Ten species (2 plants and 8 animals) have been documented in the NHI database for the WE Energies lands located in Niagara and Pembine Townships along the Menominee River in Marinette County. The state special concern variegated horsetail is associated with wet soils that is typically found long wet, sandy shores or along roadside ditches. The state threatened marsh grass of Parnassus is found in limy soil along shores, and meadows. It blooms from July to August.

The state threatened pygmy snaketail dragonfly breeds near flowing water. The snaketail life cycle is 2-3 years and breeding occurs during the months of May and June. Protection and restoration of large river habitat for pygmy snaketail and other aquatic invertebrate SGCN is specifically identified as a priority conservation action in the Wildlife Action plan. Three state special concern land snails; Eastern flat whorl, mystery vertigo, and honey vertigo have been documented in several wooded locations within the river corridor. The snails are associated with moist, wooded serpentine outcrops or bedrock cliffs. The Round pigtoe and elktoe mussels have been documented from seven locations along within the project area.

Blandings turtles and bald eagles are known to nest in within the project area along this stretch of the Menominee River. The Blandings turtle was observed on a gravel road near the Pemebonwon River. One eagle nest has been documented in the NHI survey but eagles are frequently seen soaring along the river corridor. The river also provides suitable habitat for the State threatened Wood Turtle. Documentation by a WE Energies biologist in 2010, not yet in the NHI database, confirms this (Halfmann, personal communication)

Wetland amounts, types and hydraulic value)

Approximately 154 acres of the property is wetland. About 113 acres is forested and another 41 acres is either marsh or open water.

### Terrestrial Environment

Overall, the property is estimated to be 94 percent forested, with 70 percent merchantable-sized timber, and 24 percent non-merchantable-sized saplings. By size class, the forested area is 26 percent saplings, 60 percent poletimber, and 14 percent sawtimber stands. The largest forest cover type is northern hardwood poletimber, which occupies 684 acres, or 25 percent of the total area. Various age classes of aspen saplings account for another 633 acres (23 percent). Aspen and white birch poletimber encompass 578 acres, or 21 percent of the

total area. The remainder of the upland forest is composed of 168 acres of Oak sawtimber and poletimber, 139 acres of natural red and white pine sawtimber, 34 acres of upland fir-spruce poletimber and saplings, 92 acres of scrub oak poletimber, and 8 acres pine saplings. The upland area also includes 45 acres of upland brush, 28 acres of upland grass, and 46 acres of road right-of-way.

The lowland forest cover consists of 113 acres of swamp conifer poletimber and 105 acres of bottomland sawtimber and poletimber. There are 41 acres (less than 2 percent of total) of lowland nonproductive types, including, lowland brush, open marsh, and water.

A timber inventory was not conducted; however, general volumes by forest stand are estimated in the GIS database. Analysis of this data indicates an estimated total volume of 41,144 cords and 2,616,296 board feet for the entire property. Across the total area of 2,714 acres, this puts overall average timber volumes at 15.2 cords and 964 board feet per acre. It should be noted that some of this volume is in a no-cut buffer along the river, in aesthetically sensitive areas (like Piers Gorge), or in physically inoperable areas (like Grand Island), and not available for harvest.

The priority conservation action identified within the Wisconsin Wildlife Action Plan to “Imbed and maintain smaller northern wet-mesic forest patches in a matrix of upland forest”, can be achieved within this area.

#### Wildlife Species

The present habitat produces a rich variety of common game and non-game wildlife species. Past management of the area has been consistent with the management of surrounding lands. The area represents the majority block of contiguous habitat adjoining both the existing MRNRA and extensive Marinette County Forest. The river and riparian habitats comprise some unique opportunity areas on which to focus management attention.

Deer and bear are common in the area; turkey are present but uncommon. Furbearers include fisher, otter, mink, bobcat, wolf, coyote, fox, raccoon, and beaver. Small game species include ruffed grouse, woodcock, red and gray squirrel, snowshoe hare, and cottontail rabbit. The Menominee River landscape lies within Deer Management Unit 41, Bear Management Zone B, Turkey Management Zone 5, Ruffed grouse hunting zone A, Bobcat open to hunting area, Fisher Zone D, Beaver Zone B, Northern otter, mink, and muskrat zone, and the Northern Migratory Bird Zone.

The area lies within the Northeast Sands Ecological Landscape for which the Wisconsin Land Legacy Plan and Wisconsin Wildlife Action Plan have identified many unique conservation opportunities for a variety of species and habitats unique to Northeast Wisconsin.

The Natural Heritage Inventory database additionally documents Federal and State listed threatened, endangered, and special concern species. Bald Eagle, Gray wolf, Pygmy Snaketail, Marsh Grass-of-parnassus, Wood Turtle and Blanding’s Turtle are a few of those species.

#### Aquatic Environment

The Menominee River forms part of the northeast border between Michigan and Wisconsin. Originating in Florence County at confluence of the Brule and Michigamme Rivers it flows past the cities of Iron Mountain, Kingsford, and Niagara. For the next 100 miles it flows generally in a southerly direction through some of the least developed land in Wisconsin. The rivers 117-mile passage ends as it flows between the cities of Marinette, Wisconsin and Menominee, Michigan to empties into the waters of Green Bay. Attributes of the Menominee River and a number of cool water tributary streams; unnamed and the Pemebonwon, achieve priority conservation actions and opportunities identified in the Wisconsin’s Wildlife Action Plan.

The proposed acquisition area can be divided into the three sections.

The Middle Menominee River flows through the project area and is a part of the Pemebonwon and Middle Menominee Watershed (GB15) in the *Upper Green Bay Basin Plan*. Fifty three miles of the Menominee flow through the watershed and there are three hydropower dams in this stretch. The Menominee River is considered a warmwater sport fishery, although it is inhabited by the coldwater musky, northern pike, and walleye as well.

Sturgeon Falls to Little Quinnesec- White suckers are the most abundant fish species present with smallmouth bass as the main game fish species. Walleye and northern pike are also present. Rock bass are the most abundant panfish followed by yellow perch and bullhead sp. Forage fish, including several species of cyprinids (minnows), also occur in this section of the river. Fishing pressure is light due to lack of an improved public access.

Chalk Hills Flowage to Sturgeon Falls Dam- This 20 miles of river is a beautiful and valuable resource. This section is mostly undeveloped with two natural waterfalls, Quiver Falls and Pemene Falls. Numerous rock outcrops, rapids, and deep pools make this one of the most scenic sections of the Menominee river. The dominant fish species are similar to other sections of the river including: smallmouth bass, walleye, rock bass, and white suckers. Since 1982, Wisconsin DNR has periodically stocked lake sturgeon into this section of the river to restore an extirpated population. A fisheries survey over the 6 miles of river immediately below Sturgeon Falls dam in 1986 only revealed one stocked sturgeon while a 2010 survey yielded 18 stocked sturgeon. Sturgeon were witnessed spawning below that dam in May of 2009.

Thuemler and Schnicke. 1992. Menominee River Fisheries Plan and Michael Donofrio, personal communications.

In 2008, Bureau of Science Services staff identified the following species in the section of the Menominee River from Little Quinnesec to Chalk Hills: northern brook lamprey, lake sturgeon, brassy minnow, common shiner, hornyhead chub, emerald shiner, blacknose shiner, rosyface shiner, northern redbell dace, longnose dace, creek chub, white sucker, northern hog sucker, silver redhorse, golden redhorse, shorthead redhorse, northern pike, burbot, mottled sculpin, rock bass, green sunfish, pumpkin seed, bluegill, smallmouth bass, largemouth bass, Johnny darter, yellow perch, log perch, blackside darter, and walleye.

Randal Piette. 2009. 2008 Progress Report, Phase II: Menominee River, Fish and Habitat Conditions Post Flow Regulation Changes.

1996, Bureau of Science Services staff sampled the mussel population in these sections: Sturgeon Falls to Little Quinnesec and Chalk Hills Flowage to Sturgeon Falls Dam. They found the following species: mucket, elktoe, three ridge, giant floater, spike, Wabash pigtoe, plain pocketbook, heelsplitter, flute shell, fat mucket, black sandshell, round pigtoe, and squaw foot.

Randal Piette, 2000. Response of Riverine Mussel Community to a Change in Flow Regulation: Menominee River

### 13. Cultural Environment

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

Land ownership in the vicinity of the property generally is in Marinette County Forest and state-owned forestland (Menominee River Natural Resource Area) and large and small private interests. The prevalent land uses are recreation and forestry. Rural residential uses occur in proximity to lakes, villages, and highways. Agricultural uses are varied and interspersed.

The access, overall, is judged to be very good. The Piers Gorge and Quiver Falls Tracts have good town road access. Woods roads established for timber harvesting purposes provide interior access to most parcels. Some roads may have vehicular access restricted by concrete barriers or earthen berms. On the Piers Gorge block, U.S. Highway 141 borders the west side of the tract for about ¼ mile, and two town roads border on the south. Because of hilly terrain, interior access is limited.

Zoning on the majority of the property is administered by the Town of Niagara. A small acreage in the Town of Pembine is administered by Marinette County. All of the parcels fall within the F-1 Forestry District. In The Town of Niagara, the primary purpose of this district is “to preserve, protect, enhance, and restore significant woodlands so that such areas continue to furnish recurring forest crops for commercial use, provide for recreational use and wildlife habitat, and prevent water pollution.” This district is intended to complement the F-1 Forestry District contained in the Marinette County Zoning Ordinance.

The current landowner actively manages their forest lands through timber harvesting. However they placed certain restrictions for forest management on each tract. Timber stands on the Piers Gorge tract were removed from the owners’ forest management schedule. No recent harvesting has occurred and no harvesting is planned for the future. The Quiver Falls lands are separated into three management zones. The zones are defined below:

No Management – No active management. This includes a minimum 200-foot shoreline buffer, all lowland forest types and certain areas with limited old growth potential.

Old Growth Management - Forest areas designated to be managed to improve old growth potential. Management could include commercial timber harvests or non-commercial operations geared toward encouraging old growth characteristics.

Forest Biodiversity Management - Forest areas designated to be managed with standard forestry practices. Management focuses on encouraging age and species diversity and stand structure diversity.

Specific forest management work on the Piers Gorge and Quiver Falls Tracts included aggressive harvesting in the 1970’s, resulting in even-aged stands. Minimal forest management was done from 1987 to 2006. Then after nearly a 20 year absence stand information updates were completed in 2005. From 2007 to 2009, 106 acres were thinned or harvested. Looking forward, planned timber sale activity includes 340 acres in 2010 and 175 acres in 2014. Lesser acreages are scheduled for 2011 and 2015.

Prior to any management work a pre-harvest review with Department of Natural Resources forest and wildlife managers was held for recommendations and concerns. Then, when completed a post-harvest review was held with the same managers.

WISC Land data shows that current cover type is dominated by broad leaved deciduous forest with some mixed deciduous coniferous forest (Approximately a 95%-5% ratio respectively).

Fragmentation continues as larger parcels are sold for recreational land and/or subdivisions. There were 49,905 parcels in 1999, compared to 55,804 in 2010; fragmentation greatest in the Town of Peshtigo, and least in the northernmost towns. 130 new lots delineated for development on Peshtigo from High Falls Flowage to Crivitz.

Table 1. Land use within Pemebonwon and Middle Menominee Watershed. Available in Marinette County's Land Use and Water Resource Plan.

Land Use	Pemebonwon and Middle Menominee GB15	
	Acres	% Cover
Barren	1,196	0.8

Forage	0	0.0
Row Crop	0	0.0
Unknown Ag.	2,618	1.8
Forest	94,937	66.8
Grassland/Shrubs	9,907	7.0
Open Water	2,870	2.0
Wetland	30,211	21.2
Urban	462	0.3
Total	142,202	100.0
State	630	0.4
County	61,253	43.1

## Recreation

Recreation on the Menominee and its tributaries is one of the most important uses made of the system today. Fishing, boating, canoeing, camping, and swimming occur throughout the system at light to moderate levels. Most boating, camping, and swimming is facilitated on or around the several hydro reservoirs while canoeists most often float the riverine stretches. Rafting is popular in the Piers Gorge Area between Niagara, Wisconsin and Norway, Michigan because of the whitewater rapids in that area.

The Menominee River system has a very diverse fishery and is well known for excellent smallmouth bass and walleye fishing. Smallmouth bass over 20 inches are not uncommon and several 10-pound-plus walleyes are harvested each year. Northern pike, crappie, bluegill, perch, musky and sturgeon are other game species found in the Menominee River.

Marinette County abounds with wildlife including white-tailed deer, grouse, turkey, rabbit, and bear. Large tracts of Marinette County Forest and Power Company owned lands are open to the public for hunting. The area receives light to moderate hunting pressure from local residents and hunters from the Green Bay/Fox River Valley area. April and May find turkey hunters throughout the property. In fall, small game and archery hunters pursue their quarry until the traditional nine-day gun deer season in November, when hunting pressure intensifies. Winter months bring light hunting pressure to the area with emphasis on small game hunting. Hunters are attracted to the area not only because of the game, but also the beautiful scenery along the river banks and several waterfalls. Sightseeing is also popular throughout the seasons, especially at Piers Gorge, Sand Portage Rapids, Quiver and Pemene Falls.

Recreational boating on the river includes canoe and kayak travel on shallow water and slow moving sections of the Menominee River. The unspoiled peaceful and relaxing atmosphere is well suited for canoe trips. Rafting also is popular in the Piers Gorge whitewater and the Quiver and Pemene Falls area. Motorboat travel generally is confined to the areas above the hydroelectric dams. The impoundments above hydropower dams receive light to moderate boating pressure from fishermen and other recreational watercraft. The area below Pemene Falls also receives light motorboat traffic due to a boat landing provided on the Michigan shoreline.

## Motorized Recreation

On public lands in Wisconsin ATV's and snowmobiles are allowed to operate only on designated trails. ATV's and snowmobiles are allowed to operate on designated trails in Marinette County. Marinette Co. has 206.2 miles of funded summer ATV trails and 234.2 miles of funded winter trail. Approximately 86 miles of year-round designated ATV trail are currently provided in the adjacent Marinette County Forest, in the townships of Dunbar, Pembine, Goodman and Silver Cliff. Under WE Energies land management of the Piers Gorge and Quiver Falls Tracts in Wisconsin, ATV use was also restricted to designated trails only. A designated

snowmobile trail does pass through the Quiver Falls Tract for a distance of several miles. Part of this trail segment is also designated as year-round ATV trail. Currently within the Menominee River Natural Resources Area there is a year round trail which utilizes existing town road primarily adjacent to the property. Within the proposed acquisition area WE Energies had allowed both year-round ATV and snowmobile trail as well as snowmobile trail only routes. These trails occur both on town road and WE Energies wood road trails. It is estimated that there are 2.5 miles of trail in the existing property and 7 miles of trail in the proposed acquisition.

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

### **Population Trends and Land Use**

The human population occupying the Menominee River Basin has increased substantially since the early 1800's when only a few thousand Menominee and Chippewa Indians were the principal inhabitants. Census figures for 1980 in the five counties that cover the Basin show that probably less than 20 percent actually live outside the Menominee River Basin, since county boundaries do not follow watershed boundaries. Italian immigrants came to the area to work in the mining industry and a significant number of Scandinavians and Europeans arrived to work on the farms and in the lumber camps of Wisconsin and Michigan. Land use patterns also have undergone changes. Although the majority of the land area in the basin is still forested as it was in the 1800's, substantial acreage has been converted to agriculture, residential, and industrial uses.

A great deal of the frontage along the river is open to the public for recreational use. The hydropower utility owners hold about 44 percent of the frontage along the main stem of the river in Michigan and Wisconsin, from the confluence of the Brule and Michigamme to the river's mouth in Marinette-Menominee. An additional five percent of the frontage is owned by the states and a smaller percentage is in county or town ownership. Most of the agricultural land in Marinette County lies in the southern part of the county and outside the Menominee River Basin. Conversely, most of the agricultural lands in Menominee County, Michigan lie within the Menominee River drainage area. Menominee County characterizes itself as the dairy capital of Michigan's Upper Peninsula with over 19,000 cattle presently in the county. Primary crops grown are corn and hay to support the dairy industry. Pastureland also occupies a large acreage in the county. Agriculture may have had a substantial impact upon some tributaries to the Menominee and perhaps to the river itself.

#### **Economy**

In addition to tourism, the forest products industry and logging are significant contributors to the local economy. Sawtimber and pulpwood volumes are marketed to numerous mills in the Upper Peninsula and northern Wisconsin. Larger sawmills include Nicolet Hardwoods Corp. in Laona, Goodman Veneer and Lumber Company in Goodman, and Kretz Lumber in Antigo.

Much of the area's pulpwood is marketed to Verso Paper (Quinnesec, Michigan), NewPage (Escanaba, Michigan and Wisconsin Rapids, Wisconsin), and Packaging Corporation of America (Tomahawk, Wisconsin). Markets and prices for all types of forest products have been steady to slowly increasing through the first eight months of 2010 due to the sluggish U.S. economy and housing market. Employment in forest industries and logging is relatively stable and very important to the local economy.

c. Archaeological/Historical

The Menominee River takes its name from the Indian tribe that settled on its banks near its mouth, the Menominee. The word Menominee is from the Algonquin Indian term for wild rice. Historic accounts refer to the immense beds of wild rice found at the mouth of the river, hence the name was quite appropriate (Cram 1840). The Chippewa Indians lived in the upper portion of the basin. Their name for the river was "Me-ne-ca-ne Sepe" or "Many Little Islands River", also an appropriate name. Undoubtedly, Indians were using the

Menominee from earliest times. There was a great trail that connected large Indian villages throughout the state, and it also ran to the White Rapids area. This trail was in existence in 1634 when Jean Nicolet met the Wisconsin Indians along the Fox River. There was a large village of several thousand Chippewa and Menominees located along the river at White Rapids (Amberg Granite Grange, 1974). Obviously, Native Americans were drawn to this area because of an abundance of fish, game and wild rice.

White settlement generally coincided with the exploitation of furbearers along the Menominee River starting around 1800. Trade with the Indians was commonplace and trading posts near the mouth of the river developed. A sawmill was built on the Menominee River near its mouth in 1832, signaling the start of the logging boom. Eventually, there were nine large sawmills in Marinette and eleven on the Menominee, Michigan side of the river, in addition to many smaller operations. At the height of the logging era, tens of thousands of logs were handled each day at these mills and eventually over ten billion feet of lumber were sawed. In 1882, the river started to be used for something other than log transport and sawmills. A hydraulic air compressor plant was built at Big Quinnesec Falls. This compressed air was used to power equipment at an iron mine in Iron Mountain, Michigan. Some of the most important iron ore deposits in the country were found in the upper reaches of the Menominee Basin. Shortly thereafter, as the need for electricity grew, more and more of the river's flow was harnessed for hydropower. Other industries also developed along the riverbanks by 1900, especially in the lower river, and in the area around Iron Mountain. While the cut over forests started to regenerate, much of the industry in the watershed centered on pulp and papermaking.

### **Archaeological Sites**

The heavy forest cover makes it difficult to assess the nature and distribution of archaeological remains within the project area. It is entirely possible that the area contains hundreds of archaeological sites that have yet to be discovered. Most sites are expected to lie within 300 feet of the Menominee River, on ground that is well drained and relatively level. Site potential is particularly high near the mouths of tributaries, near rapids, or on islands. Since the area is relatively undeveloped, archaeological deposits are expected to be fairly well preserved. However, such deposits will generally extend no more than ten inches below the ground surface, making them vulnerable to destruction by modern forestry practices.

State Historical Society of Wisconsin (SHSW) records identify six archaeological sites in Wisconsin near, but not within the MRNRA property. Three of these are portions of a group of five conical mounds. Another is a small prehistoric campsite, and two of the sites are limited to reports of isolated finds from vaguely defined locations. None of the sites lie within the proposed project boundary of MRNRA. They are, however nearby, suggesting care be taken in all development work. It is the policy of the WDNR to have an archaeologist review and, if warranted, test any site where disturbance of the soil will take place.

### **Historic Structures**

Few historic structures have been recorded in the study area. The study area included the river corridor from Piers Gorge to White Rapids dam. All are 20th century structures, entered into the SHSW Architecture and History Inventory in conjunction with the Great Lakes Archaeological Research Center's (GLARC) 1989 survey of cultural resources that might be affected by FERC relicensing of the hydroelectric dams. They include:

96/37 White Rapids Dam

91/103 Chalk Hill Dam (determined eligible for National Register)

91/104 Four Seasons Clubhouse

91/105 Miscauno Island bridge

91/106 Miscauno Island bridge

91/107 Miscauno Island bridge

None of these structures is directly involved with the proposed acquisition of the Piers Gorge and Quiver Falls Tracts, however.

### **Additional Information**

Additional undocumented sites may exist where tributary streams enter the Menominee River, for instance at the mouth of the Pemebonwon River and Mullaney Creek. Remnants of dams and cribbing left from the logging era are visible near both Quiver Falls and Pemene Falls. Evidence of structures anchored to the bedrock on the Michigan side of Piers Gorge hint at earlier uses during the lumber era. The high probability of finding cultural resources in the vicinity of the river, its tributaries, waterfalls and wetlands should be noted. Before any construction activities or mechanized logging takes place archaeological site investigations will be made. Appropriate measures under state and federal statutes will be taken, should any cultural resources be discovered.

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

##### Scenic Piers Gorge Area

Piers Gorge is a scenic canyon carved through bedrock by the Menominee River. It is named for natural rocky ledges or "piers" that the river tumbles over, resulting in four sets of rapids, some of which could be classified as low falls. The biggest of the drops is about 8' high and is named Misicot Falls.

A well maintained trail on the Michigan side of the river takes visitors past the four piers. The first pier is a short distance from the parking area and is nothing more than a turbulent section of whitewater, but the rock outcroppings are interesting. The bedrock here has been tilted 90 degrees, and the seams of the rock are aligned with the flow of the water.

A quarter mile upstream the trail provides a view of the much more scenic second pier. It is a small falls with a drop of a few feet. Just beyond this is Misicot Falls, where the Menominee River spills over an 8' high ledge and then runs through a long section of white water. There is a nice overlook high above the falls, and visitors, using reasonable care, can also get down close to the water. The last pier is a full mile above Misicot Falls. This one is named Sand Portage Falls. Here the river flows around two large chunks of rock, creating two islands.

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

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

Preservation and protection from development of 10.85 miles of scenic river corridor and related uplands would be a consequence of state acquisition. This protection is currently provided under the Wilderness Shores Settlement Agreement and would continue under state ownership. No adverse impacts are anticipated. Sustainable management of terrestrial and aquatic resources would benefit the long term availability of these resources.

Large, contiguous acreage along a major scenic river of good water quality; public access to recreation and forest lands would be provided.

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

##### Invasive Species

The incidence of exotic invasive species is a risk that would be taken if and when human activity was to increase on the Piers Gorge and Quiver Falls Tracts. This would be an indirect effect of acquiring the land and would be related to future actions that would provide increased access to the property.

The Menominee River currently has Eurasian Water Milfoil, Rusty Crayfish, and Zebra Mussels. Care needs to be taken to prevent additional species from entering the Menominee and from spreading the invasives to another

water body. Terrestrial invasive exotic plant species are also a concern wherever human activity increases. Invasive species including Leafy Spurge, Spotted Knapweed, Garlic Mustard and Phragmites are just a few that are of concern to land managers.

#### Forest management

Forest management impacts very likely would see little difference under Department of Natural Resources ownership. The forest reconnaissance system, forest management and silviculture standards used by the current owners are the same ones used by the Department. The three management zones currently in place for the Piers Gorge and Quiver Falls Tracts are almost identical to the management zones the adjacent Menominee River Natural Resource Area (MRNRA) operates under. MRNRA zones are defined as:

Zone of Old Growth Reserves- There is no active management planned for this zone. It includes a 200 foot wide corridor parallel to the ordinary high water mark of the Menominee River or to the visual horizon from the river whichever is greatest. In some places it has been widened to include the full width of the current stand at that point along the river corridor. The zone also includes lowland hardwood and conifer stands, with lowland brush areas, and several large open and timbered rock outcrop areas.

Zone of Managed Old Growth Pine- The zone includes areas of red pine plantation and natural white pine that have potential for old growth appearance, values and characteristics. The primary management goal is the long-term development and maintenance of some old growth ecological attributes in the pine timber types, while facilitating some limited active management practices and product extraction.

Zone of Mixed Age Aspen - The goal for this zone is to provide for and enhance the extensive aspen habitats for the benefit of the many birds and animals that utilize aspen habitats of all age and size classes. This will be done by creating a greater mix of age and size class diversity for the aspen using early and delayed harvesting practices.

There may be some changes made to the specific locations of the current Old Growth and Forest Biodiversity Management Zones in the Piers Gorge and Quiver Falls Tracts dependant on the Departments assessment of these zones and a comparison to overall goals for the property. Similarly the need for a no management designation in the Piers Gorge Tract will be assessed against overall property goals.

Forest lands owned by the Department of Natural Resources are third party certified by the Forest Stewardship Council (FSC) and the Sustainable Forestry Initiative (SFI). Certification is a review of on-the-ground forest practices against standards that address environmental, social and economic issues. It provides assurance to the public that the DNR's forest lands are sustainably managed. If acquired the Piers Gorge and Piers Gorge and Quiver Falls Tracts would be included in the DNR's certification program and be periodically inspected for adherence with the FSC and SFI standards. Any deviance from the standards would need to be corrected. In the long run this assures better, more transparent forest management on these lands.

#### 17. Cultural

##### a. Land Use (including indirect and secondary impacts)

Acquisition of the Piers Gorge and Quiver Falls Tracts by the state would, within their boundaries, stop the constant fragmentation of large scenic parcel sizes and critical habitats that occurs when land is continually bought, subdivided into smaller parcels and then sold for a profit.

Acquisition of the additional 2,714 acres of land from WE Energies will not change per se, the land use which is public recreation and forestry. The current master plan for the existing MRNRA allows hunting, trapping and

camping. However, acquisition of the Piers Gorge and Quiver Falls Tracts, the land use and management of the property will be reviewed and designated through master planning, using an open public participation process in accordance with Wisconsin Administrative Code NR 44. The master planning process is codified by NR 44 and it sets standards for categories and levels of property management and development. But its most valuable effect is the provision of ample opportunities for the public stakeholders to be a part of the planning process. This means that regardless of what title this project receives, the public use and access to the project will be decided using a process that relies strongly on participation by the very members of the public who would have a stake in the project. Strictly speaking, the uses of this property to be acquired could change, but not as a direct result of state acquisition, rather as a result of master planning.

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

This proposed action is twofold. DNR would acquire 2,714 acres of land from WE Energies, to be combined with the existing 2119.36 acres of the Menominee River Natural Resources Area (MRNRA); and the name of this project would be changed to the *Menominee River State Park and Recreation Area (MRSPRA)*. There may be a perception by the public that the State Park part of this new name might imply restriction of public hunting and trapping activities that under WE Energies ownership, have been permitted to take place freely. This will not necessarily be the case, however. State Parks generally prohibit hunting and trapping; however the Department has authority under state statute and administrative code to permit hunting on designated properties. (Ch. 29.089 (3) Stats and Ch. 45.09(4) Admin Code)

Motorized Recreation

Acquisition and designation of the Piers Gorge and Quiver Falls Tracts will not have any direct or immediate effect on the status of existing designated Marinette County Snowmobile and ATV trails that currently use these properties. During a master plan amendment public participation process all recreation modes will be considered and discussed. In the interim no changes are anticipated to the trail system because of a change in ownership.

**Economic Effects**

Potential for increased tourism and tourism-generated income could increase as a result of public acquisition. This would be an anticipated effect based on the possibility that at some future time the Menominee River Corridor would be more attractive or have enhanced tourism features that would attract more visitors to the area.

Timber sale benefits to the local economy/industry will be similar under State ownership to what they have been under WE Energies ownership.

State acquisition of the Piers Gorge and Quiver Falls Tracts would have a potential impact on local property tax revenues. DNR policy is to make payments in lieu of taxes (PILT) at the prevailing tax rate based upon the purchase price of the land. Recent property taxes in the amount of \$85,938 were paid on this property. Under DNR ownership the estimated PILT, based on a purchase price of \$3,256,800 would be \$47, 810 a difference of \$38,128. The state would be paying about 56% of the 2009 property taxes. These figures are based on the best information available at the time and may be subject to adjustment for accuracy

Additional economic impacts of this proposed action would be the payment made to We Energies for the purchase of the property. Also, the seller would be relieved of the cost of annual property tax payments for the parcels included in this transaction.

Expenditure of Knowles Nelson Stewardship funds to acquire this land would result in the sale of bonds to generate cash to pay for the land. This is the intentional design of the Stewardship program. The state would then be responsible for payment of interest on the Stewardship bonds.

### c. Archaeological/Historical

Historical and archaeological resources listed in this document would not directly be affected by the proposed action. While Historical and archaeological resources in Wisconsin are protected by statute on all properties regardless of ownership, state ownership and management practices exist that further safeguard these resources by requiring all potential construction sites be investigated for the presence of cultural resources prior to any significant disturbance to the soil.

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

The potential for providing public access for viewing the scenic areas of Piers Gorge from the Wisconsin side of the Menominee River would increase under public ownership  
Opportunity to significantly add to the length of Menominee River corridor protected under public ownership. The present 6.3 miles of protected river frontage in the existing Natural Resource Area would be increased by 10.85 miles making the effective length of the Menominee River State Park and Recreation Area over 17 miles.

Conformance with other existing regional and resource management plans:

- Implements section of Menominee River Natural Resources Area Master Plan, 2000 suggesting that additional power company-owned Menominee River frontage should be acquired when available.
- Menominee River listed as a Legacy Resource for acquisition in the recent “Wisconsin Land Legacy Report”
- Would implement some of the objectives in the “Upper Green Bay Basin Integrated Management Plan” February 2001
- Acquisition would enable potential future implementation of Ecological Management Opportunities for the *Northeast Sands* region of Wisconsin as listed in the “Ecological Landscapes of Wisconsin” HB 18051, 2002

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

The impact of lower property tax revenues paid to municipalities is unavoidable. While the difference in revenue between regular property taxes and PILT is relatively small, it is a reduction nonetheless. A long-term increase in tourism revenues in Marinette County may eventually offset this loss of tax revenue; however this is speculative at this time.

The potential adverse impact of the spread of invasive exotic species, terrestrial species in particular, is for all practical purposes unavoidable. Every master plan written under NR 44 contains a section telling how invasive species would be dealt with on that particular property. This would also be a feature of any future master plan or master plan amendment that is written for the Menominee River State Park and Recreation Area.

## 20. Environmental Effects and Their Significance

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

Most, if not all effects of the proposed actions are long-term. These are impacts related to the permanent purchase and eventual designation of the property for public uses and sustainable management. These imply a long-term or even permanent effect.

Examples of the long-term effects would be:

- Sustainable management of terrestrial and aquatic resources
- Forests managed sustainably in zones appropriate to their composition and site capability. Fifty years is a short-term goal in forest management.
- Prevention of small-lot subdividing by state ownership is a long-term effect
- Land use, while eventually dictated by master plan is long-term. It is unlikely that even with DNR's desired 15-year review rotation of master plans any drastic change in land use would occur.
- Acquisition of the land is long-term, while naming or designation can be short-term since it can be changed by Natural Resources board action at any time.
- Economic effects on local tax revenues resulting from implementing PILT will be long-term, although it is hoped that adequate adjustments can be made and that the losses might be somewhat offset by eventual gains in increased tourist revenues.
- The economic effect of issuing Stewardship bonds to pay for the acquisition of land is a short-term effect when compared to the long-term benefits of public ownership and management of the property.
- Conformance with other regional and long-range resource management plans is of itself a long-term effect because of the long-range nature of these documents.
- The impacts of the spread of exotic invasive species can only be termed long-range to permanent. While some species fluctuate in their population density, many reach a state of equilibrium and become a part of the environment, altering it permanently. Examples abound, such as Eurasian Water Millfoil, Round Gobie, Zebra Mussel, honeysuckle, etc.

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

The Menominee River, with its 117 miles of mostly undeveloped river frontage is a scarce resource in itself. The large-block ownership, here represented by the Piers Gorge and Quiver Falls Tracts, is a scarce and disappearing resource on the Wisconsin landscape, especially in the north. It would be fair to say, given the limited scope of the proposed action, that all the impacts, both positive and negative, impact a scarce and irreplaceable resource.

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

Many of the effects of this action are positive effects that would not ordinarily warrant reversal. The only way to achieve reversal would be to dispose of the property and allow the marketplace to prevail. That could eventually reverse the positive impacts, but be counterproductive.

Consequences that may be deemed negative such as the reduction in tax revenue to municipalities by PILT, or the risk of introduction of exotic invasive species may not be truly reversible. However, means to mitigate these negative effects are constantly being sought. Research and experimentation with ways to deal with exotic species are ongoing with the potential for slowing or eliminating the spread of invasives.

21. Significance of Cumulative Effects

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

Repeated acquisition of scenic large block river corridor lands would have an effect of providing increased protection for the scenic and recreational resources of the Menominee River. Contiguous large tracts of forest would always be sustainably managed.

Continued state acquisition of lands already on the property tax rolls could cause a loss of revenue, depending on the assessed valuation of property at the time compared to PILT. PILT would be based on purchase price, which could be lower or higher than the assessed value of the property.

22. Significance of Risk

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

An analysis of the property tax situation in the Towns of Niagara and Pembine could discover ways to mitigate tax revenue losses.

- 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.

These tracts are located in an intensive fire protection area of Wisconsin. The DNR has primary wildfire responsibility in the intensive areas of the State. The Pembine Ranger Station (a DNR facility) is located about 10 – 15 miles southwest of the tracts. Wildland fire fighting personnel and equipment are stationed at Pembine and would respond to any wildfires on these tracts. Fire towers located northwest and southwest of the tracts and aerial detection planes, along with citizen reporting provide wildfire detection service to the lands in northern Marinette County. Under DNR ownership this would not change.

The forest land cover types on the tracts are not very fire prone. The incidence of wildfires is not great in this part of Marinette County. Normal spring and fall fire season conditions do not create explosive, critical conditions in the aspen/birch and northern hardwood stands of these tracts that are often seen in the larger expanses of red and jack pine cover types located elsewhere in the county. Wildfires could still be expected to kill and damage some of the trees and threaten nearby homes and cabins. However, they most likely would not be very large fires nor very difficult to extinguish. Scattered rock outcroppings in the tracts could create some difficulties for access to wildfires and for methods to extinguish the fires. Under DNR ownership there may be more effort and cost associated with repairing and restoring lands damaged in wildfire fighting or salvaging damaged and dead timber than under current ownership.

23. Significance of Precedent

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

A decision on this proposal might influence decision making on future similar actions. Indeed, this action is partially the result of a similar land acquisition and master plan recommendation for additional Menominee River land to be acquired.

As far as can be ascertained, this proposal is in conformance and agreement with local and regional resource management plans.

24. Significance of Controversy over Environmental Effects

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

Generally, this type of action has been well received in the region of the Menominee River Corridor. Past citizen input gathered at public meetings and through correspondence has strongly supported acquisition and protection of the Menominee River Corridor. It is anticipated that this proposed action will be similarly supported. Effects on local property taxes may be disputed, however the occurrence of future negative effects must be judged individually because of fluctuating land values and levels of tax assessment.

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## ALTERNATIVES

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

In general the range of alternatives to this proposed action is limited to “do nothing” or “proceed as proposed”. No alternative acquisition methods or structured timing or alternative boundaries have been discussed, however these are solely in the realm of negotiation between the parties involved. The impact of doing nothing could result in the property owner selling the land to other parties more interested in real estate development and profits. Under private management it is unknown whether public access would be welcomed. One possible scenario would be the acquisition of certain key scenic areas by a municipality or local government for the development of public access. This would probably not provide access to the entire 2,714 acres, though.

Other impacts of the “do nothing” alternative would be the uncertain risk of degradation to other natural and cultural resources on the property without the protection of state ownership.

### **Forest Management**

In the short term there is very little difference in the way that forest lands will be managed if no action is taken when compared with management under DNR ownership. However, if no action is taken and the *Wilderness Shores Settlement Agreement* expires and the lands are sold to private landowners, then forest management is likely to be less controlled and possibly unsustainable. This could lead to a degradation of the forest resources and wildlife habitat. Residential development along the river will negatively impact the riparian resources. Larger working blocks of forest land will be parceled out for individual ownership leading to more scattered residences or recreational cabins or clusters of residences and cabins in the forest. More wildfires are likely because humans cause 98 percent of the wildfires in Wisconsin. More homes and cabins will be threatened and possibly destroyed by wildfire. The wildfires will be harder to fight because more effort will be put in protecting homes and cabins and the public’s safety. The timber industry will suffer because more forest land will be taken out of production and the supply of timber to local mills will decrease.

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## SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES

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

NOTE: Contacts occurred between September 28, 2010 and October 27, 2010.

<u>Date</u>	<u>Contact</u>	<u>Comment Summary</u>
	Michael Donofrio - DNR Fisheries Team Supervisor	Provided information on fisheries, water quality and river resource management
	David Halfman - DNR Wildlife Biologist	Provided information on Wildlife habitat and populations; and information on management of the MRNRA
	Joseph Henry - DNR	Provided information on Endangered and Threatened Resources

Regional Ecologist

John Lubbers - DNR  
Forestry Staff Supervisor

Provided information on forestry management under WE Energies and DNR management

Tim Mella - DNR Real  
Estate Specialist

Provided Real Estate information and details about property for sale.

Matthew Schaeve - DNR  
Environmental Analysis &  
Review Specialist

Contributed to completion of EA document

Jeremiah Schiefelbein -  
DNR Environmental  
Analysis & Review  
Specialist

Contributed to completion of EA document

Al Stranz - DNR  
Environmental Analysis &  
Review Supervisor

Provided guidance and critical support for production of EA

Personal Experience with the site, Dan Rogers, 1998-2010: Performed initial planning and Environmental Assessment for Menominee River Natural Resources Area, including study of entire river corridor for potential future acquisition and corridor preservation. Additional planning and design of public recreation facilities performed on MRNRA.

Project Name: County: Marinette

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

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

Complete either A or B below:

A. EIS Process Not Required



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

B. Major Action Requiring the Full EIS Process



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

Signature of Evaluator	Date Signed
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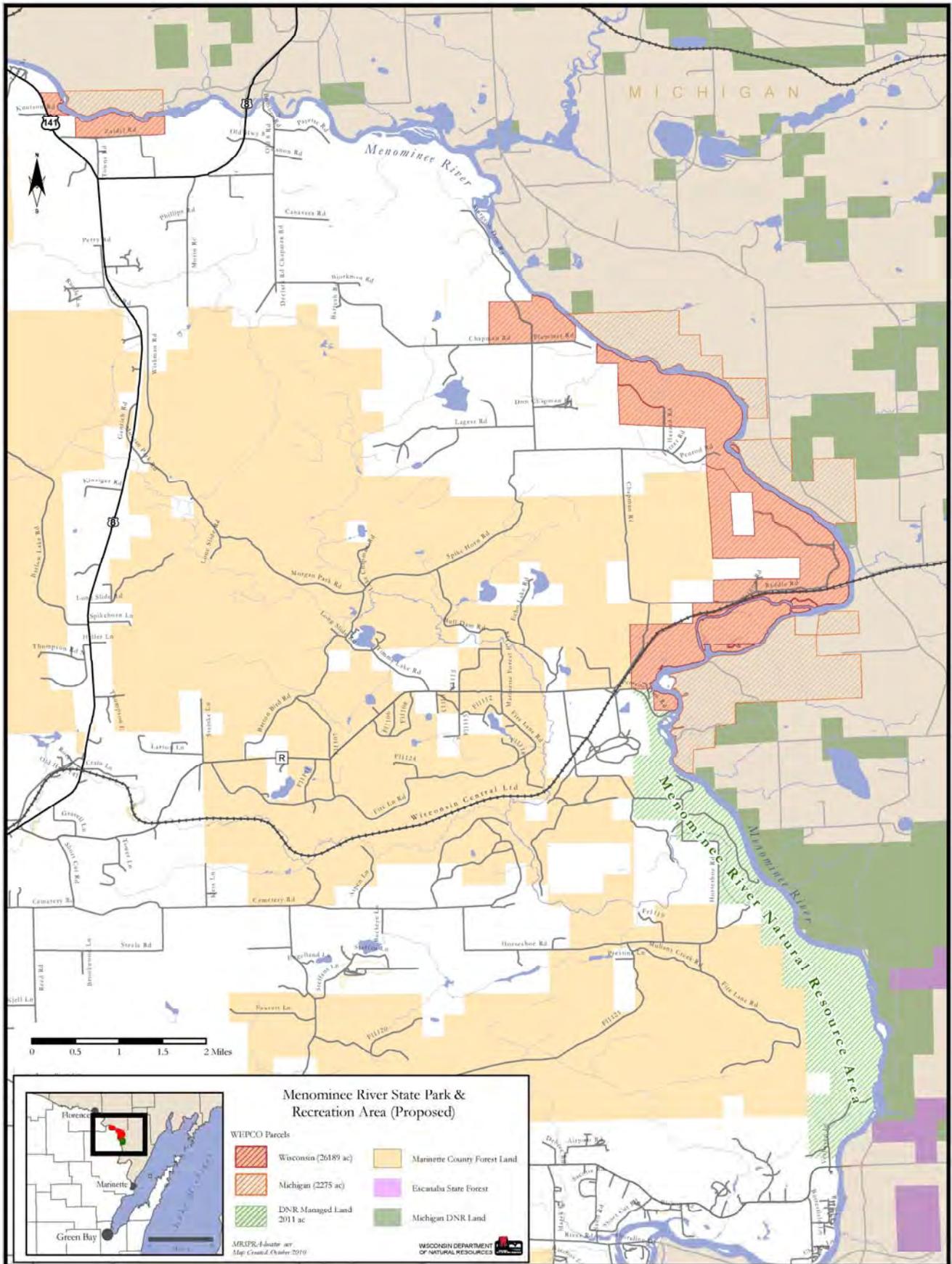
Number of responses to news release or other notice:

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

**NOTICE OF APPEAL RIGHTS**

If you believe that you have a right to challenge this decision, you should know that the 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, Wis. 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 must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. 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. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.



APPENDIX  
Bibliography of Reference Documents and Sources

## Referenced Literature

Compass Land Consulting LLC, Steigerwaldt Land Services, Inc: *Draft Real Estate Appraisal Summary Report, 9/22/2010.*

The Department received two draft appraisals, one from Compass, and the second from Steigerwaldt. Compass determined the market value of the 5,018 acres currently owned by WE Energies to be \$5,018,000 (\$1000 per acre) while Steigerwaldt determined the same property to have a market value of \$11,040,000 (approximately \$2,200 per acre). The department has negotiated a price of \$1,200 per acre.

Dirst, Victoria: *CULTURAL RESOURCES ALONG THE MENOMINEE RIVER, October 1998*

Former Department Employee Dr. Victoria Dirst identifies a number of known archaeological sites along the Menominee River corridor. As a result of heavy forest cover, it is difficult to assess the nature and distribution of additional archaeological sites, although it is possible that the area could contain hundreds. Because the area is relatively undeveloped, it is thought that most of the remains would be well preserved generally no more than 10 inches below the surface. This shallow depth makes the remains susceptible to destruction by modern forestry practices.

Marinette County Land Information Committee: *Marinette County Land & Water Resource Management Plan 2011 – 2020, 2010*

The Land and Water Resource Management plan was developed to guide agencies in managing resources in a manner that meets the needs of the residents of Marinette County as well as protect and enhance the local environment. The document primarily focuses on water resources including watersheds, lakes, streams, and groundwater and how current and historic land use as well as invasive species may impact these resources.

Thuemler, Thomas F., Schnicke, Gary: *Menominee River Fisheries Management Plan, December 1992.*

In a joint effort between the Michigan and Wisconsin Departments of Natural Resources, this plan was drafted to provide long range guidance to the departments and other agencies on management of fish and other aquatic resources present in the system. The ultimate goal of the plan was to manage for self sustaining stocks of desirable aquatic species and to consider the entire Menominee River Basin and realize its natural resource potential for the citizens of Wisconsin and Michigan. The plan discusses the historical and current conditions of the area as they pertain to land use, water quality, and the fishery to name a few. The plan closes with a series of statements that will guide management direction and future strategies.

USDA: *SOIL SURVEY OF MARINETTE COUNTY WISCONSIN, February 1991.*

Field work for this document was completed in 1986 and approved in 1987. The Marinette County Soil Survey provides general and detailed soil map units along with the use and management of the soil types. Soil properties as they relate to engineering, physical and chemical properties, soil and water features, and engineering test data are followed by detailed classification of each soil series that occurs in the county.

Wisconsin Department of Natural Resources: *ECOLOGICAL LANDSCAPES OF WISCONSIN HB 18051, September 5, 2001.*

The Ecological Landscapes of Wisconsin Handbook is a result of work completed by the Division of Land's Ecosystem Management Planning Team and other Department staff with the goal of providing assistance in analyzing alternatives in the context of ecosystem management principals. Data on each ecological landscape, basic information about natural communities, and opportunities to manage for biological diversity by landscape are presented. This document was not intended to provide management goals, but to provide a foundation for management opportunities.

Wisconsin Department of Natural Resources *Fish Consumption Advisories*, available at: <http://dnr.wi.gov/fish/consumption/>. October 20, 2010. The fisheries website contains the most up to date published information regarding consumption of fish from Wisconsin waters.

Wisconsin Department of Natural Resources: *MENOMINEE RIVER NATURAL RESOURCES AREA MASTER PLAN, March 2000*

The Menominee River Natural Resources Area (MRNA) includes 1,922 acres of land purchased by the Richard King Mellon Foundation and the Conservation Fund in 1997 from Wisconsin Public Service Corporation (WPSC). Development of the MRNA Master plan included a series of public listening sessions and focus group meetings thereby creating a management strategy that will maintain and enhance the natural qualities of the property while providing compatible recreational opportunities. Designation of the property as a Natural Resources Area will allow a variety of management practices to achieve the goals of this plan which include but are not limited to: protecting the scenic natural beauty, provide low-impact recreational opportunities, forest management to establish and maintain species and age class diversity, protect the water quality of the Menominee River and associated tributaries and wetlands, protect historic and archaeological sites, and protect any endangered resources on the property.

Wisconsin Department of Natural Resources et al: *UPPER GREEN BAY BASIN INTEGRATED MANAGEMENT PLAN, PUBL WT 663 2001, February, 2001*

This publication was developed to satisfy the requirements of the Clean Water Act, Section 208 Area wide Water Quality Planning Program to demonstrate that field level projects funded by the US Fish and Wildlife Service are meeting intended goals. Furthermore, the document was to translate our partnership, team priorities, and objectives for the basin into guidance for use in future work planning and project development. The document addresses the importance of the partnership among state and federal agencies and public to meet the basin objectives. Recommendations for the upper Green Bay Basin include the importance of inter-agency and public participation, sustaining both aquatic and terrestrial communities, health and safety as they relate to consumption advisories, total maximum daily loads, non point source pollution, the importance of outdoor education, and the promotion of environmentally responsible outdoor recreation.

Wisconsin Department of Natural Resources: *THE WILDERNESS SHORES SETTLEMENT AGREEMENT* – February 10, 1997

The Settlement was negotiated among the Parties (Wisconsin Electric (also WE and WE Energies), Michigan Department of Natural Resources, Wisconsin Department of Natural Resources, Michigan Department of Environmental Quality, Michigan Department of Attorney General, Wisconsin Department of Administration, U.S. Fish and Wildlife Service, National Park Service, Michigan Hydro Licensing Coalition, River Alliance of Wisconsin) over a two year period beginning in July, 1994, prior to undertaking FERC licensing process on several Menominee River hydroelectric dams. The parties signed the document in February of 1997. The Settlement, in part, concerns the resolution of land management for the FERC projects and other matters. The Settlement will expire in 2037.

Section 5.2.2 states "For the term of this Settlement, WE agrees to retain ownership of a minimum of 4,000 acres of its real estate holdings along the Menominee River in Menominee County, Michigan; and, Marinette County, Wisconsin identified as the Quiver Falls Tract". And further in this section "WE shall allow public access to these lands when compatible with overall land management goals".

Section 5.2.3 states "Wisconsin Electric will manage the Sand Portage/ Piers Gorge Tract (approximately 350 acres, both states) for old growth and public use, and will not develop this parcel for the length of the Settlement as long as WE owns the parcel. If WE sells or trades this parcel prior to the expiration of this Settlement, deed restrictions will be added requiring the subsequent owners to: (1) manage the parcel for old growth; (2) continue to allow public access; and (3) not allow development that impacts the tract's natural scenic beauty."

Wisconsin Department of Natural Resources: *Wisconsin Land Legacy Report 2006*.

As directed by the Natural Resources Board, the Department of Natural Resources was advised to identify places critical to meet Wisconsin's outdoor recreation and conservation needs over the next 50 years. The document was written as a comprehensive resource to use when making land use decisions in an effort to balance conservation needs with various other land uses to not only protect our environment, but promote a strong, vibrant economy. Sixteen ecological landscapes are identified, one of which is the Northeast Sands and includes 12 of the 229 statewide legacy places. The Pike River, the Peme bon Won, and the Menominee River are three of the 12 legacy places identified in the Northeast Sands ecological landscape.

Zastrow, Darrell, WISCONSIN FOREST ACCORD, July 1994

Classification system that provides managers and scientists with a common language for describing forest sites, communities, and landscapes, as well as management expectations As a result of a joint effort led by the University of Wisconsin-Madison and the Wisconsin DNR Bureau of Forestry, representatives of public, industrial, and private landowners and land

Other current and historic resource management information from the current owner WE Energies