

**BAYFIELD COUNTY FORESTRY AND PARKS DEPARTMENT  
COMMITTEE MEETING  
March 13, 2017  
County Board Room**

**Members Present:** Shawn Miller, Chairperson; Harold Maki; and Jeffrey Silbert

**Members Absent:** Larry Fickbohm, Fred Strand

**Staff in Attendance:** Jason Bodine, Administrator; Steve Probst, Assistant Administrator; and Pat Bruno, Office Manager

**Others in Attendance:** Dennis Pocernich, County Board Chair; Mark Abeles-Allison, County Administrator; Joseph LeBouton, WI DNR Liaison; and members of the public

**1. Call to Order of Forestry and Parks Committee Meeting.**

The meeting of the Forestry and Parks Committee was called to order by S. Miller at 6:02 P.M.

**2. Public Comment.**

S. Miller called for public comment.

**Chris Bretting**, member of the ABC Sportsman's Club asked for consideration that people will go elsewhere on County Forest land for unsafe target practice if the range is not open daily.

**Wanda Hyde**, President, ABC Sportsman's Club presented a 379-signature petition requesting the North Boundary Shooting Range continue to stay open 365 days/year. The Club took issue with specific language included in the draft lease; repair standards; prior approval of signage; prior permission to repair, rebuild and replace structures.

**Amie Egstad**, area resident, requested the Committee not approve the trap expansion and to wait for the current lease to expire May 1, 2019; giving time to see how the new hours, lead abatement, litter control, and noise control turn out before revising the lease. She also stated that recently installed signs restricting the use of Tannerite seem to be working and requested some Sunday afternoon quiet.

S. Miller called for more comments and none were received. Comments were closed.

**3. Approval of the February 13, 2017 Meeting Minutes.**

<b>MOTION:</b> (Maki, Silbert) to approve the minutes as presented. Carried.
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**4. Shooting Range: Trap Expansion.**

As directed by the committee, a draft lease was shared with the Committee and others. J. Bodine indicated that the draft lease was written to incorporate a few days of closure, as well as a lead clean-up/mitigation plan. The proposal suggested the range be closed every Tuesday and Thursday, from January 1 through August 31, but then remain open every day the rest of the year. When open, 8:00 a.m. to 8:00 p.m. (or sunset, whichever comes first) would be the hours of operation during the week, with 6:00 p.m. (or sunset, whichever comes first) being the suggested closing time on the weekends. The draft also includes the need for a lead reclamation plan, for both the shooting and trap ranges, which must be submitted by the Club and approved by the Committee, before any trap expansion could commence. The EPA has a general guidance

document on shooting range lead management, which could provide some assistance in the development of a lead mitigation plan. J. Bodine indicated that, after some informal discussions, the WI DNR does not desire to be part of a new lease, claiming they (the state) provide absolutely no direct benefit to either party in being part of it; however, they offered to provide technical assistance for a best management practices (environmental) lead management plan and could provide some assistance in the development of new facilities (through grant applications).

Discussions regarding signage occurred. J. Bodine indicated that the county requires other groups with recreational use agreements to work with the Department before putting up signs (Department needs to approve signs prior to installation). Some discussion on a possible scenario if the Club would cease to exist then who would be responsible for contaminant clean up and would the property continue as a shooting range? A question regarding if requiring bonding should be part of a new agreement. J. Bodine indicated that some other counties maintain shooting ranges on public land, but did not believe many even had written agreements, let alone bond requirements.

S. Miller, J. Bodine and others had recently visited the range for the purpose of investigating noise. The Coast Guard was actively using the range for a variety of firearm tests. A member of the Club also discharged a few rounds. On that day, S. Miller, D. Pocernich and J. Bodine did not hear any noise while standing on Jodi Road, located near the neighbor's driveway. J. Bodine clarified that the test should not be treated as definitive, that the neighbors undoubtedly hear noise coming from the range while on their property, and have a right to determine what is loud to them. J. Silbert pointed out that atmospheric conditions could have had an impact on the test and understands the noise issues expressed by the neighbors. J. Silbert supports the need for and continuation of the existing range and added trap range and suggested limiting operation hours and giving the neighbors a couple of days of respite. Comments were made by D. Pocernich regarding the major investment that the Club has made to date to create the grounds and facilities located there. Also some discussion on other recreational uses permitted on county land that create significant levels of noise, particularly snowmobile and ATV trails, with absolutely no days of closure or limited hours of operation.

**MOTION:** (Miller) to approve the expansion and the new lease agreement, with "that" taken out (about the buildings; to terminate the lease over things they have invested in); take out the (2) closure days; keep their limited hours that they are running; and to take into consideration their investment; and, in order to pursue this lease, they would have to have a lead mitigation plan in place prior to this.

Discussion: J. Silbert asked for clarification to the draft language regarding the closure. It currently reads it is to be closed on Tuesdays and Thursdays for part of the year and open seven days a week for four months. H. Maki doesn't think the two closing days needs to be included in the agreement.

Regarding planned berm building, Chris Bretting explained material has been stockpiled and is ready to be moved. In April, a trial reclamation will be conducted. The planned primary trap zone will be stumped and an attempt will be made to transplant some of the trees. A 300-yard safety range is planned for the trap range.

**Motion Seconded by H. Maki.**

Further discussion. J. Silbert supports the range but would like to include some days off included in the agreement.

Motion Vote: Yes: H. Maki, S. Miller. No: J. Silbert. Motion carried.

**5. Land Acquisition Presentation: Red Cliff Band of Lake Superior Chippewa.**

Chad Abel, Red Cliff Tribal Natural Resources office presented a plan that was the culmination of discussions over several years between the Tribe and County. The Tribe's goal has been find a path to take to regain title to some of the 1,400 acres of county lands that lie within the reservation boundaries. In January 2017, the Tribe and the County signed an MOU to start this process.

The Tribe applied for Great Lakes Restoration Initiative (GLRI) funding to purchase a 77-acre parcel that was cut in 2012. The intent of the parcel's future is to manage it for conservation property. The parcel would not be eligible for future timber harvest, but to be used for Tribal hunting, gathering and other activities. This acquisition would protect .6 mi of riparian corridor, 33 acres of headwater wetlands on the site and protections for brook trout and American Martin. The goal is to add additional acres to Frog Bay Tribal National Park (FBTNP) to encourage more public use. No commercial harvesting can take place on this parcel per the grant guidelines. The County could gain a net increase in county forest land that would be available to the public via a Knowles-Nelson land acquisition project. The Town of Russell is concerned if the more of this happens it could reduce the amount of road aid funds that could go to the town annually. However, C. Abel went on to explain that the focus is on this project and anticipates that any future repatriation efforts would occur slowly. The Tribe has made a concerted effort to encourage visitor use and exploration of the FBTNP, which was made available to the public.

The County has benefited from the County/Tribal cooperation with the expedition of the review process for new timber sales, four new permitted few timber sales within the last four years, and a mutual understanding of buffer zones which resulted in replanting efforts.

The MOU is one way the Tribe can fulfill one of their long-term goals. Specifically mentioned public access is not a mandate. No presumption on what future uses will be. The County is about 50 years away from doing any managing on this property again. For a use perspective, it is a unique piece but we can reinvest the funds received from this property and affectively double the purchasing power with the Knowles-Nelson Stewardship Program funding, if available.

S. Miller asked Joseph LeBouton if the DNR has an opinion on pulling this out of county forest land? J. LeBouton said the future public access gained via a future purchase would outweigh the land that would be lost by selling this parcel. The DNR thought the project would be easily justified if this were mentioned in the 15-year plan and the funds would go into a non-lapsing account for future land purchases.

J. Silbert said the project makes sense as it is near the headwaters of the FBTNP and the County will receive revenue for county land that has been managed. The project moves forward relations between the Tribe and the County.

Regarding a purchase price, J. Bodine said that the County has a duty to reach a fair market price which is usually established through an appraisal. Bodine also stated that the county recently received two appraisals on a similar property, only two years ago, located about 1 mile away from the piece in question.

The subject will be addressed further in an executive session. No action taken.

**6. Wildlife Opening Maintenance Request: Todd Naas, WDNR Wildlife Biologist.**

T. Naas explained that 500-600 openings are maintained on a five-year rotation. In 2016, of the 124 that

were scheduled, only 97 were completed due to 69 acres were flooded and inaccessible. Of those 69 acres, 15 openings near Iron River have been inaccessible for the second time. The 2017 planned hand treated openings are in the Towns of Hughes, Barnes and Tripp. The planned mowing will take place in the Towns of Port Wing, Orienta and Bayfield.

**MOTION:** (Maki, Silbert) to accept the proposal as presented by Todd Naas. Carried.

## 7. Monthly Reports.

### A. Forestry

#### 1) Department 2017 Budget Update.

J. Bodine reported the February timber sale revenues have exceeded expectations. Expenses are on target but adjustments to the budget will be made due to the WCFA Summer Tour.

#### 2) Wisconsin County Forest Association Summer Tour.

The WCFA Summer Tour dates have been set for June 21- 23. Accommodations and banquet will be available through the Quality Inn and Links Smokehouse Restaurant with an Apostle Islands cruise planned for the Friday morning event. All County Board members are invited.

### B. Parks.

New docks have been ordered and are to be installed at Twin Bear and Atkins Lakes this spring.

### C. Trails and Recreation

#### 1) Snowmobile Trail Updates.

The 2016 – 2017 season was challenging. There were only four weeks of solid riding on groomed trails. If the maintenance grant funds are not entirely used, the remaining funds are returned to the state.

#### 2) Yurt Updates.

Reservations are still strong. To date, approximately \$11,000 of anticipated gross revenues are expected into September. This translates to an average of 40% occupancy. The Bayfield yurt continues to be in high demand and the Cable yurt is starting to pick up.

#### 3) Rec Use Agreements.

Because Bayfield County has required recreation user groups to provide proof of liability insurance to use county forest land trails, smaller groups have had to be turned away because liability insurance cannot be provided. Corporation Counsel is researching a revision to the recreational use agreement that would remove the secondary liability insurance requirement, and replace it with coverage provided via the County's insurance policy. In doing so, it would provide more recreational opportunities to the public.

**MOTION:** (Silbert, Maki) to receive and place on file the monthly reports. Carried.

## 8. Recreational Use Request. Cable Area Resources in Emergencies (C.A.R.E.)

J. Bodine received a request from Cable Area Resource in Emergencies for a July 4, 2017 10K running event using trails located in the Town of Cable.

**MOTION:** (Maki, Silbert) to approve the C.A.R.E request. Carried.

**9. 2017 Town Road Aids.**

J. Bodine explained the three different funding options for the capped \$80,000 division of grant funds. J. Bodine recommended Fund #1 which is based on planned projects, most of which are gravel repairs. Collectively the proposed projects requests totaled \$146,000. The Town of Highland in Douglas County is again on the list as a recipient because road(s) are heavily used by haulers accessing Bayfield County timber sales near the county line during breakup time.

**MOTION:** (Silbert, Maki) to accept Fund Option #1 for Town Road Improvement Aids request. Roll Call Vote: Yes: H. Maki, J. Silbert. No: None. Carried.

**10. 2016 Department Accomplishment Report Amendment.**

J. Bodine explained that clarification language was added on Pages 10, 11 and 12 addressing past years' total reforestation efforts because of the discussion at the February meeting.

**MOTION:** (Maki, Silbert) to approve 2016 Department Accomplishment Report Amendment. Carried.

**11. Joseph LeBouton, DNR Representative.**

No comments made.

**12. Executive Session.**

**MOTION:** (Silbert, Maki) at 7:32 PM to enter in and out of Executive Session pursuant to Wisconsin Statute 19.85(1)(g)(e), for the purpose of considering legal advice regarding strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved and deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business, whenever competitive or bargaining reasons require a closed session. Carried.

- a) Approval of the February 13, 2017 Executive Session Minutes.
- b) Red Cliff Band of Lake Superior Chippewa's Land Acquisition Proposal. 19.85(1)(g)(e).
- c) Railroad Grade Issue in the Town of Cable.

**13. Red Cliff Band of Lake Superior Chippewa's Land Acquisition Proposal.**

**MOTION:** (Silbert, Miller) to recommend to the full board that we complete the transaction with Red Cliff for the 80 acres near Frog Bay for the amount that is being received in their Great Lakes Restoration Initiative grant. Roll Call Vote: Yes: J. Silbert, S. Miller; No: H. Maki Carried.

**14. Railroad Grade Issue in the Town of Cable.**

No further discussion needed.

**15. Adjourn**

Meeting adjourned at 7:47 PM.

The next Forestry and Parks Committee meeting will be held **Monday, April 10, 2017 at 6:00 P.M.** at Bayfield County Annex Building, EOC, 117 E. 6<sup>th</sup> Street, Washburn, Wisconsin.

Submitted by,  
***Pat Bruno***