February 22, 2016

FOREST, PARKS, AND RECREATION COMMITTEE MEETING
Douglas County Board of Supervisors
Monday, February 29, 2016, 9:30 a.m., Forestry Headquarters
Solon Springs, Wisconsin

Please call the Chairperson or the Forestry Department (715-378-2219) if you will not be able to attend.

MEMBERS: Mark Liebaert, Chair; John Robinson, Vice Chair; Terry White; Robert Mock; Mary Lou Bergman

AGENDA
(Committee to maintain a two-hour meeting limit *or* take action to continue meeting beyond that time.)

1. Roll call.
2. Approval of minutes from the December 28, 2015, meeting (attached).
3. Department reports:
   - (a) Budget (attached);
   - (b) Forest management operations (attached); and
   - (c) Parks and recreation.
4. Action items/referrals:
   - (a) Car show event at Lucius Woods County Park (AAD Shriners AAONMS, Duluth) (attached);
   - (b) Bird Sanctuary Clubhouse rental fee waiver request (Wisconsin Woodland Owners Association) (attached);
   - (c) New winter trail establishment request (Brule River Riders Snowmobile Club) (attached);
   - (d) Electric transmission line utility easement request - Dahlberg Light & Power Company (attached);
   - (e) Electric transmission line utility easement request - Solon Springs Airport Commission (attached);
   - (f) 2016 Annual WDNR Recreational Trail Grant Program participation (attached);
   - (g) Tree stand use regulation on WDNR owned or managed lands (Fish & Game League of Douglas County) (attached);
   - (h) Comprehensive Land-Use Plan 2006-2020 Amendments:
     - (1) Special Management Areas (Chapter 500) (attached);
     - (2) State Natural Areas and Exception Resource Areas (High Conservation Value Forests) (Chapter 900) (attached);
     - (3) Designation of Wisconsin State Natural Areas Memorandum of Understanding (WDNR Bureau of Natural Heritage Conservation State Natural Areas Program) (Chapter 900) (attached);
     - (4) Five Mile Barrens Forest Management Plan (Chapter 900) (attached);
     - (5) Five Mile Barrens Forest Management Plan Extended Zone (Chapter 900) (attached);
   - (i) Gift of property (attached):
     - (1) Property acceptance;
     - (2) Release of capital reserve funding (Land Acquisition);
     - (3) Application for County Forest Law Entry;
   - (j) Upper St. Croix Forest Land Conservation Project (The Conservation Fund) (attached):
     - (1) Property acquisition;
     - (2) Contract for Sale of Real Estate Purchase Agreement or Option Agreement;
     - (3) USDA Forest Service Community Forest and Open Space Program Grant Application;
     - (4) WDNR Knowles-Nelson Stewardship Land Acquisition Grant Application;
     - (5) Release of capital reserve funding (Land Acquisition);
     - (6) Application for County Forest Law Entry;
   - (k) Open 2016 tree hand planting bids (attached);
   - (l) 2015 Budget:
     - (1) Carryovers/reserves;

(2) Year end transfer of excess revenues to the general fund;
(3) Release of reserve funding;
(4) Release of capital reserve funding.

5. Informational items/correspondence:
   (a) Hank Land Protection Project (West Wisconsin Land Trust) (attached);
   (b) Bird Sanctuary Estates Land Protection Project (West Wisconsin Land Trust) (attached);
   (c) Proposed WDNR land sales (attached);
   (d) Verso Corporation Chapter 11 bankruptcy (attached);
   (e) Northern long-eared bat final rule (attached);
   (f) Option for Amendment to Right-of-Way and Pipeline Utility Easement Grant (Enbridge) (attached);
   (g) Non-county forest Douglas County owned parcels county forest entry request (North County Trail Association) (attached);
   (h) Regulation of non-county forest county-owned lands (granting exclusive administrative authority upon forest management request – Memorandum of Agreement) (attached);
   (i) 2015 public land timber sale report (attached);
   (j) 2015 timber sale revenue record (attached);
   (k) 2015 town severance payment record (attached);
   (l) 2015 Annual Department Law Enforcement Report (Sheriff's Department);
   (m) 2016 Spring Logger's Discussion Forum;
   (n) March 8, 2016 timber sale reminder;
   (o) Reports:
      (1) Wisconsin County Forest Association; and
      (2) WDNR County Forest liaison.

6. Future agenda items.

cc: Sue Sandvick, County Board Supervisors, WI DNR, Terry Priem, WCFA, Andy Lisak, Carolyn Pierce, Shelley Nelson

NOTE: Attachments to the agenda are available at the County Forestry Department for review or copying and at the Douglas County website at www.douglascountywi.org. Action may be taken on any item listed on the agenda. The County of Douglas complies with the Americans with Disabilities Act of 1990. If you are in need of an accommodation to participate in the public meeting process, please contact the Douglas County Forestry Office at (715) 378-2219 by 4:00 p.m. on the day prior to the scheduled meeting. Douglas County will attempt to accommodate any request depending on the amount of notice received.

Posted: (Courthouse/Government Center)/Daily Telegram Emailed: Cheryl L. Westman 2/22/2016

Name Date

5a.

FOREST, PARKS, AND RECREATION COMMITTEE MEETING
Douglas County Board of Supervisors
Monday, September 28, 2015, 9:30 a.m., Forestry Headquarters
Solon Springs, Wisconsin

Meeting called to order by Chair Liebaert.

ROLL CALL: Present – Mark Liebaert, John Robinson, Terry White, Robert Mock. Absent – Mary Lou Bergman. Others present – David Blumer, Rebecca Loken, Roger Wilson, David Conley, Mark Schroeder, Jim Latvala, Andy Lisak, Jane Anklam, Shelley Nelson, Greg Behling, Jon Harris, Cheryl Westman, Committee Clerk.

APPROVAL OF MINUTES: Motion by White, second Mock, to approve the minutes from the August 31, 2015, regular meeting. Motion carried.

Department Reports:
Budget: Included with members' meeting packet. Harris reviewed the budget for the time period ending August 31, 2015.

Forest Management Operations: Latvala reported 5 active sales; with 3 hauling.

Parks and Recreation: Schroeder reported park system activity and project wrap-up in progress; goats moved to second cell for invasive species control in Lucius Woods County Park – update from Loken.

ACTION ITEMS/REFERRALS:
St. Croix Flowage Water Level Reduction at Gordon Dam Request (Gordon-St. Croix Flowage Association): Letter from Dave Blumer, Lake Education and Planning Services, on behalf of Gordon-St. Croix Flowage Association, requesting temporary dam water level reduction from current 1013.8' to 1013.7', maintaining/reducing flow during a 36-72 hour timeframe to provide additional contact time for Eurasian watermilfoil liquid herbicide water treatment. Next Monday or Tuesday are target dates to begin the application, weather permitting. All interested entities have been notified and awaiting a permit from the WDNR prior to starting. New temporary target of 1013.6' rather than 1013.7' and using 1013.9' as maximum water level prompting board removal suggested. These temporary elevation targets would only be utilized during the 72 hour contact time period, returning back to normal operating procedures upon completion.

ACTION: Motion by Liebaert, second Robinson, to approve request from St. Croix Flowage Association for a temporary change to standard operating procedures for Gordon Dam and initiate a water level reduction targeting 1013.6' and using 1013.9' as the maximum level prompting board removal for a time period not to exceed 72 consecutive hours no later than October 15, 2015, contingent upon WDNR permit approval. Motion carried.

Pesticide Ordinance #1.17 Exemption Request (Enbridge Energy): Enbridge requested referral to a future meeting. Biological control handout distributed by David Conley.

Balsam Creek St. Louis River Area of Concern Conservancy Project (West Wisconsin Land Trust): PowerPoint presentation of project overview by Jane Anklam. County Forest Special Use designation of property suggested. Purpose of funding source is more land preservation and conservation based. Timber production in the traditional sense of County Forest operations is generally inconsistent with the funding purpose. Acquisition best fits the further protection of the Nemadji River Watershed with low-impact recreational activity potential.

Property Acquisition:
National Oceanic and Atmospheric Administration (NOAA) Wisconsin Coastal Management Program (WCMP) Great Lakes Area of Concern (AOC) Land Acquisition Grant Acceptance:
Application for County Forest Law Entry/Special Use:

PROPOSED PARCEL WAS ADJUSTED & CLIPPED FROM 155 AC. TO 125 AC.

5a.

ACTION (RESOLUTION): Motion by White, second Robinson, to approve acquisition of Balsam Creek St. Louis River Area of Concern Conservancy Project (West Wisconsin Land Trust) property, accept National Oceanic and Atmospheric Administration Wisconsin Coastal Management Program Great Lakes Area of Concern Land Acquisition Grant, and Application for County Forest Special Use Entry, and forward to County Board. Motion carried unanimously.

Regulation of Non-County Forest County-Owned Lands: Map and table included with agenda (7700 acres). Refer to next month's agenda.

Open 2015 Forest Improvement Bids (TSI Mechanical Release): No bids received yet; one forthcoming.

ACTION: Motion by Mock, second White, to approve 2015 forest improvement bid (TSI mechanical release) when received, upon meeting all bid specifications. Motion carried unanimously.

INFORMATIONAL ITEMS/CORRESPONDENCE:
Wildlife Update (WDNR Wildlife Biologist): Behling provided update. Handouts distributed, "How E-Registration Works" and "2015 Bear Application Drawing Results".

ACTION: Motion by Liebaert, second White, to extend meeting beyond two-hour limit. Motion carried.

October 20, 2015 Timber Sale: Reminder – meeting begins at 6:00 p.m., October 20, 2015.

Reports:
Wisconsin County Forest Association: Robinson reported on annual meeting attended last week.

WDNR County Forest Liaison: No representative present.

Future Agenda Items: Regulation of non-county forest county-owned lands.

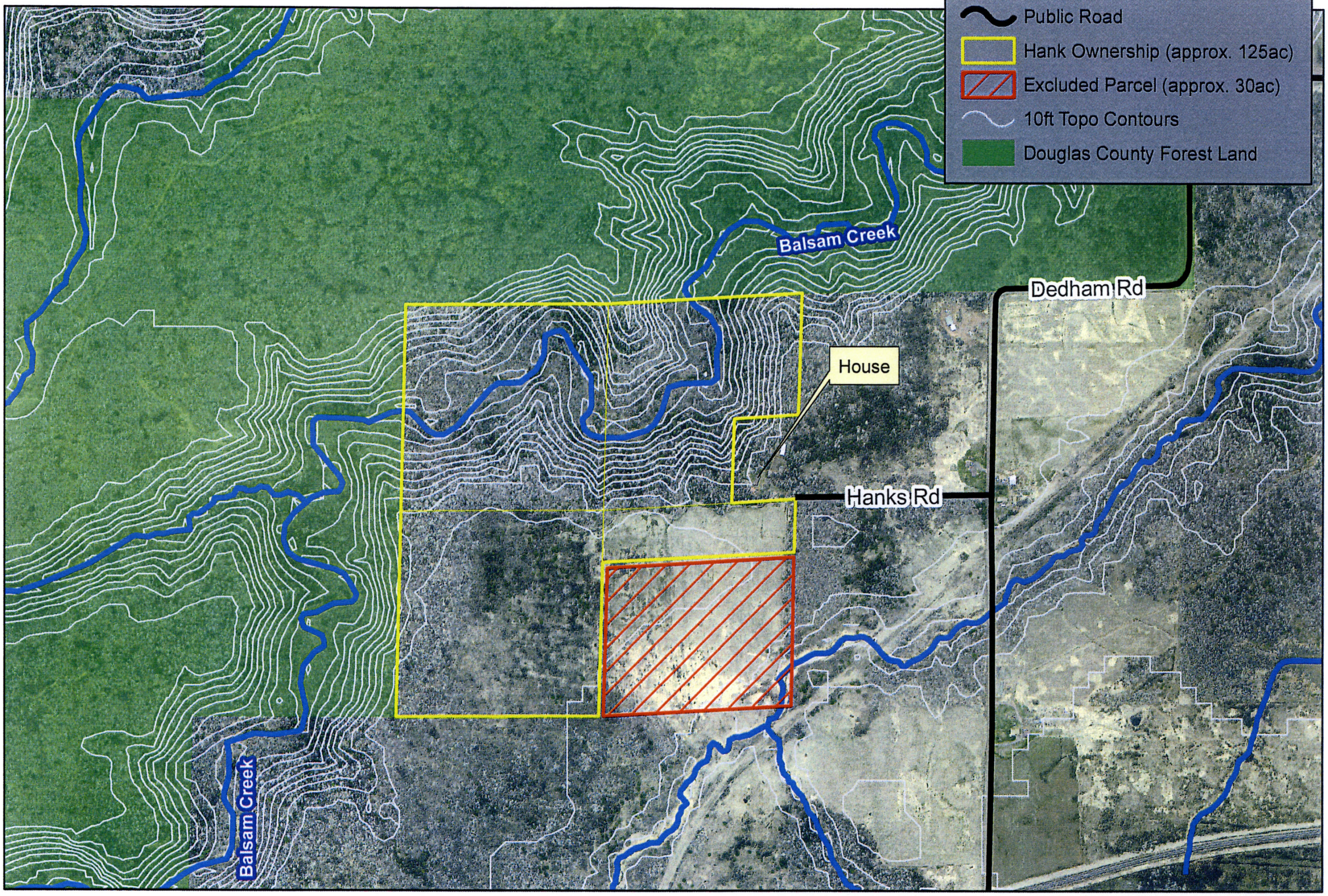
ADJOURNMENT: Motion by Mock, second Robinson, to adjourn. Motion carried. Meeting adjourned at 11:31 a.m.

Submitted by,

Cheryl Westman, Committee Clerk

HANK OWNERSHIP

Part of the NE 1/4 Section 23, T47N, R15W, Town of Superior, Douglas County, Wisconsin

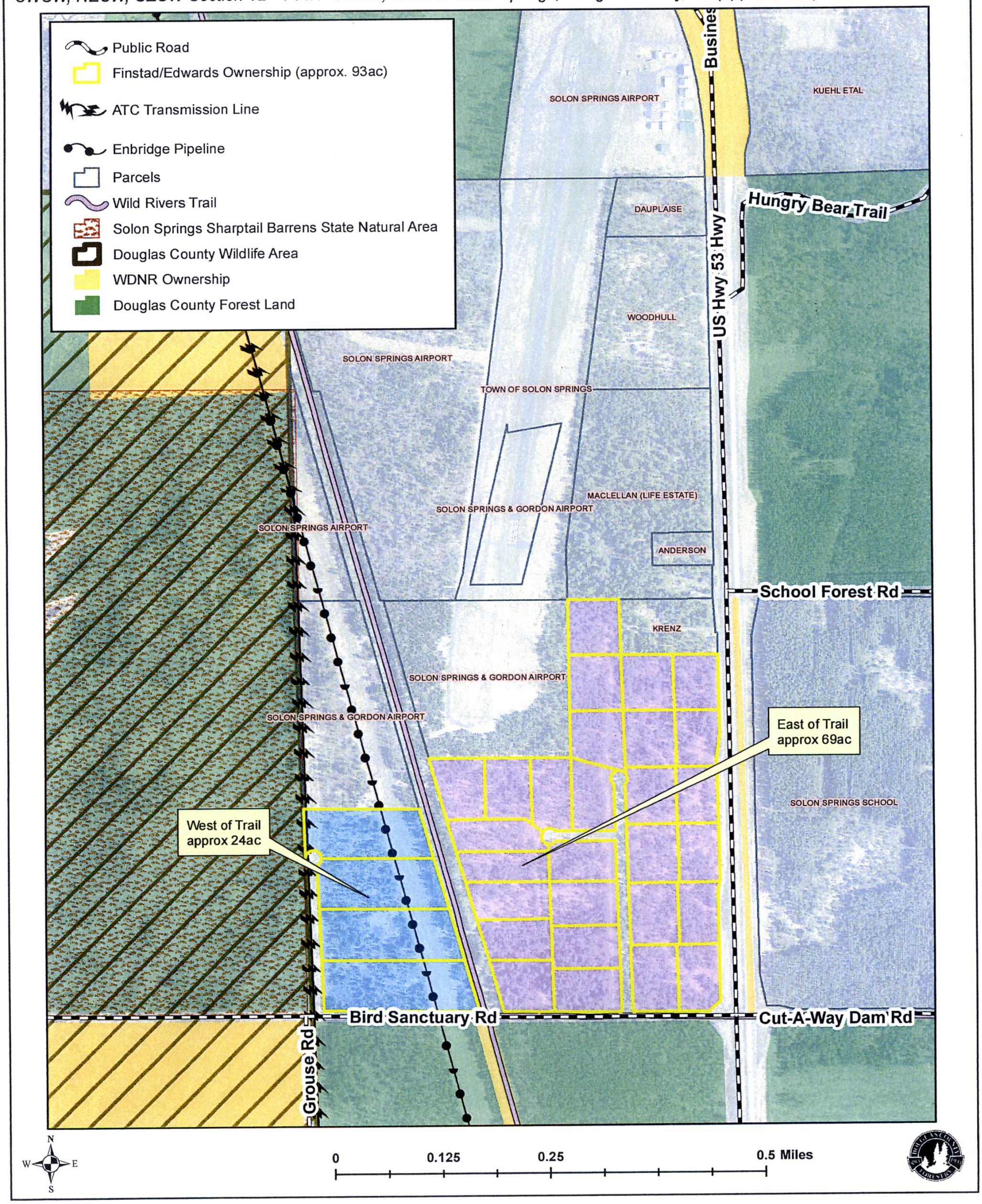


ADJUSTED ACREAGE FROM 155 AC. TO 125 AC.

Bird Sanctuary Estates Project

5b.

SWSW, NESW, SESW Section 12 - T44N - R12W, Town of Solon Springs, Douglas County, WI (approx 93ac)



5c.

View Wisconsin Natural Resources Board agendas, meeting calendar, webcasts, biographies and public participation info online at:
http://dnr.wi.gov/about/nrb/overview.html

Registration deadline to testify or to submit written comment:
11:00 a.m. on Wednesday, February 17, 2016. Pre-registration is required.

WISCONSIN NATURAL RESOURCES BOARD

A G E N D A

For meeting at:
Room G09, State Natural Resources Building (GEF 2)
101 South Webster Street
Madison, Wisconsin

Wednesday, February 24, 2016

NOTICE IS HEREBY GIVEN that the Wisconsin Natural Resources Board will convene at 8:30 a.m. on Wednesday, February 24, 2016, in Room G09, State Natural Resources Building (GEF 2), 101 South Webster Street, Madison, Wisconsin. The Board will act on items 1-3 and 6-7 as listed on the Agenda.

NOTICE IS FURTHER GIVEN that matters concerning natural resource issues or the Department's program responsibilities or operations specified in the Wisconsin Statutes, which arise after publication of this agenda may be added to the agenda and publicly noticed no less than two hours before the scheduled board meeting, if the Board Chair determines that the matter is urgent.

Wednesday, February 24, 2016

ORDER OF BUSINESS

1. Organizational Matters
   A. Calling the roll
   B. Approval of agenda for February 24, 2016
   C. Approval of brief of action from January 27, 2016

2. Ratification of Acts of the Department Secretary
   A. Real Estate Transactions

3. Action Items
   A. Air, Waste, Water, and Enforcement
      1. Presentation of the "Registered Laboratory of the Year" recognition
         (Steve Geis, Environmental Sciences Section Chief)

      2. Request approval of the FY 2017 Laboratory Certification and Registration Program Fee Adjustment
         Citizen Testimony and Written Comment Welcome
         (Steve Geis, Environmental Sciences Section Chief)

5c.

B. Land Management, Recreation, Fisheries, and Wildlife

1. Request approval of recommendations for the second phase of land sales to occur under the direction of the 2013-15 state biennial budget bill
   Citizen Testimony and Written Comment Welcome. Testimony will be available at the State Natural Resources Building (GEF 2) in Madison. Remote Testimony will be available at the DNR Rhinelander office. Please refer to page 5 of agenda for required pre-registration information and protocol.
   (Doug Haag, Facilities and Lands Deputy Bureau Director)

2. Request adoption of Emergency Board Order CS-04-16(E), proposed rules affecting Ch.'s NR 6, 8, 10, 19, 20, 23, and 64 related to modernizing the automated system for issuing recreational license products
   (Linda Olver, Customer and Outreach Services Policy Specialist)

3. Request approval to initiate a 15-year Master Plan Review process for the Brule River State Forest and initiate a Master Plan amendment process for the remaining six Northern State Forests specific to motorized road access and land management classifications
   Written Comment Welcome
   (Diane Brusoe, Property Planning Section Chief)

4. Request approval to ratify the department's determination that the prohibition of at least one nature-based outdoor activity (NBOA) is necessary to protect public safety on land purchased with Knowles-Nelson Stewardship funds. Sponsor: City of Racine, Racine County
   Citizen Testimony and Written Comment Welcome
   (Doug Haag, Facilities and Lands Deputy Bureau Director)

5. Request approval to ratify the department's determination that the prohibition of at least one nature-based outdoor activity (NBOA) is necessary to protect public safety on land purchased with Knowles-Nelson Stewardship funds. Sponsor: City of Marinette, Marinette County
   Citizen Testimony and Written Comment Welcome
   (Doug Haag, Facilities and Lands Deputy Bureau Director)

6. Request approval to ratify the department's determination that the prohibition of at least one nature-based outdoor activity (NBOA) is necessary to protect public safety on land purchased with Knowles-Nelson Stewardship funds. Sponsor: City of Shawano, Shawano County
   Citizen Testimony and Written Comment Welcome
   (Doug Haag, Facilities and Lands Deputy Bureau Director)

7. Request approval to ratify the department's determination that the prohibition of at least one nature-based outdoor activity (NBOA) is necessary to protect public safety on land purchased with Knowles-Nelson Stewardship funds. Sponsor: City of Delafield, Waukesha County
   Citizen Testimony and Written Comment Welcome
   (Doug Haag, Facilities and Lands Deputy Bureau Director)

Revised 02/02/2016 TEM

5c.

Landlocked parcels recommended for sale to other Government entities

(County, Tribe, and Municipality)

including restrictions

pgs. 1 – 6

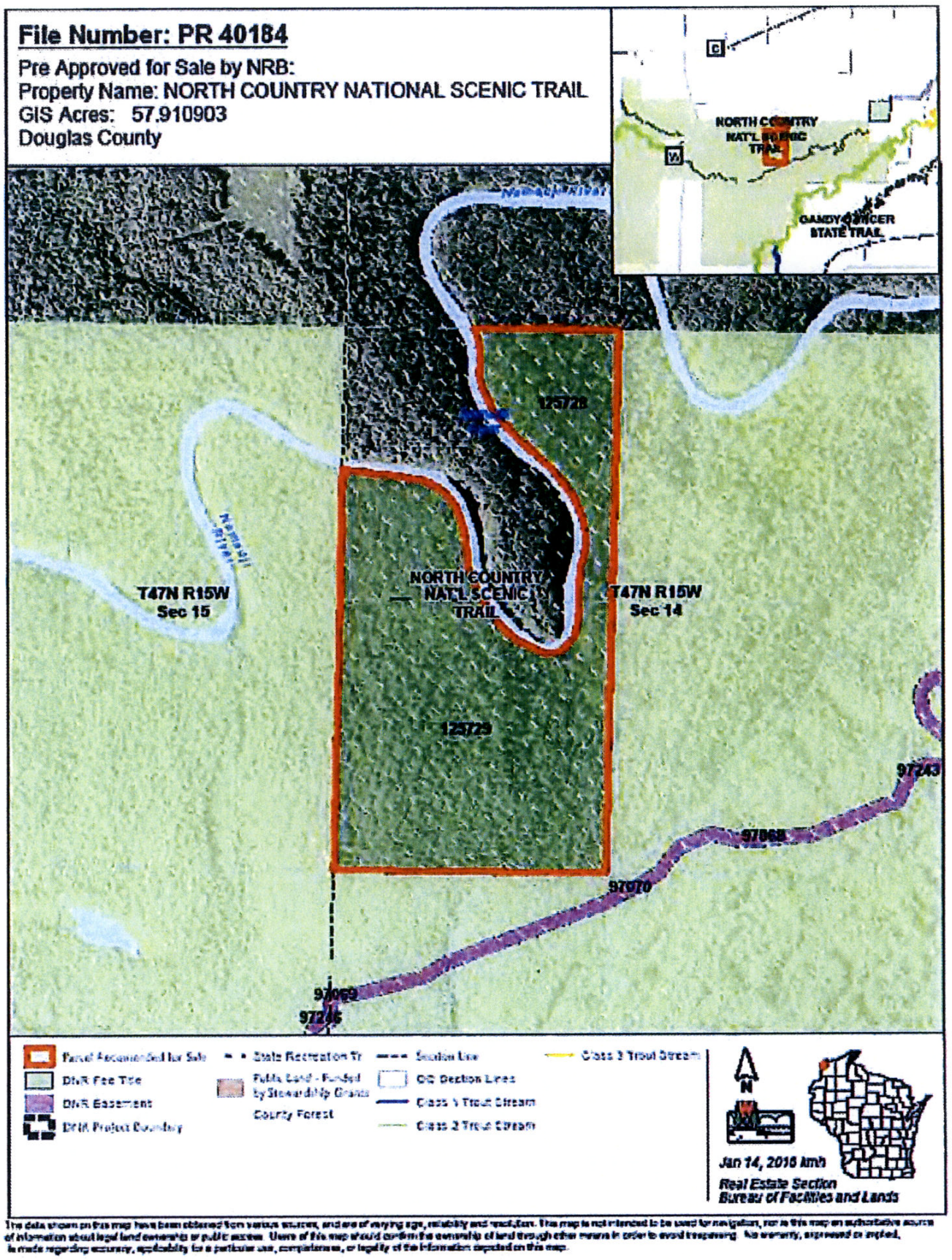
5c.

File# PR 40184 – Douglas County - 57.9 acres

The Department acquired this property for $60,000 in 2014. This property was acquired for the North Country National Scenic Trail route, as it is a part of the trail's corridor Implementation Plan.

This parcel has approximately 3,300 feet of one bank frontage on the Nemadji River and is blocked on three sides by County Forest. Because the property lacks road access, legal access is through adjacent County Forest lands, the North Country Trail or the River. The Department has made investments in Forestry management and staff time working with the North Country Trail Association and other volunteers to route the trail across the property. Douglas County has expressed interest in this parcel, and has been a very cooperative partner supporting the North Country National Scenic Trail on their properties.

The Department recommends that the Natural Resources Board offer this land for sale under the authority granted by s. 23.145 Wis. Stats., and the land be only offered to Douglas County, subject to an easement for the North Country National Scenic Trail, as well as a deed restriction requiring the land be open to the general public for all five NBOA's in perpetuity.



The data shown on this map have been obtained from various sources, and are of varying age, reliability and resolution. This map is not intended to be used for navigation, nor is this map an authoritative source of information about legal land ownership or public access. Users of this map should confirm the ownership of land through other means in order to avoid trespassing. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map.

5c.

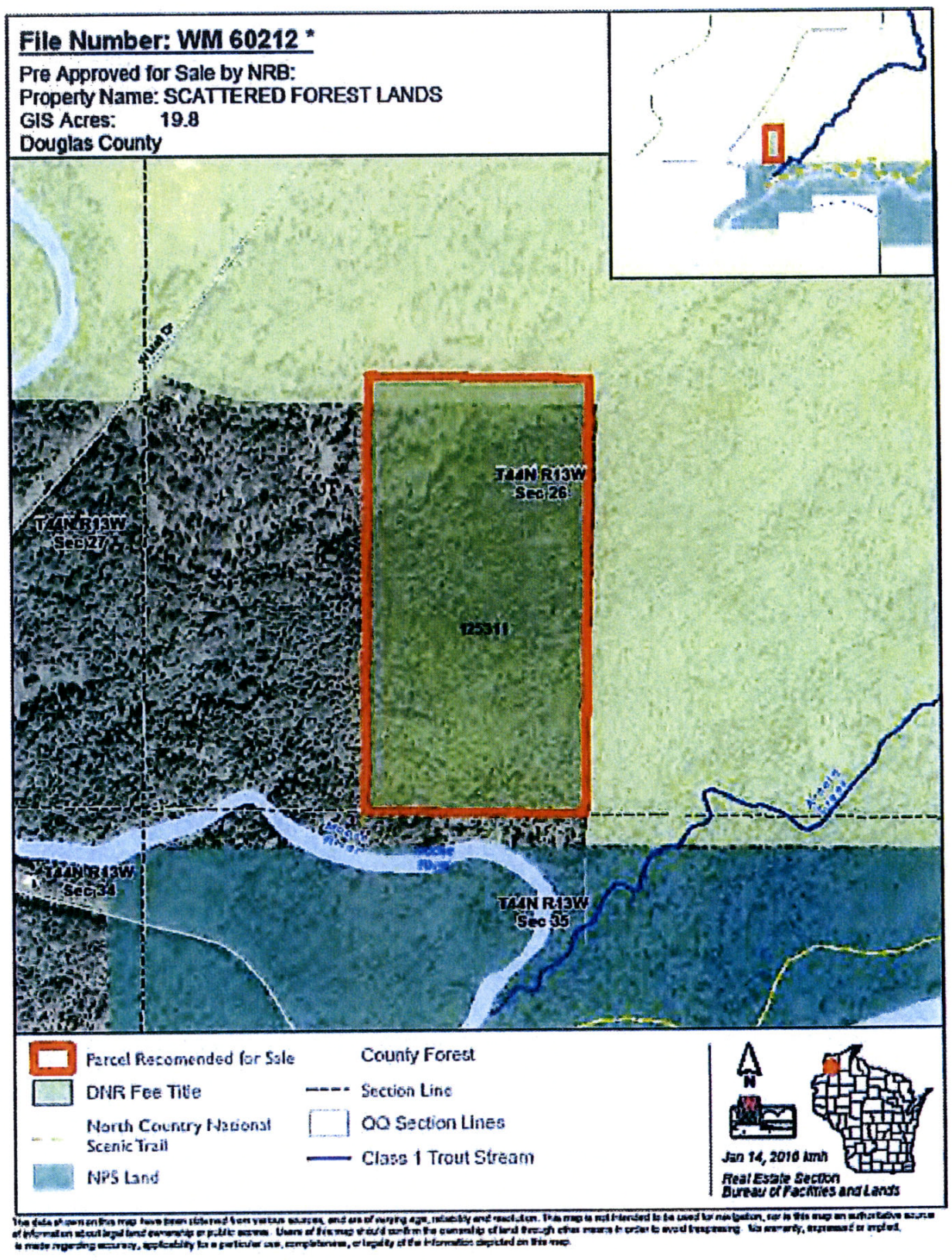
File# WM 60212 – Douglas County - 19.8 acres

The Department purchased this property in 2013 for $44,000. The property is one of four tracts critical to the routing of the North Country National Scenic Trail. The trail is planned to be routed along the Moose River connecting to County forest land to the North. The intent at acquisition was to approach the County for a possible sale or trade that is mutually beneficial to both parties.

The parcel lies in the blow-down area in northwestern Wisconsin which occurred in July of 2011. Much of the timber was mature to over mature spruce-fir and swamp hardwoods. It is now a mixture of seedlings-saplings and mature trees. The property is landlocked, but can be accessed through the adjacent County Forest.

The Department has not invested in infrastructure or habitat improvements to the property.

The Department recommends that the Natural Resources Board offer this land for sale under the authority granted by s. 23.145 Wis. Stats., and the land be only offered to Douglas County, subject to an easement for the North Country National Scenic Trail and a deed restriction requiring the land remain open to the general public for all five NBOA's in perpetuity.



5c.

Douglas County Forestry Department
9182 E. Hughes Avenue • PO Box 211
Solon Springs, WI 54873

Tel *715-378-2219*
Fax *715-378-2807*

February 16, 2016

Laurie J. Ross, Board Liaison
Office of the Secretary
P.O. Box 7921
Madison WI 53707-7921

RE: WDNR Land Sales Support

Dear Natural Resources Board:

Please accept this letter of appreciation from Douglas County regarding the proposed WDNR land sales. The 2 parcels under consideration for offering to Douglas County (File #PR 40184 and #WM 60212) would allow us to consolidate our ownership and improve management of County Forest lands. From a large public land owner perspective, blocking of ownership provides for more efficient land management serving a greater public benefit. Some of these benefits include timber management, invasive species control, wildlife habitat improvement, and more recreational land-use rule and regulation consistency. Consolidating land ownership reduces both public and private costs associated with checkerboarded ownership patterns.

Home to the largest County Forest in the State of Wisconsin at over 280,000 acres, the Douglas County Forest is one of the County's most prized and treasured natural resource assets. County Forest lands offer permanent public access for a wide-range of outdoor recreation opportunities and contribute significant revenue here at the local level through the sale of timber stumpage and by promoting the local tourism economy. County Forest lands truly do improve the quality of life for Douglas County's citizens and beyond and it's important that these WDNR lands remain open for public access to achieve maximize public benefit. Thank you again for considering Douglas County's interests when assessing these potential land sales. If we can be of further assistance on this matter please do not hesitate to contact our office.

Sincerely,

Jon Harris
Director of Forestry & Natural Resources

DCFD:jh

cc: Douglas County Forest, Parks and Recreation Committee

5d.

Verso halts payments to local wood suppliers

Jonathan Anderson, USA TODAY NETWORK-Wisconsin 6:27 p.m. CST January 25, 2016

WISCONSIN RAPIDS - Verso Corp., the owner of paper mills in Wisconsin Rapids and Stevens Point, has stopped paying local loggers amid rumors that it is on the verge of bankruptcy.

Verso notified the timber suppliers within the past week that it no longer can pay them, Henry Schienebeck, executive director of the Great Lakes Timber Professionals Association in Rhinelander, told USA TODAY NETWORK-Wisconsin on Monday.

Schienebeck said he had received several calls from timber producers who have not been paid by Verso for wood already delivered to mills.

"I can tell you there's a lot of guys that aren't hauling anything in there right now," Schienebeck said.

Bill Hennigan, the association's president and a timber producer in Upper Michigan, declined to comment on whether the same was true of suppliers at Verso's Escanaba mill.

Verso did not immediately respond to a request for comment.

Meanwhile, news reports over the past week have said that Verso is preparing to file for bankruptcy. The company in November reported a net loss of $111 million for the third quarter of 2015, and disclosed that it was considering bankruptcy protection or the sale of some properties, including the Stevens Point mill.

Verso's troubles and potential bankruptcy spell bad news for the state's timber industry. Lenders are leery of providing capital to timber harvesters, and some deals have been put on hold until Verso decides what to do, according to Schienebeck, who estimated that 60 to 70 percent of the timber processed at the Stevens Point and Wisconsin Rapids mills comes from northern Wisconsin.

"It causes a lot of uncertainty," Schienebeck said. "Obviously a logger wouldn't want to buy new equipment right now if he didn't know for sure that he was going to have a market to sell to."

The forest-products industry is the second-largest business sector in Wisconsin, providing key employment to workers who create and process paper in the central and eastern part of the state, and loggers and truckers to the north. The industry as a whole employs about 60,000 people statewide, according to Schienebeck.

In December, Schienebeck and Hennigan wrote to Gov. Scott Walker — among other state and federal public officials — to make them aware of Verso's financial problems and to ask for help.

"To lose another consuming mill without helping in every way possible would be a tragedy for Wisconsin and the region," Hennigan and Schienebeck wrote, raising concerns that Verso could cease operations in the state.

They did not hear back, and a spokesperson for Walker referred inquires to the Wisconsin Economic Development Corp.; an official with WEDC did not immediately respond to a request for comment.

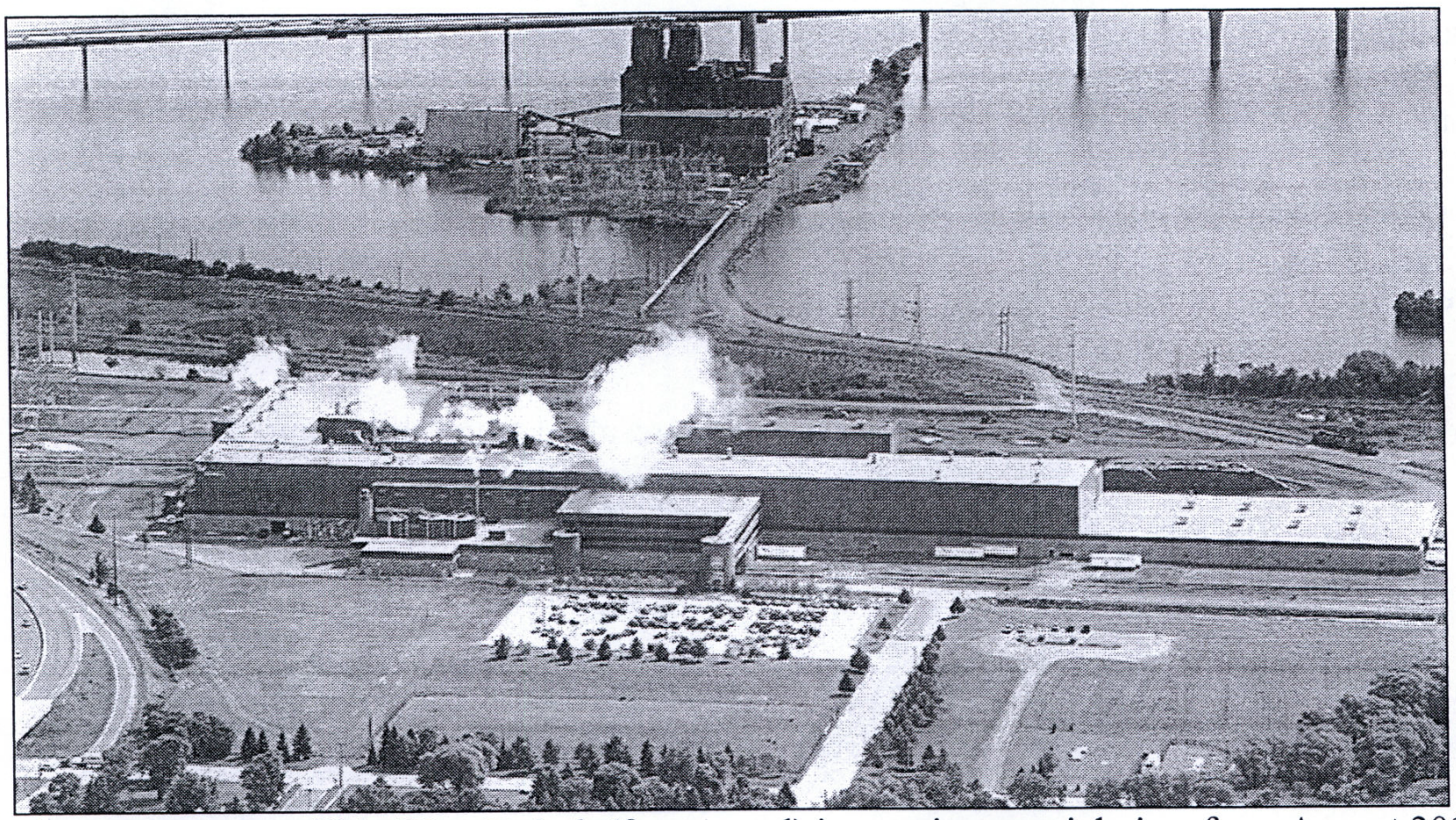
5d.

The Verso mill in Stevens Point has 240 employees and can produce about 185,000 tons of specialty papers each year. The Wisconsin Rapids mill has 980 employees and has the capacity to make about 560,000 tons of coated paper every year for commercial printing.

Verso Corp. bought the Stevens Point and Wisconsin Rapids mills from NewPage Corp. in 2014 as part of a $1.4 billion deal. It owns a total of eight paper mills in the United States, scattered across the Midwest and Northeast, though its Kentucky mill has been shut down, according to the company's website.

Jonathan Anderson can be reached at jonathan.anderson@gannettwisconsin.com or 715-898-7010. Find him on Twitter as @jonathanderson.

5d.



The Verso paper mill in West Duluth (foreground) is seen in an aerial view from August 2015. Bob King / rking@duluthnews.com

Paper company Verso files for bankruptcy

By News Tribune, news service reports on Jan 26, 2016 at 6:39 p.m.

Verso Corp., owner of the paper mill in West Duluth, has filed for bankruptcy protection, staggered by paper imports, the decline in catalog and magazine publishing and $2.8 billion in debts.

Verso, which is controlled by private equity firm Apollo Global Management, plans to seek approval for a plan that would shed $2.4 billion of its debt and cede ownership to its creditors, according to a company statement.

The company said the bankruptcy would have virtually no impact on its daily operations, and it is seeking to borrow up to $600 million through a debtor-in-possession, or DIP, loan to repay some debt and provide working capital.

Verso said it has support for the plan from a majority of its creditors in most classes of its debt. That could smooth the restructuring process, which needs to be approved by a formal vote of creditors.

The Memphis, Tenn.-based company employs 5,172 at eight manufacturing plants in six states, including the West Duluth mill, according to a filing in the U.S. Bankruptcy Court in Wilmington, Del. It estimated 2015 revenue at $3.3 billion.

In a separate filing with the U.S. Securities and Exchange Commission, Verso said it would continue operating as the debtor in possession and fashion a proposal that it described as a compromise between different camps of bond holders that had loaned money to Verso and New Page.

Verso's products are used primarily in catalogs, magazines and glossy advertising brochures.

5d.

Verso had said in November that it was considering the sale of some of its paper mills — including the one in West Duluth — as it looked for a path through its financial troubles.

But in postings online on Tuesday, the company said that option was no longer being explored.

"While we initially contemplated the possibility of selling certain mills as part of the restructuring

effort, our anticipated plan of reorganization does not include the sale of any active mills," the company reported.

Verso also said it "does not expect to close any of its mills as a direct result of the restructuring."

The Duluth mill, which began operations in 1987, employs about 300 people.

Merger strategy goes off course

Apollo Global Management, which acquired control of Verso in 2006, brought in David Paterson, a former Georgia Pacific executive, nearly four years ago to run Verso as the chief executive officer.

The new CEO set out to merge Verso with bankrupt Ohio rival NewPage Holdings — which had owned the West Duluth mill — and use the larger scale to drive up prices for glossy paper and drive down production costs.

Although the merger was completed a year ago, analysts say the strategy was pushed off course by the surge in value of the U.S. dollar overseas as the global economy weakened.

The strong dollar made imports into the United States less expensive and opened the way for tons of low-cost paper to pare wholesale prices and cut into Verso sales revenue just as it attempted to amass $120 million for interest payments on debt scheduled to come due early in 2016.

Verso, which lost nearly $1 billion over the past five years, was kept open by loans from bond holders looking for ways to make money off their investments.

In a typical Chapter 11 bankruptcy, the company's shares of stock lose all their value and are never traded or used again. The largest bond holders usually take control of the business, reorganize it and, if successful, recover their money by having the reconstituted company sell new stock to the public.

Verso did not detail the compromise proposed in the SEC filing, although analysts say it appears to include a proposal for bond holders to give up their debt claims and instead take on new shares of stock in Verso.

"While filing for Chapter 11 protection was a difficult decision, we are pleased that we enter this process with strong creditor support. We have worked together with a broad spectrum of financial creditors to develop a restructuring plan to eliminate $2.4 billion of our outstanding debt and to exit the Chapter 11 process in a short timeframe," Paterson said in a statement released by the company.

Paterson also said Verso's "impending financial obligations made it apparent that action was needed."

Reuters, the Memphis (Tenn.) Commercial Appeal and the News Tribune contributed to this report.

5a.

A northern long-eared bat that was captured with a net in the Superior National Forest on July 16, 2015. Federal wildlife officials on Wednesday released their final rule for protecting northern long-eared bats, a native Northland species facing massive population losses due to a deadly fungus. (Clint Austin / caustin@duluthnews.com)

Federal bat protections become final

By John Myers on Jan 13, 2016 at 8:57 p.m.

Federal wildlife officials on Wednesday released their final rule for protecting northern long-eared bats, a native Northland species facing massive population losses due to a deadly fungus.

The U.S. Fish and Wildlife Service last April listed the northern long-eared bat as "threatened" under the federal Endangered Species Act, and Wednesday's details are the final say in how the government plans to save the animal from decimation.

The problem is a fungus called white-nose syndrome that has already killed millions of bats in the eastern U.S. and Canada and has spread as far west as Minnesota, Wisconsin and Ontario.

The final rule is less restrictive than the interim rule announced in April for logging and other industries that need to cut down trees where the bats might be nesting.

The final rule will place some restrictions on logging in areas where bats are known to nest in June and July, but only in areas where white-nose syndrome has been confirmed.

"The overwhelming threat to the northern long-eared bat is white-nose syndrome," said Dan Ashe, the agency's director, in a statement. "Until there is a solution to the white-nose syndrome crisis, the outlook for this bat will not improve. This rule tailors regulatory protections in a way that makes sense and focuses protections where they will make a difference for the bat."

In areas of the country affected by white-nose syndrome, which includes most of the Northland, incidental take (indirect harm of a bat or bat habitat) is prohibited if it occurs within a wintering hibernation site for the northern long-eared bat. It is also prohibited if it results from tree removal activities within a quarter-mile of a wintering site or from activities that cut down or destroy known occupied nesting trees, or any other trees within 150 feet of that maternity roost tree, during the pup-rearing season from June 1 through July 31.

Occupied roost trees may be removed when necessary to address a direct threat to human life and property. In other cases, a permit for incidental take may be needed.

White-nose syndrome originated in Europe and was first found in a New York cave in 2006. It has killed seven different species of bats and has now spread to 30 states. It has been found in the Soudan mine in northern Minnesota, where thousands of bats winter, but so far no dead bats have been found there. Dead bats have been found in wintering areas near Thunder Bay.

White-nose syndrome is named for the fuzzy white growth of fungus observed on the faces of infected bats. Those infected die from the disease, which causes wounds to the wing tissue as well as dehydration and starvation. It often first shows up as unusual behavior, such as flying during the day in summer or leaving caves during their usual winter hibernation, when no bugs are present for them to eat.

The disease has reduced bat populations by as much as 71 percent in states where it has struck, and in some cases killed nearly 100 percent of the bats in caves where the fungus has appeared. It's possible some species could become "functionally extinct" within a few years, according to the U.S. Fish and Wildlife Service.

It's not clear how the disease has spread so quickly, but it's believed that it was transmitted between bats and from one cave to another in the footwear or clothing of people who visit caves.

While trying to stop white-nose syndrome is the key to saving the species, bat supporters say the rules on habitat are necessary so the bats can recover if and when a cure is found — including limits on logging and other disruptions of wintering sites and nesting trees where female bats gather to each have one pup per summer.

Some $45 million in public and private funding has already been spent on trying to combat the disease.

"We are beginning to see glimmers of hope in the battle against white-nose syndrome," Ashe said. "In just eight years, this disease, previously unknown to science, has been identified and its cause understood. A solution could soon be within our grasp."

Preliminary results of a northern Minnesota study to determine the most favored roosting trees for northern long-eared bats show the females aren't picky on tree type but prefer older trees with cavities and some decay.

The government so far has decided against the more restrictive "endangered" status for the bats but said Wednesday it could move to elevate the bat to endangered if their population continues to dwindle.

U.S. Fish & Wildlife Service

News Release

Midwest Region

5600 American Boulevard West, Suite 990, Bloomington, MN 55437
612-713-5360

50

FOR IMMEDIATE RELEASE

Date: January 13, 2016

Contact: Georgia Parham 812-334-4261 x 1203, Georgia_Parham@fws.gov

Protections Finalized for Threatened Northern Long-Eared Bats

Regulations focus on significant threats to the species so conservation efforts can be focused where they have the greatest effect

In an effort to conserve the northern long-eared bat, the U.S. Fish and Wildlife Service has announced a final rule today that uses flexibilities under section 4(d) of the Endangered Species Act (ESA) to tailor protections to areas affected by white-nose syndrome during the bat's most sensitive life stages. The rule is designed to protect the bat while minimizing regulatory requirements for landowners, land managers, government agencies and others within the species' range.

"The overwhelming threat to the northern long-eared bat is white-nose syndrome," said Service Director Dan Ashe. "Until there is a solution to the white-nose syndrome crisis, the outlook for this bat will not improve. This rule tailors regulatory protections in a way that makes sense and focuses protections where they will make a difference for the bat."

The Service listed the northern long-eared bat as threatened under the ESA in April 2015 and established an interim 4(d) rule following drastic population declines caused by white-nose syndrome in the eastern and midwestern United States. This deadly disease continues to spread westward and wreak havoc on cave-dwelling bats. In November 2015, presence of the fungus that causes white-nose syndrome was confirmed in the 30th state – Nebraska.

The final 4(d) rule for the northern long-eared bat removes prohibitions that would otherwise be in place on "incidental take" of the bat in areas of the country not affected by white-nose syndrome (see map). Incidental take includes harm, harassment or mortality that occurs incidental to an otherwise lawful activity, such as clearing trees for a construction project.

In areas of the country impacted by white-nose syndrome, incidental take is prohibited if it occurs within a hibernation site for the northern long-eared bat. It is also prohibited if it results from tree removal activities within a quarter-mile of a hibernaculum or from activities that cut down or destroy known occupied maternity roost trees, or any other trees within 150 feet of that maternity roost tree, during the pup-rearing season (June 1

through July 31). Occupied roost trees may be removed when necessary to address a direct threat to human life and property. In other cases, a permit for incidental take may be needed.

Under the final rule, intentionally harming, harassing or killing the northern long-eared bat is prohibited throughout the species' range, except for removal of northern long-eared bats from human structures, and when necessary to protect human health and safety.

Hundreds of federal, state and tribal agencies, international governments, non-profit organizations, and academic institutions have coordinated an international response to address white-nose syndrome through research, disease monitoring and management, conservation, and outreach. The U.S. has invested more than $45 million in public and private funding, and progress has been made in addressing the disease.

"We are beginning to see glimmers of hope in the battle against white-nose syndrome," Ashe said. "In just eight years, this disease, previously unknown to science, has been identified and its cause understood. A solution could soon be within our grasp. Now is the time to get all hands on deck to pull together to fight this primary threat. Our final rule is designed to ensure we focus our energies where they will do the most good for this imperiled species while avoiding unnecessary regulation."

Under the ESA, the Service may implement rules under section 4(d) for species listed as threatened. Such rules enable the Service to tailor the Act's protections to those needed most to conserve the species, while reducing the regulatory burden by relaxing prohibitions where and when it fits with the species' conservation needs.

The agency used the best available scientific and technical information, provided through more than 40,000 comments solicited during its interim 4(d) rule, to ensure it was basing this final rule on the best information available.

The Service will continue to monitor northern long-eared bat populations to ensure its threatened listing accurately reflect its status, as required by the ESA. These efforts include actively monitoring northern long-eared and other cave-dwelling bats using winter surveys of hibernation areas and conducting periodic reviews of the population to ensure its current listing status as threatened is appropriate.

As white-nose syndrome continues to affect this species, the bat's status may decline to the point that it becomes endangered. In that event, the Service would publish a new proposal requesting public input. If the bat were to be listed as endangered in the future, the 4(d) rule would no longer apply, and all regulatory prohibitions under the ESA would take effect. This means that most intentional and incidental take throughout the range of the northern long-eared bat would be prohibited unless permitted.

In the United States, the northern long-eared bat is found from Maine to North Carolina on the Atlantic Coast, westward to eastern Oklahoma and north through the Dakotas, reaching into eastern Montana and Wyoming.

Bats are critical to our nation's ecology and economy, eating tons of insects nightly and providing a natural benefit to farmers and foresters. Some research estimates that bats provide at least $3 billion annually in economic value.

The final rule appears in the *Federal Register* on January 14, 2016 and takes effect on February 16, 2016. For more information on the special rule for the northern long-eared bat, go to http://www.fws.gov/midwest/endangered/mammals/nleb/index.html. For information on white-nose syndrome, go to https://www.whitenosesyndrome.org/

50

Northern Long-Eared Bat - Final 4(d) Rule
Questions and Answers

1. What action is the U.S. Fish and Wildlife Service taking?
The Service is announcing a final rule that identifies Endangered Species Act protections for the northern-long eared bat. The final 4(d) rule, published in the *Federal Register* on January 14, 2016, identifies prohibitions that focus on protecting the bat's sensitive life stages in areas affected by white-nose syndrome.

The Service listed the northern long-eared bat as a threatened species under the Endangered Species Act (ESA) in April 2015 and established an interim 4(d) rule. At the same time we opened a 90-day public comment period on the interim rule to gather additional information as we worked to refine and finalize it.

2. When will the final 4(d) rule be in effect?
The final 4(d) rule will go into effect on February 16, 2016, which is 30 days after it publishes in the *Federal Register*.

3. What prohibitions does the final 4(d) rule set in place for the northern long-eared bat?

Purposeful Take *(The terms "take," "purposeful take" and "incidental take" are defined below.)*
For all areas within the range of the northern long-eared bat, all purposeful take is prohibited except:

- Removal of northern long-eared bats from human structures.
- Defense of human life (e.g., public health monitoring for rabies).
- Removal of hazardous trees for the protection of human life and property.

Incidental Take
For areas of the country not affected by white-nose syndrome (WNS) (i.e., areas outside the WNS zone), there are no prohibitions on incidental take.

For areas of the country impacted by WNS (i.e., areas inside the WNS zone), incidental take is prohibited under the following circumstances:

- If it occurs within a hibernacula.
- If it results from tree removal activities and
  - the activity occurs within 0.25 mile (0.4 km) of a known, occupied hibernacula; or,
  - the activity cuts or destroys a known, occupied maternity roost tree or other trees within a 150 foot radius from the maternity roost tree during the pup season from June 1 through July 31.

4. What is purposeful take and what is incidental take?

- "Take" is defined by the ESA as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any endangered species.

- "Purposeful take" is when the reason for the activity or action is to conduct some form of take. For instance, conducting a research project that includes collecting and putting bands on bats is a form of purposeful take. Intentionally killing or harming bats is also purposeful take and is prohibited.

- "Incidental take" is defined by the ESA as take that is "incidental to, and not the purpose of, the carrying out of an otherwise lawful activity." For example, harvesting trees can kill bats that are roosting in the trees, but the purpose of the activity is not to kill bats.

5. How does the final 4(d) rule differ from the interim 4(d) rule?

The final 4(d) rule is a streamlined version of the interim rule that is easier to understand and follow; the final rule also reduces the scope of incidental take prohibitions that were in the interim rule.

For both the final and interim rules, most purposeful take is prohibited except to protect human life and property. Both rules differentiate protections geographically, with no prohibition of incidental take outside the WNS zone under both rules. Inside the WNS zone, the interim rule identified specific actions that were exempted from the take prohibitions, whereas the final rule identifies the specific incidental take that is prohibited.

The interim rule applied broad prohibitions against all incidental take and then exempted specific activities from incidental take prohibitions. Activities exempted from take prohibitions in the interim rule were: forest management practices, maintenance and limited expansion of transportation and utility rights-of-way, prairie habitat management, and limited tree removal projects. In contrast, the final rule prohibits incidental take that results from tree removal activities, under specific circumstances, or results from activities that take bats within hibernacula.

The interim rule, like the final rule, protected maternity roost trees and hibernacula but the incidental take prohibitions were much broader. The final rule allows incidental take that results from operating wind turbines, as well as incidental take resulting from permanent conversion of forested lands to other uses (e.g., rights-of-way creation or expansion, urban development); whereas incidental take caused by those activities was prohibited under the interim rule. The final rule only prohibits incidental take that occurs in hibernacula or that results from tree removal activities near maternity roost trees or hibernacula within the WNS zone.

6. What is a 4(d) rule?

Section 4(d) of the ESA directs the Service to issue regulations deemed "necessary and advisable to provide for the conservation of threatened species." It allows the Service to promulgate special

rules for species listed as threatened (not endangered) that provide flexibility in implementing the ESA.

We use 4(d) rules to target the take prohibitions to those that provide conservation benefits for the species. This targeted approach can reduce ESA conflicts by allowing some activities that do not harm the species to continue, while focusing our efforts on the threats that make a difference to the species' recovery.

In general, a 4(d) rule ensures that private landowners, state agencies and others are not unduly burdened by regulations that do not further the conservation of a species. Such a rule is often used to clarify or simplify what forms of "take" are prohibited for a threatened species.

For more information about 4(d) rules, please see
www.fws.gov/mountain-prairie/factsheets/ESA SpecialRules Factsheet_020714.pdf

7. Why did the Service publish a 4(d) rule for the northern long-eared bat?
The Service determined that WNS is such an overwhelming threat to the northern-long-eared bat that regulating most other sources of harm or mortality will not help conserve the species at this time. Focusing on WNS will allow the Service and our partners to concentrate on finding a solution to the disease. Applying blanket prohibitions on all forms of take across the 37-state range of the bat would not slow the spread and impact of WNS nor would it benefit the northern long-eared bat at the population level. Therefore, the 4(d) rule focuses prohibitions on protecting bats when and where they are most vulnerable: maternity roost trees during June and July pup-rearing and at hibernation sites.

8. Why does the Service believe that allowing incidental take of northern long-eared bats caused by activities other than tree removal protects the species?
For many threatened species, habitat loss or other limiting factors contribute to their decline. In those situations, regulations to address either habitat loss or the other limiting factors can assist in recovery of the species. Populations of the northern long-eared bat, however, are not habitat-limited and the species uses a wide variety of habitats within its range. For example, before WNS, this bat lived in both highly fragmented forests as well as large contiguous forest blocks from the southern United States to Canada's Yukon Territory. Land management and development have been ongoing for centuries (e.g., forest management, forest conversion), yet the northern long-eared bat appears to have been healthy across its range.

As WNS moves across its range, northern long-eared bat populations have declined and will continue to decline. The declines are so severe that the bat is now rare on WNS-affected landscapes in the Northeast and parts of the Midwest. The conservation benefit from regulating the entire landscape for those few remaining bats is questionable. This is particularly true because the current monitoring limitations do not allow us to pinpoint locations of surviving northern long-eared bats in the WNS affected area. Regulating all sources of mortality across the bat's range would not help conserve the species until we find measures to remediate WNS and improve our surveying and monitoring techniques. In areas where WNS has not yet caused severe population declines, implementing blanket prohibitions would not slow the spread of the disease or the magnitude of disease's impact on the northern long-eared bat's population.

The take prohibitions identified in this final rule help protect the most critical parts of the bat's life cycle, namely maternity colonies, hibernating bats and the areas that bats use as they enter and leave hibernation in spring and fall. The 4(d) rule allows take from certain activities that have not been the cause of the species imperilment, while still promoting conservation of the species across its range.

9. Why does the Service believe it is necessary to prohibit incidental take due to tree removal activities near maternity roost trees and hibernacula within the WNS Zone?
The northern long-eared bat depends on both caves and forests. It typically roosts in trees from late spring through early fall and hibernates in caves and mines from late fall through early spring. Female northern long-eared bats and young are particularly vulnerable in June and July when the young are unable to fly. Therefore, we tailored the regulatory provisions toward activities that may impact roost trees and hibernacula at the most sensitive periods of the bats' life cycle.

Hibernacula and nearby forests play critical roles in the life cycle of the northern long-eared bat, even beyond the time when the bats are hibernating. In early spring and fall, hibernacula and surrounding forested areas are the focus of bat activity during "spring staging" and "fall swarming." During spring staging, bats gradually emerge from hibernation, exit the hibernacula to feed, but re-enter the same or alternate hibernacula to resume daily bouts of torpor until they migrate to summer areas. Fall swarming is a time of heightened activity in and around hibernacula. It is an especially critical time in the life cycle of the northern long-eared bat because it is during this time that they mate and they build up their fat reserves, allowing them to survive hibernation.

In summary, we believe that northern long-eared bat conservation is best served by focusing the take prohibitions on the following:

- Areas within the WNS zone
- The most vulnerable life stages (hibernation, when young cannot fly, spring staging, fall swarming)
- Activities that are most likely to affect the bat, tree removal in particular

10. Why does the 4(d) rule include measures to protect hibernating bats and the sites where they hibernate?
Within the WNS zone, the 4(d) rule prohibits all incidental take that occurs within hibernacula because hibernation is a particularly critical and vulnerable time. Northern long-eared bats are insectivorous and use hibernation to survive the seasons when their prey are not available. To hibernate and survive winter, bats must maintain their body temperature above freezing, minimize water loss, meet energetic needs until prey again become available and respond to disturbance or disease. Only certain caves and mines provide the environment where bats can meet these physiological demands.

Cave-dwelling bats are vulnerable to human disturbance while hibernating. Because bats congregate at hibernacula, impacts to a single site can affect a large number of bats. Even healthy bats use up their energy stores when disturbed during hibernation and may not survive winter, or

females may not successfully give birth or rear young. Bats within the WNS zone may be even more vulnerable because the fungus may have caused a weakened condition. Because of the importance of hibernation in the bat's life cycle and their vulnerability during that time, all incidental take within hibernacula is prohibited.

11. How do I know if my activity is in an area within the WNS zone?
The Service has identified the counties within 150 miles of the boundaries of U.S. counties or Canadian districts where WNS or its causative fungus *Pseudogymnoascus destructans* (*Pd*) have been detected. If any portion of a county falls within 150 miles of a county or district where the fungus or disease has been detected, the entire county will be considered affected. To minimize confusion we use county boundaries to delineate the WNS zone because they are clearly recognizable.

The most recent map of such areas is at the website: http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf This map is updated on the first of every month, if there are new counties with verified occurrences of WNS or the fungus. You may also contact your local U.S. Fish and Wildlife Service Ecological Services Field Office for assistance in determining if your activity is within the WNS zone. Visit www.fws.gov/offices to find your local office.

12. Does the 4(d) rule allow me to remove a northern long-eared bat from my home?
Yes. On rare occasions, northern long-eared bats have roosted in human-made structures including buildings, barns, pavilions, sheds and cabins. The Service considers that removing northern long-eared bats from these structures is not expected to adversely affect the species' conservation or recovery.

Removal activities must comply with any applicable state laws. The Service recommends that anyone who has bats in their home or outbuildings minimize using pesticides and avoid sticky traps around bat roosts. If you exclude bats from where they are roosting, we recommend that those exclusions be done in the spring or fall if possible. The Service also recommends you contact a nuisance wildlife specialist for humane exclusion techniques.

13. How are private landowners affected by the final 4(d) rule?
The 4(d) rule prohibits incidental take that may occur from tree removal activities within 150 feet of a known occupied maternity roost tree during the pup season (June 1 through July 31) or within a 0.25 miles of a hibernation site, year round. If a landowner intends to remove trees near a maternity roost tree during the pup season or near a hibernation site, we suggest that they contact the nearest Ecological Services Field Office. Visit www.fws.gov/offices to find your local office. We may be able to recommend measures that will allow the work to go forward and also protect northern long-eared bats.

We acknowledge that it can be difficult to determine if a maternity roost tree or a hibernaculum is on your property or in your project area. Location information for both resources is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources,

access to the information may be limited. A web page with links to state Natural Heritage Inventory databases is available at www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html.

When looking for information on the presence of maternity roost trees or hibernacula within your project area, our expectation is that a project proponent will complete due diligence to determine available data. However, if information is not available, we recognize that a project proponent who has made reasonable efforts to determine whether there are known maternity roost trees or hibernacula on their property or project area is in the position of not "knowing" if no data has been provided. If that is the case, document your attempt to find the information and move forward with your project.

We do not require private landowners to conduct surveys on their lands. However, surveys can reduce uncertainties and facilitate project planning. Recommended survey methods are available at www.fws.gov/midwest/endangered/mammals/nleb. Also, see question #16 for suggestions on conservation actions that industry and other interested partners could take to help conserve the northern long-eared bat.

14. How are states and tribes affected by the 4(d) rule?

The situation is the same for states and tribes as it is for private actions on private lands. If a landowner or land manager intends to remove trees, first check the state's Natural Heritage Inventory database to determine if a maternity roost tree or hibernaculum is present on the property. If either is present and the work will be done during the pup season within 150 feet of a maternity roost tree or at any time within 0.25 mile of a hibernaculum, we suggest that they contact the nearest Ecological Services Field Office (www.fws.gov/offices). We may be able to recommend measures that will allow the work to go forward and protect northern long-eared bats. If neither resource is present, proceed with the work. See question #16 for suggestions on conservation actions that states and tribes could take to help northern long-eared bats.

15. How are federal agencies affected by the 4(d) rule?

Under section 7 of the Endangered Species Act, federal agencies must consult with the Service to ensure that any action they authorize, fund, permit or carry out does not jeopardize the existence of a listed species. This requirement does not change when a 4(d) rule is implemented. However, for this 4(d) rule, the Service has completed a non-jeopardy biological opinion on our actions of finalizing this rule and proposing an optional framework to streamline section 7 consultations when federal actions may affect the northern long-eared bat but will not cause prohibited take. Federal agencies can rely upon the finding of this biological opinion to fulfill their project-specific section 7 responsibilities by using the optional framework. The framework requires the agency to notify the Service 30 days prior to implementing an action that may affect the northern long-eared bat. The notification would include a determination that the action would not cause prohibited incidental take. Service concurrence is not required, but the Service may advise the agency whether additional information indicates project-level consultation is required. If the Service does not respond within 30 days, the action agency may consider its section 7 responsibilities fulfilled with respect to the northern long-eared bat. If prohibited take may occur, standard section 7 procedures will apply.

16. How can federal agencies, states, tribes and industry help conserve northern long-eared bats?
In addition to participating on the WNS team, government agencies, tribes, industry and others can help conserve northern long-eared bats by:

- Surveying in areas where they are planning tree removal projects.
- Initiating or continuing monitoring for bats (including northern long-eared bats) on their properties or project areas.
- Carrying out or funding research on the impact of WNS on northern long-eared bats.
- Supporting research on aspects of this bat's life history that are not well understood.

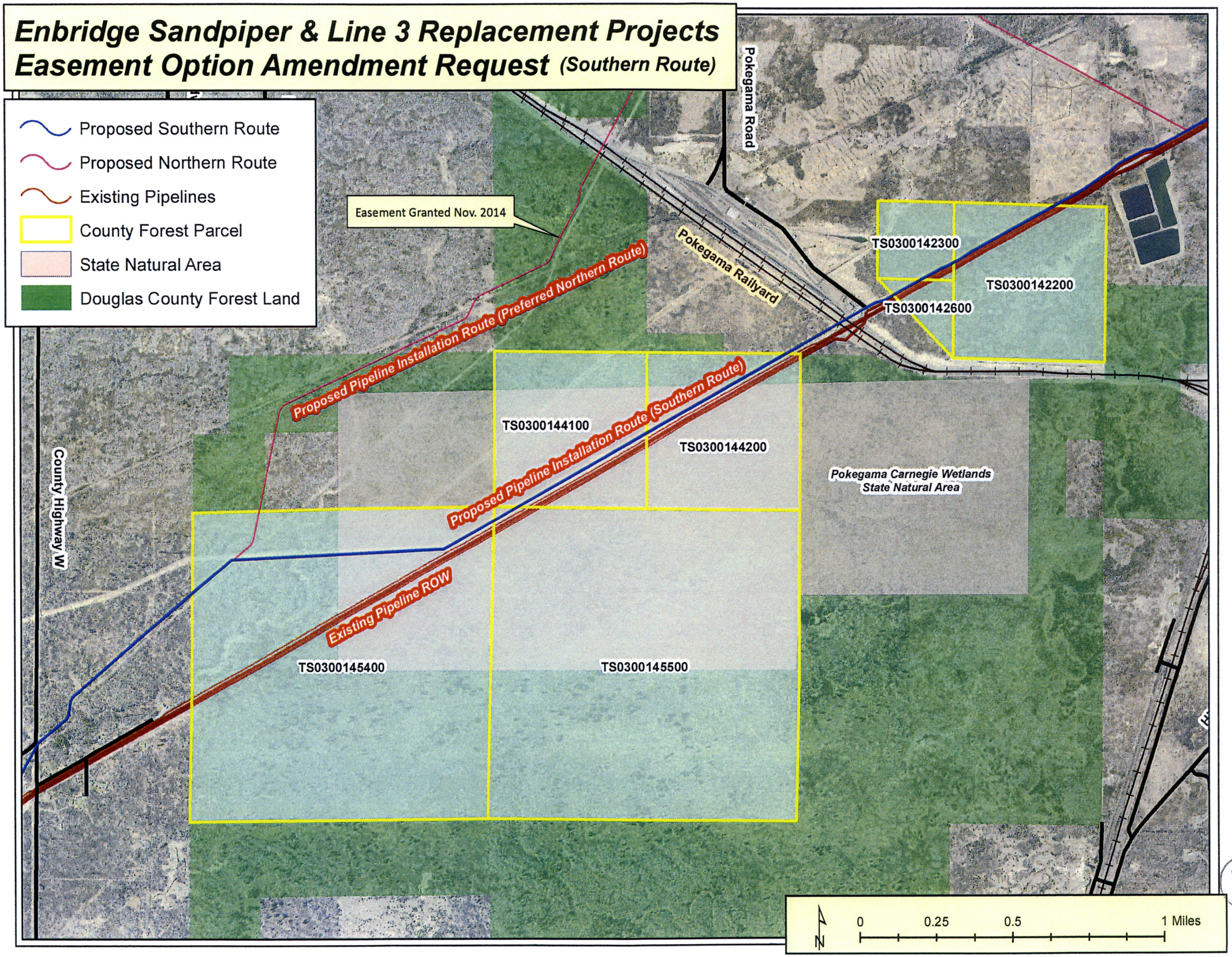
The more we know about this bat and how it responds to WNS, the better we can focus conservation actions on those that provide the most benefit to the species and avoid actions that provide little benefit.

17. What are examples of a 4(d) rule aiding in the conservation of a threatened species?
In 2014, the Service listed the Dakota skipper, a prairie butterfly, as threatened and implemented a 4(d) rule. The listing prohibits actions that threaten the Dakota skipper, but the 4(d) rule also provides flexibility to non-federal landowners for specific activities that do not negatively affect the species' conservation. The rule exempts from take prohibitions some actions associated with ranching, such as grazing, fencing, watering livestock and haying after July 15. Although some of these activities may impact individual Dakota skippers, some of the activities have negligible impact and others are used to manage the butterfly's prairie habitat. For more information, see www.fws.gov/midwest/endangered/insects/dask/DASKfinal4dRuleFAQs22Oct2014.html.

In August 2015, the Service finalized a 4(d) rule for the Georgetown salamander. This 4(d) rule enables development activities that may affect the threatened salamander to continue as long as they comply with the City of Georgetown's Universal Development Code (UDC). The UDC is directed at reducing the threat of water quality degradation to the Georgetown salamander from urban development by requiring a variety of conservation measures, including stream and spring buffer areas, throughout the city's jurisdiction. The measures in Georgetown's UDC are expected to limit water quality degradation throughout watersheds that support the Georgetown salamander, thereby contributing to the conservation of the species. For more information, please visit:
www.fws.gov/southwest/es/AustinTexas/ESA_Sp_Salamanders.html#Georgetown_4d_final

18. Where can I find more information?
For more information about the northern long-eared bat, the final listing as threatened, the 4(d) rule and related information, visit the Service's web site at
www.fws.gov/midwest/endangered/mammals/nleb

Enbridge Sandpiper & Line 3 Replacement Projects
Easement Option Amendment Request (Southern Route)



57.

Douglas County Forestry Department
9182 E. Hughes Avenue • PO Box 211
Solon Springs, WI 54873

Tel 715-378-2219
Fax 715-378-2807

59.

December 28, 2015

Douglas County Clerk
Douglas County Courthouse
Room 101
1313 Belknap Street
Superior, WI 54880

RE: Douglas County Forest, Parks, and Recreation Committee Action

Dear Mrs. Sandvick:

During their meeting on Monday, December 28, 2015, the Douglas County Forest, Parks, and Recreation Committee took action on a request from the North Country Trail Association to enter the following non-County Forest County owned parcels into County Forest land in order to allow for establishment and long-term protection of specific segments of the North County National Scenic Hiking Trail:

GO0120175000 (4.1 acres)
SO0260085200 (40 acres)
SO0260085300 (40 acres)

The Committee passed a motion approving entering the parcels into County Forest designation contingent upon an approved referral from Land and Development Committee requesting the same.

The Committee also went on record stating that none of the requested parcels hold any significant timber management value or other notable value to the Department and County Forest entry of said parcels would be for the primary purpose of recreational use.

The Forestry Department currently has an existing agreement in place with the North Country Trail Association covering the development and establishment of the North County National Scenic Hiking Trail on Douglas County Forest lands. Therefore, entering the parcels into County Forest designation would then allow for the establishment of the trail under terms of the existing agreement already in place.

If you have any questions or would like further information, please feel free to contact me. Thank you.

Sincerely,

Jon Harris
Director of Forestry and Natural Resources

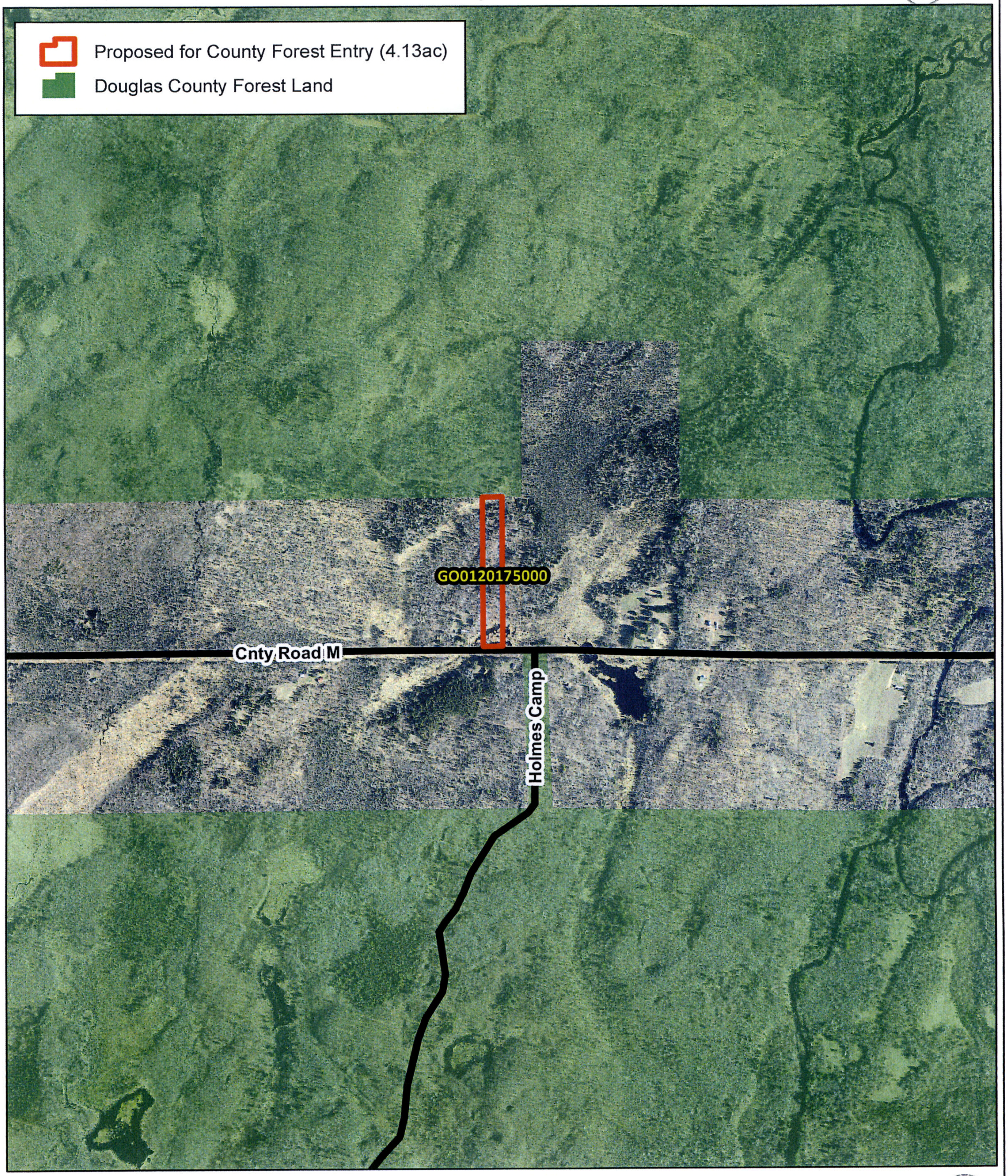
DCFD:jh
enclosure: 2

cc: Members of the Douglas County Forest, Parks and Recreation Committee

PARCEL PROPOSED FOR COUNTY FOREST ENTRY

Part of SESE, Section 15, T44N - R13W, Town of Gordon, Douglas County, Wisconsin

59.



Douglas County Forestry Department
9182 E. Hughes Avenue • PO Box 211
Solon Springs, WI 54873

Tel 715-378-2219
Fax 715-378-2807

5h.

January 4, 2016

Douglas County Clerk
Douglas County Courthouse
Room 101
1313 Belknap Street
Superior, WI 54880

RE: Douglas County Forest, Parks, and Recreation Committee Action

Dear Mrs. Sandvick:

During their meeting on Monday, December 28, 2015, the Douglas County Forest, Parks, and Recreation Committee approved a DRAFT Memorandum of Agreement (MOA) document for forest management services between Douglas County Land and Development Committee and the Douglas County Forestry Department (enclosed).

The topic of *"Granting Exclusive Administrative Authority Upon Forest Management Request"* was included in numerous Forest, Parks, and Recreation Committee agendas throughout 2015 at the request of Committee members. The enclosed MOA document is the result of those discussions and was developed by Department staff based off Committee direction.

The purpose of the MOA is to clearly define the roles and responsibilities of the Land and Development Committee and the Forestry Department in the event the Land and Development Committee requests forest management service work from the Forestry Department. Such work has successfully occurred from time to time over the course of the last decade but not without issue. Such issues have revolved around unclear roles and responsibilities of each party when dealing with a contractual dispute on a timber sale and how reimbursement for services provided would be handled. This document clearly defines each.

Please feel free to review the MOA. If you have any questions or would like to move forward with the agreement, please feel free to contact me. Thank you.

Sincerely,

Jon Harris
Director of Forestry and Natural Resources

DCFD:jh
enclosure: 1

cc: Members of the Douglas County Forest, Parks and Recreation Committee

2015 Public Land Timber Sale Report

5i.

CY2015 Douglas County Forest

Annual Revenue & Harvested Volume Record *(WDNR data)*

	Total Revenue	Harvested Volume
2015	**$ 5,096,670.11**	**130,293**
2014	$ 3,098,440.90	95,863
2013	$ 2,020,563.73	82,882
2012	$ 4,111,795.19	143,149
2011	$ 2,787,589.15	93,659
2010	$ 3,318,074.32	117,431
2009	$ 3,897,410.48	117,159
2008	$ 2,529,051.71	80,529
2007	$ 2,417,299.58	64,037
2006	$ 2,862,304.14	68099
2005	$ 2,906,078.70	95882

$ 2,994,860.79 **95,869** ***Ten year averages***

		MBF	Cord Volume							Pieces			
	No. Sales	All Sawlogs	Aspen	Mixed Hdwd.	Oak	Jack Pine	Red Pine	Other Hdwd.	Other Softwd.	Fire Wood	XMAS/ Poles	Total Cordwood	All Prod. Cord Equiv.	Total Sales Value
COUNTY Forests														
ASHLAND	8	304.07	4,226	10,554	0	0	1,723	333	2,051	2	0	19,689	20,358	879,310.27
BARRON	1	35.48	19	284	34	0	0	0	0	0	0	337	415	14,935.35
BAYFIELD	63	3,249.72	7,425	4,085	6,099	3,051	10,430	1,467	1,282	486	1	112,500	119,649	5,103,879.94
BURNETT	34	255.92	5,622	4,633	5,222	4,353	4,394	52	1,091	330	43	40,857	41,421	1,725,278.71
CHIPPEWA	10	585.29	259	798	0	0	0	0	24	0	0	9,184	10,472	575,424.35
CLARK	49	2,313.01	0	0	0	0	0	0	0	0	0	40,144	45,416	3,075,657.79
DOUGLAS	58	0.00	61,864	48,499	3,495	674	8,728	4,126	2,908	0	0	130,293	130,293	5,096,670.11
EAU CLAIRE	27	836.57	204	887	1,443	0	0	0	0	0	0	20,397	22,245	1,424,669.17
FLORENCE	17	754.41	8,255	7,131	4,614	857	1,070	2,666	1,373	6	0	25,966	27,628	1,495,394.01
FOREST	6	79.19	3,048	1,169	0	0	0	400	103	0	0	4,720	4,895	283,980.20
IRON	36	679.16	15,080	29,454	606	862	1,775	2,547	6,458	0	0	56,783	58,277	2,189,012.48
JACKSON	37	1,045.53	0	605	0	0	0	0	290	0	0	27,213	29,628	1,300,877.14
JUNEAU	8	0.00	0	0	0	0	0	0	0	0	0	8,774	8,774	415,315.32
LANGLADE	43	1,873.78	0	0	0	0	0	0	0	0	0	33,838	37,962	2,058,346.43
LINCOLN	23	802.12	4,964	4,649	513	0	75	733	774	17	0	21,136	22,901	1,067,724.38
MARATHON	4	15.85	0	0	0	0	0	0	0	0	0	2,434	2,469	73,028.69
MARINETTE	52	1,213.39	21,396	19,762	8,617	4,279	3,358	2,402	5,370	359	0	65,593	68,284	3,454,631.76
MONROE	5	117.69	0	0	0	0	0	0	0	0	0	3,596	3,861	146,163.96
OCONTO	15	389.62	2,050	2,767	598	134	1,482	0	855	109	0	7,884	8,821	432,300.06
ONEIDA	17	418.75	40	0	0	15	0	0	0	0	0	24,978	25,899	1,289,471.46
POLK	8	40.00	234	13	1,964	593	1,275	0	15	0	0	4,093	4,181	146,115.03
PRICE	29	410.66	0	0	0	0	0	0	0	0	0	44,867	45,771	1,862,852.06
RUSK	21	969.74	5,922	14,945	0	0	68	1,533	60	0	0	22,529	24,662	1,069,456.17

		MBF	Cord Volume							Pieces			
	No. Sales	All Sawlogs	Aspen	Mixed Hdwd.	Oak	Jack Pine	Red Pine	Other Hdwd.	Other Softwd.	Fire Wood	XMAS/ Poles	Total Cordwood	All Prod. Cord Equiv.	Total Sales Value
SAWYER	45	1,079.20	29,093	20,276	1,861	0	2,471	1,095	2,399	0	0	57,672	60,060	3,054,319.24
TAYLOR	5	206.70	747	1,330	0	0	0	99	123	0	0	4,250	4,705	237,665.84
VILAS	8	255.41	0	0	0	0	0	0	0	0	0	5,036	5,658	209,232.43
WASHBURN	15	845.16	4,334	8,713	4,300	0	1,019	800	0	0	0	22,547	24,407	963,244.52
WOOD	10	332.68	0	259	208	0	0	0	0	467	0	13,870	14,602	697,290.84
	654	19,109.10	174,783	180,813	39,572	14,818	37,867	18,253	25,177	1,775	44	831,181	873,714	40,342,247.72
STATE Forests														
AMERICAN LEGION	15	1,218.02	1,106	2,840	0	242	1,863	0	266	1,181	124	26,749	29,441	1,496,525.53
BLACK RIVER	21	0.00	115	487	1,847	1,941	2,699	701	2,088	205	4	21,943	21,943	1,230,272.49
BRULE RIVER	10	0.00	2,726	0	859	654	7	145	378	0	0	9,464	9,464	398,662.22
COULEE EXPERIMENTAL FOREST	2	88.97	81	50	0	0	733	0	0	0	0	1,142	1,338	47,054.14
DOUGLAS HALLOCK DEMO FOREST	3	486.84	0	0	0	0	208	0	0	0	0	208	1,279	126,192.26
FLAMBEAU RIVER	11	670.32	4,499	17,245	0	0	0	481	1,368	133	0	23,593	25,068	797,663.49
GOVERNOR KNOWLES	8	0.00	375	112	9,308	725	1,107	6,114	0	0	0	17,741	17,741	186,977.17
KETTLE MORAINE - NORTHERN UNIT-IANSR	5	69.03	344	557	268	0	3,619	158	1,447	0	0	6,392	6,544	401,465.11
KETTLE MORAINE - SOUTHERN UNIT	6	30.16	223	1,104	140	0	1,267	0	859	407	0	3,593	3,659	129,060.89
NORTHERN HIGHLAND	21	566.33	4,782	4,512	1,591	257	5,979	305	2,428	714	74	42,534	43,851	2,238,543.74
PESHTIGO RIVER	5	46.26	2,313	1,801	5,035	233	1,348	0	55	0	0	10,934	11,036	508,040.51
WAUSAUKEE TIMBER DEMO FOREST	1	120.62	34	46	0	0	21	0	81	0	0	183	477	32,283.26
	108	3,296.55	16,598	28,753	19,047	4,052	18,851	7,903	8,970	2,640	202	164,475	171,841	7,592,740.80

Annual Timber Sale Revenue Record

5j.

CY2015 and CY2014 (Tbase data)

CY2015 **(01/01/15 through 12/31/15)**

Total Wood Cut Value	**$ 4,254,345.96** TBASE
Total Volume Cut	**88,468** TBASE

CY2015 Top Producing Contractors *(minimum $100k wood cut value)*

	Contractor	Wood Cut Value	Cord Volume	Volume %
1	Fornengo Forest Prods	$ 1,087,491.95	30,484	34.5
2	SAPPI	$ 1,897,252.80	18,659	21.1
3	Futurewood Corp	$ 654,966.25	9,678	10.9
4	Ericson Logging	$ 465,399.50	7,561	8.6
5	Ashland Mat	$ 362,537.20	3,745	4.2
6	Ted Strzok Logging	$ 245,637.90	3,108	3.5

CY2014

Total Wood Cut Value	**$ 3,603,403.73** TBASE
Total Volume Cut	**93,719** TBASE

CY2014 Top Producing Contractors *(minimum $100k wood cut value)*

	Contractor	Wood Cut Value	Cord Volume	Volume %
1	T&T Logging	$ 947,078.63	31,166	33.3
2	SAPPI	$ 956,096.64	19,972	21.3
3	Ericson Logging	$ 425,143.42	9,736	10.4
4	Futurewood Corp	$ 167,234.24	4,871	5.2
5	Suzan Logging	$ 177,369.76	3,994	4.3
6	Ted Strzok Logging	$ 171,622.20	3,935	4.2
7	Ashland Mat LLC	$ 147,187.13	2,378	2.5

Town Severance Record

Municipality	Percentage of CFL 08	Percentage of CFL 15	Diff	2010	2011	2012	2013	2014	2015
Town of Bennett	2.43	2.38	-0.05	$7,893.06	$7,798.04	$7,638.53	$7,169.15	$8,579.22	$10,112.16
Town of Brule	2.44	2.39	-0.05	$7,898.59	$7,850.88	$7,689.96	$7,217.59	$8,637.18	$10,173.84
Town of Dairyland	19.59	19.18	-0.41	$63,677.24	$62,912.35	$61,623.47	$57,810.39	$69,264.64	$81,588.15
Town of Gordon	19.15	19.05	-0.10	$62,302.69	$61,536.03	$60,274.78	$56,890.58	$68,820.82	$81,065.29
Town of Hawthorne	2.16	2.11	-0.05	$7,013.56	$6,929.53	$6,787.53	$6,370.49	$7,623.47	$8,979.65
Town of Highland	1.07	1.04	-0.03	$3,466.28	$3,424.48	$3,354.47	$3,148.32	$3,767.54	$4,437.71
Village of Lake Nebagamon	0.31	0.30	-0.01	$1,000.82	$988.86	$968.55	$909.01	$1,087.80	$1,281.41
Town of Lakeside	0.01	0.01	0.00	$47.81	$46.96	$46.00	$43.29	$51.80	$60.84
Town of Maple	1.27	1.26	-0.01	$4,173.07	$4,123.08	$4,038.72	$3,790.52	$4,536.06	$5,343.03
Town of Oakland	4.66	4.56	-0.10	$15,144.05	$14,962.39	$14,655.73	$13,755.34	$16,460.82	$19,383.23
Village of Oliver	---	0.00	---	---	---	---	---	---	$9.79
Town of Solon Springs	5.37	5.28	-0.09	$17,447.86	$17,238.20	$16,885.13	$15,828.38	$19,057.00	$22,447.63
Village of Solon Springs	---	0.01	0.01	---	---	---	---	$46.52	$54.88
Town of Summit	23.89	23.36	-0.53	$77,643.53	$76,709.43	$75,124.74	$70,505.81	$84,373.32	$99,385.78
Town of Superior	2.4	3.82	1.42	$7,801.33	$12,387.50	$12,133.73	$11,388.23	$13,628.14	$16,252.03
City of Superior	0.02	0.01	-0.01	$49.44	$48.60	$47.60	$44.80	$53.61	$62.96
Town of Wascott	15.23	15.23	0.00	$49,699.56	$49,184.73	$48,174.91	$45,268.57	$55,009.89	$64,796.25
TOTAL	**100**	**100**		**$325,258.91**	**$326,141.05**	**$319,443.84**	**$300,140.45**	**$360,997.83**	**$425,434.63**

5K.