



MARATHON COUNTY PARK COMMISSION AGENDA

Date and Time of Meeting: Tuesday, October 31, 2023 at 10:30am

Meeting Location: 212 River Dr, Room 5, Wausau 54403

The meeting site identified above will be open to the public. Persons wishing to attend the meeting by phone may call into the telephone conference beginning ten minutes prior to the start time indicated above using the following number: 1-408-418-9388 Access code: 2491 851 2375. When you enter the telephone conference, PLEASE PUT YOUR PHONE ON MUTE!

Park Commission Members -

Commissioners: Dawn Herbst, Jean Maszk, Allen Opall, Rick Seefeldt, Kelly Zagrzebski, Lou Larson, Vacant

***Marathon County Mission Statement:** Marathon County Government serves people by leading, coordinating, and providing county, regional, and statewide initiatives. It directly or in cooperation with other public and private partners provides services and creates opportunities that make Marathon County and the surrounding area a preferred place to live, work, visit, and do business. (Last updated: 12-20-05)*

***Parks, Recreation and Forestry Department Mission Statement:** Adaptively manage our park and forest lands for natural resource sustainability while providing healthy recreational opportunities and unique experiences making Marathon County the preferred place to live, work, and play.*

Agenda Items

1. **Call to Order**
2. **Public Comment Period – Not to Exceed 15 Minutes – Any Person Who Wishes to Address the Commission Must Provide, Name, Address and the Topic to the President of the Commission No Later than Five Minutes Before the Start of the Meeting. Topics must be relevant to the Committee’s area of jurisdiction.**
3. **Approval of the Minutes of the October 3, 2023 Park Commission Meeting**
4. **Policy Issues for Discussion and Committee Determination**
 - A. Discussion and Possible Action by Committee
 1. Use Regulations for Marathon Park and the Campground
5. **Operational Functions Required by Statute, Ordinance or Resolution:**
 - A. Discussion and Possible Action by Committee
 1. None
 - B. Discussion and Possible Action by Committee to Forward to the Environmental Resource Committee for its Consideration
 1. None
6. **Policy Issues for Discussion and Committee Determination for Consideration by Environmental Resources Committee**
 - A. Review and Consider Entering into an Agreement with the DNR on the Lake States Forest Management Bat Habitat Conservation Plan

7. Educational Presentations/Outcome Monitoring Reports

- A. Project Update (Big Eau Pleine, Courthouse, DC Everest Restroom, Dells of Eau Claire, Duane L. Corbin Shooting Range, Marathon Park, McMillan Marsh, Nine Mile, Peoples Sports Complex, Rib Falls Reclamation, Winterization)
- B. Misconduct of the Governor’s Snowmobile Council Letter

8. Announcements

- A. Next Meeting Date & Time, Location – Tuesday, December 5, 2023 at 10:30am, 212 River Dr. Room 5, Wausau, WI 54403
- B. Future Agenda Items –

9. Adjourn

Signed /s/ Jamie Polley
Presiding Officer or Her
Designee

Any person planning to attend this meeting who needs some type of special accommodation in order to participate should call the County Clerk’s Office at 715-261-1500 or e-mail countyclerk@co.marathon.wi.us one business day before the meeting.

FAXED TO DAILY HERALD

THIS NOTICE POSTED AT THE

COURTHOUSE

(Email/Fax City Pages, Marshfield News, Midwest Radio Group)

Date October 26, 2023 Time 11:00 a.m.

By Jodi Luebbe

Date _____ Time _____

By _____

AGENDA SUMMARY

4A1. Discussion and Possible Action on Use Regulations for Marathon Park and the Campground
Marathon Park is central to the county and central to the City of Wausau. The department follows different ordinances for county parks than for city parks. However, the department has tried to mirror the park ordinances in all areas possible. The City of Wausau made an ordinance change that pertains to drinking in the city parks that will take effect in January of 2024. The Commission is asked to discuss this ordinance and the potential effect on the county parks of Marathon Park and DC Everest Park and provide direction to staff if any changes are desired to the current county park ordinances.

The Commission is also asked to discuss, consider, and provide staff with direction on the idea of designating Marathon Park campground as an RV only campground that would be preregistration only beginning in 2024.

6A. Discussion and Possible Action to Review and Consider Entering into an Agreement with the DNR on the Lake States Forest Management Bat Habitat Conservation Plan

The Northern Long Eared bat (*Myotis septentrionalis*), because of white nose syndrome, Indiana bat (*Myotis sodalis*), little brown bat (*Myotis lucifungus*), and tricolored bat (*Perimyotis subflavus*) became listed as federally endangered on March 31 and WCFA has been working with DNR on how to continue to manage (harvest) our forests. Attached is the summary provided by DNR that includes the Counties covered activities under the permit and responsibilities. Signing on to the Lake States Bat Conservation Plan, (HCP) is not a requirement, but it is an easy way to receive incidental take coverage and be sure Marathon County forests and parks are in compliance with the Federal Endangered Species Act with respect to federally listed bat species. Staff have been working with the DNR on the landowner agreement. The agreement that has been finalized is attached for your review.

The landowner agreement includes our forested areas of the county forests and the county parks, and this agreement will therefore be reviewed by the Park Commission and Forestry/Recreation Committee. The DNR is requesting a resolution from the County to accompany the agreement. The Park Commission is asked to recommend the approval of the agreement and the passing of the resolution to the Environmental Resources Committee.

7A. Project Update

Big Eau Pleine: South parking lot was paved and shouldered with the assistance of the Highway Department. Camping closed on 10/31. Hunting informational signage has been installed.

Courthouse: Unhoused belongings located by Facilities staff; Parks was consulted on current protocols.

DC Everest: Restroom has been constructed. Waiting on contractor to install water and sanitary lines.

Dells of the Eau Claire: Camping closed on 10/31.

Duane L. Corbin Shooting Range: New staff have been hired and the range is getting busy. The range will be open every day in November until firearm season.

Marathon Park: Boilers were replaced at East Gate Hall. Rink 2 went in on 10/23, one week earlier than normal.

McMillan Marsh: Met with partners to discuss status of current MOA and clarify roles and responsibilities.

Nine Mile: Memorial planting completed. CWOCC storage area completed per agreement. Eagle Scout installed snowshoe signage on 10/27 and CWOCC will be installing the permanent Fat Tire Biking trail signage in November.

Peoples Sports Complex: Scheduled for the next week.

Rib Falls Reclamation: County Materials is currently working on the grading plan. This will continue into 2024. Seeding of the site will take place in 2024.

Winterization: Water winterization is underway; we are shutting water off to all shelters and closing most of the remaining flush restrooms. Vault toilets will remain open as long as we have staff to maintain them. We will be removing the fishing pier and Kayak launch at DC Everest tomorrow as well. We will also be removing tennis nets and pickleball nets.

7B. Misconduct of the Governor's Snowmobile Council Letter

The attached letter from the Wisconsin County Forest Association was shared with the Governor's Office and the DNR Secretary regarding continued concerns about the Governor's Snowmobile Recreation Council.

DRAFT
MARATHON COUNTY PARK COMMISSION

Date and Time of Meeting: October 3, 2023 at 10:30am Location: Room 5 at 212 River Dr., Wausau WI 54403

Park Commissioners present: Dawn Herbst, Jean Maszk, Rick Seefeldt-(via Webex), Kelly Zagrzebski-(via Webex)

Excused: Lou Larson, Allen Opall

Staff present: Jamie Polley-Parks, Recreation and Forestry Director, Andy Sims-Assistant Director of Operations, Mai Choua Vue-Administrative Manager

1. Call to Order – Vice-President Herbst called the Park Commission meeting to order at 10:30 am. Official notice and the agenda for the meeting was posted publicly in accordance with the State statutes.

2. Public Comment – none brought forward.

3. Approval of the Minutes of the September 5, 2023 Park Commission Meeting – **Motion** by Maszk, second by Zagrzebski to approve the September 5, 2023 meeting minutes. Motion **carried** by voice vote, vote reflected as 4-0.

4. Policy Issues for Discussion and Committee Determination

A. Discussion and Possible Action by Committee

1. Removal or Replacement of the Big Rapids Dam – Polley explained this small dam was installed many years ago to form a swimming area for the park and is not required for this section of the river. The dam structure has failed, and water is currently undermining the dam. The stop logs for controlling the impoundment depth cannot be utilized. Staff can apply for a State grant for either dam removal or reconstruction which is a fifty-percent cost share from the County. Another grant is available for dam removal where the State pays 100% of removal costs but it's capped at \$50,000. There could be potential cost to the County but that won't be known until the project has gone out to bid. The DNR would like to see these types of small dams removed and let the river flow naturally. Polley didn't find any history of the dam other than it used to be a predominant swimming hole years ago. Polley questioned Commission if they saw value in keeping the dam or not and which grant staff should pursue. Questions were answered and discussion followed. **Motion** by Seefeldt, second by Maszk to apply for the dam removal grant. Motion **carried** by voice vote, vote reflected as 4-0.

2. Marathon Park Usage and Campground Operations – Polley discussed how recently there has been increased issues with drugs, garbage, and vandalism in the Marathon Park campground especially within the restroom. The women's restroom door has been damaged so badly that it can't be securely locked. Polley also told Commission that the Wausau City Council has approved an ordinance as of January 1st that drinking alcohol is not allowed in any City park before 4:00pm except for reserved or permitted events. She doesn't know what effect this will have on Marathon Park but thinks it may be significant. She doesn't see the County Board approving this same ordinance for all County parks but possibly for the two County Parks in the City limits which are Marathon Park and DC Everest Park. Staff is trying to brainstorm ideas for a different type of regulation of Marathon Park and more law enforcement presence is needed. Commission members requested that cameras are put up in the park to assist law enforcement. Polley explained that because it's toward the end of camping season, the inability to securely lock the restroom/shower facility, and the length of time to get the new door it has been suggested to close the Marathon Park campground now for the season. Discussion followed. **Motion** by Maszk, second by Zagrzebski to close Marathon Park campground now for the rest of the season. Motion **carried** by voice vote, vote reflected as 4-0.

3. 2024 Commission Meeting Dates – January 4, 2024 – Tentative 2024 Park Commission meeting dates are set based on tentative Environmental Resource Committee meeting dates. The regular January 2nd date will have to be moved because it is a holiday for staff. January 4th will be tentatively held based on finalization of ERC meeting dates.

5. Operational Functions Required by Statute, Ordinance or Resolution:

A. Discussion and Possible Action by Committee - None

B. Discussion and Possible Action by Committee to Forward to the Environmental Resource Committee for its Consideration - None

6. Policy Issues for Discussion and Committee Determination for Consideration by Environmental Resources Committee

A. Acceptance of State-Local Hazard Mitigation Grant Program Assistance – Polley discussed how the Federal Emergency Management Agency (FEMA) and its partner in Wisconsin, Wisconsin Emergency Management (WEM) help protect people from natural disasters by providing safe rooms. Safe rooms can be constructed or installed to serve a residence or within the community to serve a larger number of people. FEMA and WEM have made grants available for all aspects of saferooms from the feasibility and design to construction. The County received notification that a grant application it had submitted to complete a project scoping activity to determine a location, cost effectiveness and design of a future community safe room was awarded in the amount of \$300,000. This money will be utilized for the feasibility, study, design, site testing, public outreach and a cost-benefit analysis. The County already planned to conduct a feasibility study for the ice arena which could serve a dual purpose as a saferoom. This project could be similar to the Forensic Science Center by providing a valuable service to the community, enhance the uses of the facility and reduce the costs to the taxpayers. Conducting the project scoping project does not obligate the County to construct the facility. Additional grants are available for construction if or when that phase would occur. **Motion** by Maszk, second by Zagrzebski to recommend acceptance of the grant. Motion **carried** by voice vote, vote reflected as 4-0.

B. Discussion of Human Resources, Finance, and Property Committee’s 2024 Proposed Budget and Possible Recommendations Regarding Modifications – Polley explained that overall there was a budget decrease of .6 percent from 2023 in the Department’s budget. She gave detail on expenses and revenues. Polley asked if there were any recommendations from this Committee about the budget. They would be given to the Environmental Resource Committee who will then make any recommendations for budget amendments to the Human Resources and Finance Committee. No recommendations were brought forward.

7. Educational Presentation/Outcome Monitoring Reports for Discussion

A. Project Update – Bluegill Bay – ADA path to playground, restroom, and shelter is complete (DPW). DC Everest Restroom – restroom installation begins 10/2. Dells of Eau Claire – beach parking lot paving is complete. Marathon Park – Hosted first US Hockey League game on rink 1, Rink 2 goes in later in October, campground shower building doors vandalized to the point of replacement. People’s Sports Complex – Hosted the MC United Fall Club and will continue to hold games through mid-November. Nine Mile Events – RAGNAR at Nine Mile was again a success with over 1700 participants. Rib Falls Reclamation – The reclamation plan has been completed by REI and has been submitted to County Materials. County Materials is working internally to plan for the reclamation work that should begin yet this year and continue into 2024. Winterization – Water winterization is underway.

8. Announcements

A. Next Meeting Date & Time, Location – Tue., Oct., 31, 2023 at 10:30am, 212 River Dr., Room 5, Wausau, WI 54403

B. Future Agenda Items – Bat HCP Enrollment Program

9. Adjourn - Motion by Maszk, second by Seefeldt to adjourn the meeting at 11:45 am. Motion **carried** by voice vote, vote reflected as 4-0.

**JOINT ORDINANCE OF PUBLIC HEALTH & SAFETY COMMITTEE
AND PARKS & RECREATION COMMITTEE**

Amending Section 9.20.020 Regulation of persons and Section 1.01.025 Issuance of citations.

Committee Action: PH&S: Approved 3-0 **Ordinance Number:**
Pk & Rec: Approved 4-1

Fiscal Impact: None

File Number: 23-0905 **Date Introduced:** September 12, 2023

The Common Council of the City of Wausau do ordain as follows:

Add ()
Delete ()

Section 1. That Section 9.20.020 Regulation of persons is hereby amended to read as follows:

9.20.020 - Regulation of persons.

Persons using the public parks shall comply with the following:

....

(s) No person shall possess or consume intoxicating liquor or fermented malt beverages in or upon The 400 Block except between the hours of 4:00 p.m. and 11:00 p.m.; during a Class I, II, or III Special Event upon request of the event organizer and as approved under the City's Special Events Policy and Procedures for a period beginning two hours before the time for the Class I, II, or III Special Event and ending one hour after the event if the event closes prior to 4:00 p.m., or such hours beginning before and ending after the event as may otherwise be approved by the Public Health and Safety Committee; or, as otherwise approved by the Public Health and Safety Committee and Common Council as provided in section 9.04.025(d).

(t) No person shall possess or consume intoxicating liquor or fermented malt beverages in any City owned park, playground, athletic field or court, swimming or wading pool except as follows:

(i) Between the hours of 4:00 p.m. and 11:00 p.m.;

(ii) During a Class I, II, or III Special Event upon request of the event organizer and as approved under the City's Special Events Policy and Procedures and the period beginning two hours before the time for the event

and ending one hour after the event if the event closes prior to 4:00 p.m., or such hours beginning before and ending after the event as may otherwise be approved by the Public Health & Safety Committee;

(iii) At campsites, park shelters or facilities reserved through the Wausau and Marathon County Parks, Recreation and Forestry Department;

(iv) At Athletic Park.

Section 2. That Section 1.01.025 Issuance of citations, is hereby amended to read as follows:

1.01.025 Issuance of citations.

....

(c) Schedule of cash deposits.

(1) A schedule of cash deposits is established as follows:

....

(B) For violations of all ordinances other than those governed by the aforescribed Uniform State Deposit Schedule and except as provided in subsection (C), the cash deposit schedule shall be as follows:

Municipal Ordinance Schedule of Deposits

....

<u>Ord. No.</u>	<u>Offense</u>	<u>Deposit</u>
9.20.020(b)	Park—after hours	50.00
9.20.020(r)	Animals on cross-country ski trails	10.00
9.20.020(t)	Possess consume alcohol in park	50.00
9.22.020	Jumping and diving from bridges	25.00

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall be in full force and effect beginning on January 1, 2024.

Adopted:
Approved:
Published:
Attest:

Approved:

Katie Rosenberg, Mayor

Attest:

Kaitlyn Bernarde, Clerk

DRAFT
CITY OF WAUSAU – JOINT PARKS AND RECREATION COMMITTEE & PUBLIC HEALTH AND SAFETY COMMITTEE MEETING MINUTES

Date/Time: August 7, 2023 at 4:30 p.m. Location: Council Chambers, City Hall
Parks and Recreation Committee Members Present: Dawn Herbst (c), Lou Larson, Tom Kilian, Carol Lukens, Sarah Watson
Public Health and Safety Committee Members Present: Lisa Rasmussen (c), Doug Diny, Lou Larson
Excused: Becky McElhaney, Chad Henke
Others Present: Jamie Polley-Parks Director, Matt Barnes-Deputy Police Chief, Tara Alfonso-Assistant Attorney

In accordance with Chapter 19, Wisc. Statutes, notice of this meeting was posted and sent to the Daily Herald in the proper manner. A quorum was present and the meeting was called to order at 4:30pm.

1. Discussion and Possible Action Amending Section 9.20.020 Regulations of Persons and Section 1.01.025 Issuance of Citations – Rasmussen explained a couple months ago the Committee of the Whole analyzed a number of issues surrounding the unhoused population. Following a police department presentation, research occurred regarding restrictions on consumption of open intoxicants in City parks. Choices emerged which could include a complete ban at all City parks on open intoxicants all the time with the exception of facility rentals and organized events or because not every neighborhood park has that same issue to mirror the policy on the 400 Block which doesn't allow open intoxicants prior to 4:00pm. The question then is if it would apply to all City parks or just those parks that are mostly affected which is where the idea of a zone surrounding the downtown came in.

Deputy Police Chief Barnes spoke about the issues occurring mainly in the parks in and around the downtown area related to daily drunken behavior and how they would like to mitigate those issues. Herbst concern is for the people that would like to have alcohol in a park that do not display daily drunken behavior. Lukens would rather this apply at all parks on a temporary basis. Rasmussen originally thought about it from a city-wide perspective for consistency and ease of understanding but the logistics of managing it in neighborhood parks was a concern as not all of them had problems but all would receive the consequence.

Polley said one concern is that there are County parks within the City limits so the problem may just shift. She originally had been opposed, but the compromise of allowing consumption of alcohol after 4pm in general and exempting events and rentals is a possibility. She has a concern because this is putting a restriction on the entire community because of a very small percentage of people. However, people do not go to some of the parks because of these activities that are occurring. Having a boundary allows not as many park users to be affected. She said the public intoxication ordinance is vague and doesn't help in this situation. Barnes discussed the ordinance. Larson didn't want to penalize the whole City of Wausau but realizes something needs to be done. He didn't mind if the boundaries were set up as a trial period and questioned when it would go into effect. Barnes recommended January 1, 2024. Kilian would support something City wide but not just a certain area. He didn't believe they should have two sets of regulations for two different areas of town and discussed why he felt this could be viewed as discriminatory even if that wasn't the intent. Rasmussen felt that Kilian was right. They had wanted to impact the least amount of people and address the problem but if they do it in all City parks it may also be less confusing to the public. Larson mainly wanted people to feel safe in the parks. **Motion** by Larson, second by Kilian to move ahead with the ordinance as written except that it would apply to all City owned park facilities, try it for a year making it go into effect starting January 1st, 2024. Motion from the Park and Recreation Committee **carried** by voice vote, vote reflected as 4-1 with Herbst as the dissenting vote. Discussion occurred on the needed signage. **Motion** by Larson, second by Diny to allow consumption from 4p to 11pm in all City owned parks. Motion from the Public Health and Safety Committee **carried** by voice vote, vote reflected as 3-0.

Motion by Diny, second by Larson to adjourn the Public Health and Safety Committee at 5:20pm. Motion **carried** by voice vote, vote reflected as 3-0.

2. Public Comment or Suggestions – none brought forward.




Office of the City Attorney

TEL: (715) 261-6590
FAX: (715) 261-6808

Anne L. Jacobson
City Attorney

Tara G. Alfonso
Assistant City Attorney

To: Common Council
From: Tara G. Alfonso, Asst. City Attorney 
Date: August 28, 2023
Re: Comments on proposed amendment to W.M.C. §9.20.020 concerning alcohol in parks

- This office was requested to draft a proposed amendment to W.M.C. §9.20.020 prohibiting the possession and consumption of alcohol in City owned parks. The draft ordinance presented also clarifies that the prohibition applies to facilities and improvements within City parks such as playgrounds, athletic fields or courts and swimming and wading pools.
- As originally presented to the Public Health & Safety Committee and the Parks and Recreation Committee at the joint meeting of August 7, 2023, the proposed ordinance was requested to apply to parks within an area bounded by the south side of East Wausau Avenue on the north, the south side of Thomas Street on the south, the west side of 3rd Avenue on the west, and the east side of 6th Street to the east.
- After discussion at the joint meeting, the Committees recommended that the prohibition apply City wide and not simply to a limited area. The current draft of the ordinance reflects that recommendation from both Committees.
- The draft ordinance excepts from its prohibition: alcohol consumption between the hours of 4:00 p.m. and 11:00 p.m. (to accommodate picnics and other similar gatherings or activities); approved Class I, II, or III Special Events upon the request of the event organizer and as approved under the City's Special Events Policy and Procedures; campsites, park shelters or facilities reserved through the Wausau and Marathon County Parks, Recreation and Forestry Department; and Athletic Park.

- A random sampling of ordinances in other communities indicates the following:

Municipality	Restriction	Sample of Exceptions
Beloit - §15.06	General prohibition on possession, consumption and sale in any City park.	Many detailed exceptions including: licensed premises of golf course clubhouse; golf course grounds; beer at certain parks during City sponsored baseball or softball league games; wine or fermented malt beverages at certain parks under permit granted by Division of Parks or Parks Director; alcohol beverages at the Beloit Rotary River Center under various conditions; alcohol beverages at certain parks and during certain times of the day.
Green Bay - §28-4	General prohibition on possession or consumption in any park, playground, athletic field or court, swimming or wading pool, or parking lot.	Exemptions for fermented malt beverages and wine in picnic areas in 3 specific parks between 8:00 a.m. and 9:00 p.m. and in the baseball stadium. In any other park as approved by the Parks Committee or, in accordance with and under the terms of the written policy approved by the Council.
Kenosha - §6.02	Prohibition on sale, giving away, possession or consumption of any alcohol beverage.	Fermented malt beverages and wine permitted in City Parks and buildings pursuant to a permit issued for an approved date which shall expire at 10:00 p.m. each day; and, Simmons Island Beachhouse under an approved alcohol license issued under state and local law.
Madison - §8.24	Makes it unlawful to sell, give away, possess or consume alcohol on certain designated properties.	Many detailed prohibited locations which include: specifically named parks; other specifically named parks except in duly designated and cordoned off areas set aside for alcohol consumption; certain named parks except with prior approval of Parks Division or Parks Superintendent.
Neenah - §11-3	No fermented malt beverages or intoxicating liquor sold, given away, dispensed, consumed, stored in or brought onto any public property of the City.	Exceptions for grounds and buildings of Whiting boathouse and Bergstrom-Mahler Museum under an approved liquor issued by the City; any area temporarily licensed for consumption of liquor or fermented malt beverages under municipal liquor laws; and as carried by a properly licensed bartender working at a licensed

		establishment between a licensed establishment and a sidewalk café.
Wauwatosa - §7.65.080	General prohibition on any spiritous, vinous, malt or mixed liquors in any park or parkway.	Except areas designated by the park commission in writing and except at such places as beverages are sold by licensees of the commission.
Whitewater - §7.38.010	No alcoholic beverages allowed in any city park (except Starin Park) without a permit. No intoxicating liquors permitted on Indian Mounds Park.	Permits for parks, park buildings and other municipal buildings may be issued by the city clerk as deemed appropriate by the city manager.

- As can be seen from the random sample above, restrictions can be fashioned in multiple ways.
- The forfeiture deposit for violation is suggested in the draft ordinance at \$50 (which is the same amount as for a violation of possession and consumption prohibitions at the 400 Block). With court costs, the total forfeiture would be \$124.00.



Lake States Forest Management Bat Habitat Conservation Plan

Reset

Save

Submit by Email

Template Landowner Agreement and Certificate of Inclusion

1.0 Landowner Information

Landowner Name: Marathon County

Authorized Representative (if applicable): Tom Lovlien

Address: 212 River Dr Suite 2 Wausau, WI 54403

Phone: 715-261-1550

Email: tom.lovlien@co.marathon.wi.us

2.0 Description of Enrolled Lands

This Landowner Agreement applies to forestlands located on tax parcel(s) See Attached (and) in Township, Range, and Section, in Marathon County(s), Wisconsin (hereinafter "enrolled lands"). The enrolled land total 26,383 acres and comprise approximately 95 % deciduous forest, 0 % mixed forest, and 5 % coniferous forests. The enrolled lands are delineated on Exhibit A, *Location of Enrolled Lands*, attached hereto. Any overlap between the enrolled lands and covered bat hibernacula or known roost trees are depicted in the selected exhibits below.

- Exhibit B, *Locations within the Enrolled Property that Overlap with the 150-foot Buffer of a Known, Occupied Maternity Roost.*
- Exhibit C, *Locations within the Enrolled Property that Overlap with the 0.25-mile Buffer of a Known Hibernaculum.*
- Exhibit D, *Locations within the Enrolled Property that Overlap with the 2.5-mile Buffer of a Known Hibernaculum.*
- None of the above.

DNR USE ONLY

Landowner Agreement and Certificate of
Inclusion No. WIBatHCP0013
August 2023

3.0 Covered Species

This Landowner Agreement, through the Certificate of Inclusion (Section 13), authorizes incidental take by the Landowner, subject to the terms and conditions expressed herein, of the following species (collectively, "covered species"): Indiana bat (*Myotis sodalis*), little brown bat (*Myotis lucifugus*), northern long-eared bat (*Myotis septentrionalis*), and tricolored bat (*Perimyotis subflavus*).

This Landowner Agreement and Certificate of Inclusion does not apply to any other state or federally listed threatened or endangered species except the four bat species listed above. Incidental take authorization or impact avoidance for any other protected species will need to be pursued separately, in consultation with the appropriate state or federal wildlife agency.

4.0 Covered Activities

Upon full execution of this Landowner Agreement, the Landowner will receive incidental take authorization for covered species for the below-selected activities on enrolled lands so long as those activities are implemented consistent with the terms and conditions of this Landowner Agreement and the Lake States Forest Management Bat Habitat Conservation Plan (Lake States Bat HCP). Incidental take authorized for covered species does not extend to any activity which is not explicitly identified in this Landowner Agreement as a covered activity.

- Conduct a maximum of 37,500 acres of timber harvest and forest management on enrolled lands over the duration of this Landowner Agreement with a maximum of 3,750 acres of timber harvest occurring in any 5-year period. Covered forest management activities include the regeneration and intermediate harvest, salvage/sanitation, and the construction of temporary roads associated with timber harvests.
- Conduct a maximum of 500 acres of prescribed fire and firebreak creation (e. g. tree cutting) over the duration of this Agreement with a maximum of 50 acres of prescribed fire and firebreak creation occurring in any 5-year period.
- Counties Only:** Construct and maintain **permanent** roads and trails for forest management access and public recreation on county land. This includes routine maintenance such as removing hazard trees, cutting or trimming trees to maintain or widen the road corridor, and removing trees to install or maintain culverts and bridges. Conduct a maximum of 20 miles of county forest road and trail construction and maintenance over the duration of this Landowner Agreement with a maximum of 2 miles of county forest road and trail construction and maintenance occurring in any 5-year period. Do not include an estimate of *temporary* road construction during timber harvest as that acreage is already included in the first activity above.

DNR USE ONLY

Landowner Agreement and Certificate of
Inclusion No. WIBatHCP0013
August 2023

5.0 Required Conservation Actions

Upon full execution of this Landowner Agreement, the landowner shall conduct the applicable conservation actions indicated below when conducting covered activities on the enrolled lands.

Implement Wisconsin Department of Natural Resource (DNR) Retention Guidelines in Forest Habitat. Program participants must implement the applicable retention guidelines established in the *Wisconsin Silviculture Guide* (Wisconsin Department of Natural Resources 2023, Pub. FR-805). The retention guidelines guide forest management activities. DNR is available to help applicants and enrollees understand how retention guidelines will apply to their anticipated forest management activities. A summary of Wisconsin's retention guidelines is provided below.

- **Snag Retention:** For *all harvests*, retain as many snags as possible, but ≥ 3 (if available) preferably large snags (>12 inches diameter at breast height [dbh]) per acre. Encourage snag diversity (species and size) to provide the greatest array of benefits. Consider retaining ≥ 3 trees per acre to develop into large, old trees and to complete their natural lifespan. These trees will often become large snags and coarse wood debris.
- **Percent of Harvest to Remain in Uncut Patches:** For *even-aged harvests*, encouraged in all stands, but recommended that in stands greater than 10 acres, retain 5%–15% of crown cover or stand area. For *uneven-aged harvests*, retain ≥ 3 (if available) preferably large, cavity trees per acre. Retain ≥ 3 (if available) preferably large, mast trees per acre. Consider retaining ≥ 3 trees per acre to develop into large, old trees and to complete their natural lifespan.
- **Retention Tree Patch Size:** For *all harvests*, trees retained can be scattered uniformly throughout a stand or irregularly dispersed, as single trees, groups, and patches. Groups and patches in even-aged harvests should be >0.1 acres and generally <2 acres, but they can be larger as well. Patches larger than 2 acres should be documented.
- **Retention Tree Patch Location:** For *all harvests*, retention tree patches should be located to complement management objectives or to respond to stand conditions, such as along Riparian Management Zones (RMZs), to increase connectivity between stands, or to protect sensitive sites or endangered resources.
- **Riparian Corridor Tree Retention:** For *all harvests*, retention tree patches can be placed near RMZs and to protect sensitive sites (e.g., vernal pools) or endangered resources. RMZ (i.e., 100 feet from lakes, designated trout streams, streams ≥ 3 feet wide; 35 feet from streams ≤ 3 feet wide) guidelines include retention of at least 60 square feet (ft^2) of basal area per acre in evenly distributed trees 5 inches dbh and larger along all lakes and streams ≥ 1 foot wide.
- **Other Preferred Retention Tree Characteristics:** For *all harvests*, retention of both vigorous and decadent trees will provide an array of benefits. Retain older trees with large size and rough bark. Species diversity is generally encouraged, including locally uncommon species and mast trees. Trees retained can be scattered uniformly throughout a stand or irregularly dispersed, as single trees, groups, and patches. The general recommended strategy is to retain irregularly distributed patches along with scattered groups and individuals. Retention in aggregated patches generally provides the most benefits to wildlife and biodiversity.

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Protect known occupied maternity roost trees. Program participants that own land with or within 150-feet of a known occupied maternity roost trees as indicated in Exhibits B are required to protect those features (check if applicable – see section 2.0 above).

- For the locations indicated in Exhibit B, *Locations within the Enrolled Property that Overlap with the 150-foot Buffer of a Known, Occupied Maternity Roost*, avoid tree harvest year-round.

Protect known hibernacula entrances. Program participants that own land within 0.25 miles of a known hibernacula entrances as indicated in Exhibit C are required to protect those features (check if applicable – see section 2.0 above).

- For the locations indicated in Exhibit C, *Locations within the Enrolled Property that Overlap with the 0.25-mile Buffer of a Known Hibernaculum*, no timber harvests and disturbance from noise (85 decibels at a distance of 50 feet), such as pile-driving and blasting, year-round. If needed for improving habitat for covered bats, timber harvest may be allowed in conjunction with DNR with written approval and explicit expression of the habitat management need and objective.

Minimize impacts of prescribed fire on roosting and hibernating bats. Program participants planning to conduct prescribed burning on enrolled lands are required to follow all applicable measures, as indicated by a checked box below (check if applicable – see section 2.0 above).

- For the locations indicated in Exhibit B, *Locations within the Enrolled Property that Overlap with the 150-foot Buffer of a Known, Occupied Maternity Roost*, no prescribed burns between June 1 and July 31.
- For the locations indicated in Exhibit C, *Locations within the Enrolled Property that Overlap with the 0.25-mile Buffer of a Known Hibernaculum*, fire intensity must be reduced between April 15 and May 14, and between August 16 and October 15 unless the fire prescription is needed to create high-quality habitat for bats.
- Ensure wind will carry smoke away from the entrance(s) of any known hibernacula.

Minimize impacts on roosting and hibernating bats from maintenance and construction of permanent county forest roads and trails. As part of the Landowner Enrollment Program, county program participants planning to maintain and construct permanent county forest roads and trails are required to follow all applicable measures, indicated by a checked box, listed below.

Maintenance of Existing County Forest Roads and Trails

- For the locations identified in Exhibit B, *Locations within the Enrolled Property that Overlap with the 150-foot Buffer of a Known, Occupied Maternity Roost*, no tree removal between April 15 and October 15.
- For the locations indicated in Exhibit C, *Locations within the Enrolled Property that Overlap with the 0.25-mile Buffer of a Known Hibernaculum*, no tree removal may be conducted unless tree removal is necessary for hazard trees or road maintenance for public safety, in which case such removal should occur when impacts are lowest (i.e., between November 1

and March 15, or between May 15 and June 1) if feasible and appropriate in light of risks to public safety, unless immediate removal is necessary.

- For the locations indicated in Exhibit D, *Locations within the Enrolled Property that Overlap with the 2.5-mile Buffer of a Known Hibernaculum*, no tree removal may be conducted between August 16 and October 15, or between April 15 and May 14.
- For activities associated with existing culverts greater than 36 inches in diameter or bridges during the active season (March 1 – October 31), the structure must be inspected to determine the presence or absence of covered bat species. If covered species are absent from the structure, no additional conservation measures are required. If covered species are present, additional consultation with USFWS is required for the activity to proceed during the active season (March 1 - October 31). Work on existing culverts and bridges that will take place outside the active season (November 1 – February 28) have no additional conservation measures and do not require inspection for bat use.

Construction of New County Forest Roads and Trails

- For the locations identified in Exhibit B, *Locations within the Enrolled Property that Overlap with the 150-foot Buffer of a Known, Occupied Maternity Roost*, no building new roads or trails.
- For the locations identified in Exhibit C, *Locations within the Enrolled Property that Overlap with the 0.25-mile Buffer of a Known Hibernaculum*, no building new roads or trails.
- For the locations indicated in Exhibit D, *Locations within the Enrolled Property that Overlap with the 2.5-mile Buffer of a Known Hibernaculum*, no tree removal between August 16 and October 15, and between April 15 and May 14.
- No removal of trees that are 9 inches dbh or greater may be conducted between June 1 and July 31.

6.0 Annual Compliance Reporting

The Landowner shall annually fill out and submit to DNR Exhibit E, Landowner Enrollment Program Annual Compliance Report, summarizing covered activities performed and conservation actions implemented on the property over the previous year. The annual compliance reporting period is January 1 through December 31, and the Landowner Enrollment Program Annual Compliance Report shall be submitted to DNR by March 31, of the following year.

The information provided within the Landowner Enrollment Program Annual Compliance Report is included in DNR's annual report, which is submitted annually to the Service in compliance with the Lake States Bat HCP and incidental take permit.

DNR Use Only

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7.0 Compliance Verification

The Landowner shall allow DNR staff to inspect the enrolled lands to confirm that conservation measures have been implemented and maintained consistent with this Landowner Agreement, the Lake States Bat HCP, and U.S. Fish and Wildlife Service (the Service) incidental take permit. DNR will strive to provide a 30-day notice prior to inspection but reserves the right to inspect at all reasonable times without advanced notice.

8.0 Landowner Agreement and Certificate Duration

This Landowner Agreement shall begin on the date of the last signature and shall automatically continue to be in effect for the permit term (from date of enrollment until January 30, 2073) as long as the terms of the Landowner Agreement are met, unless terminated by either party. The Certificate of Inclusion issued is included with this Landowner Agreement.

9.0 Noncompliance

Incidental take coverage provided under the Landowner Enrollment Program is available only to the extent that program participants are in full compliance with all relevant program requirements, the conservation actions identified in the Lake States Bat HCP, and all other applicable federal, state and local laws, including 50 CFR Section 13.48. [s](#)

In the event the DNR believes that the conservation actions described herein (and in HCP Appendix B, Section B.2.3, *Landowner Enrollment Program Conservation Actions*), are not being implemented as directed, or the Landowner is otherwise in noncompliance with this Landowner Agreement, DNR may, at its sole discretion, provide notice to the LEP participant regarding the noncompliance along with an opportunity to rectify its effects. In the event DNR so exercises its discretion, DNR shall provide written notice to the program participant within 30 days of discovering or otherwise becoming aware of the noncompliance and shall notify the Service of the noncompliance via email. The Landowner will have 60 days to reply to the noncompliance notice, including plans to rectify the noncompliance. If the program participant fails to rectify the noncompliance to the satisfaction of the DNR or is unable or unwilling to take appropriate corrective actions, DNR shall suspend or revoke the Landowner Agreement and Certificate of Inclusion (HCP incidental take authorization).

The DNR reserves the right to terminate the Landowner Agreement without offering the Landowner an opportunity to rectify the noncompliance.

10.0 Modifications, Termination and Transferability

10.1 Modifications

The Landowner Agreement and the Certificate of Inclusion may be modified or amended in accordance with all applicable legal requirements in force at the time of the amendment, including, but not limited

to, the Endangered Species Act, National Environmental Policy Act, Service permit regulations (50 CFR Parts 13 and 17) and the procedures described herein. Any party to this Landowner Agreement may propose modifications (e.g., changes to which covered activities are selected, property description) by providing written notice to the other parties explaining the proposed modification and the reasons for the modification. Approval of a modification will require the written consent of the DNR and the Landowner. Any proposed modification to the Landowner Agreement shall be considered effective as of the date that all affected parties have agreed in writing to the modification. Any amendment to this Landowner Agreement shall be in writing and will not be effective until it has been executed and approved by the authorized parties or their successors.

10.2 Termination

DNR or the Landowner may terminate the Landowner Agreement at any time prior to the expiration date through written notification. Reasons for termination may include (but are not limited to) Landowner noncompliance, property sale, or the Landowner no longer requiring incidental take authorization. The Landowner is responsible for implementing all applicable conservation measures up until the time the Landowner Agreement is terminated.

10.3 Transferability

The Landowner Agreement and Certificate of Inclusion are nontransferable.

11.0 Other Measures

11.1 Dispute Resolution

All Parties to this Landowner Agreement agree to work together in good faith to resolve any disputes, including through use of any dispute resolution procedures agreed upon by all parties.

11.2 No Third-Party Beneficiaries

This Landowner Agreement does not create any new right or interest in any member of the public as third-party beneficiary, nor does it authorize anyone not a party to this Landowner Agreement to maintain a suit for personal injuries or damages pursuant to the provisions of this Landowner Agreement. The duties, obligations, and responsibilities of the parties to this Landowner Agreement with respect to any third-party shall remain as imposed under existing law.

12.0 Contact Information

Communication, reports, and correspondence required by this Landowner Agreement should be directed to the addresses below. Names and addresses may be changed upon written notice to all parties.

Landowner: Marathon County

Address: 212 River Dr Suite 2 Wausau, WI 54403

Phone Number: 715-261-1550

Email: tom.lovlien@co.marathon.wi.us

Select One: Legal Landowner
 Landowner's Representative

Wisconsin Department of Natural Resources
101 S Webster Street – GEF2, 6th Floor
Madison, WI 53703
Contact: Wisconsin Bat HCP Coordinator

Phone: (608) 219-1511
Email: DNRNHCForestBatHCP@wisconsin.gov

13.0 Certificate of Inclusion

This certifies that the enrolled lands of the Landowner are included within the scope of the Section 10(a) (1)(B) permit [ESPER0846081] issued by the Service expiring on [01/30/2073] under the authority of Section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended. By entering into this Landowner Agreement with DNR and complying with the terms of the Lake States Bat HCP and incidental take permit, the undersigned Landowner is authorized to carry out the covered activities described in the Landowner Agreement as provided for in Lake States Bat HCP, Chapter 4, *Potential Effects of Covered Activities*. When performing covered activities, incidental take authorization for covered species is extended to the recipient as described in 50 CFR 13.25(d) and (e). This incidental take authorization is specifically conditioned upon the recipient's compliance with this Landowner Agreement and, by extension, compliance with the Lake States Bat HCP and incidental take permit.

These authorizations and assurances expire on [01/30/2073].

IN WITNESS WHEREOF, each party hereto has caused this Landowner Agreement and Certificate of Inclusion to be executed by an authorized official on the day and year of the final signature as set forth below.

LANDOWNER

Jamie Polley, Wausau and Marathon County Parks, Recreation and Forestry Department Director

Name and Title

Signature

Date

AUTHORIZING PARTY

Wisconsin Department of Natural Resources

Natural Heritage Conservation Program Director

Date

DNR USE ONLY

Landowner Agreement and Certificate of
Inclusion No. WIBaHCP0013
August 2023

Designated Landowner Representative Agreement

Landowner Name (County): _____
Marathon County

Landowner Representative Name: _____
Jamie Polley

Landowner Representative Title: _____
Wausau and Marathon County Parks, Recreation and Forestry Department Director

I certify that I am a duly authorized representative of the Landowner and have authority to sign this Landowner Agreement on the Landowner's behalf. On behalf of the Landowner, I certify that the enrolled lands described above are owned by the Landowner and that the Landowner has control of the enrolled lands for the purpose of satisfying the terms and conditions of this Landowner Agreement. I further certify that authorized employees of the Landowner will be made aware of the terms and conditions of this Landowner Agreement and may work with the DNR, conduct timber harvest and/or prescribed fire and perform obligations on the enrolled lands pursuant to the terms and conditions of this Landowner Agreement.

Landowner Representative Signature

Date

Attach the following documents to this form using the "Attach Files" button below. Please title exhibit attachments with document identification and agreement number: e.g. <Exhibit B Maternity Roost WIBatHCP0001>

- Exhibit A: Location of Enrolled Lands
- Exhibit B: Locations within the Enrolled Property that Overlap with the 150-Foot Buffer of a Known, Occupied Maternity Roost
- Exhibit C: Locations within the Enrolled Property that Overlap with the 0.25-Mile Buffer of a Known Hibernaculum
- Exhibit D: Locations within the Enrolled Property that Overlap with the 2.5-Mile Buffer of a Known Hibernaculum
- Exhibit E: Landowner Enrollment Program Annual Compliance Report (see attachments)
 - The Annual Compliance Report form for Exhibit E is attached but is also available online here: <https://widnr.widencollective.com/portals/bzunspo6/BatHabitatConservationPlan>
 - Contact the Bat HCP coordinator for a mailed hard copy of the compliance report form.

Instructions for Attaching Files:

Click the "Add Attachments" button (below) and browse for the file(s) to attach, then click "Open". You may select more than one file to attach at one time, or repeat this step to attach more files. The list of attached files can be viewed in the left navigation panel (expand by clicking the arrow).

Be sure to check that all of the necessary files have attached before signing and saving this form.

To delete an attached file, click to select the file and press "Delete" on your keyboard.

Click to Add Attachments

Lake States Forest Management Bat Habitat Conservation Plan Summary

January 2023

Background

- Populations of cave hibernating bats in precipitous decline due to a white-nose syndrome (WNS).
 - WNS discovered in WI in 2014 and is now widespread in all known hibernacula.
- When USFWS listed the northern long-eared bat (NLEB) as Threatened in 2015 they specifically identified forest management as a potential source of take for the species.
 - During the summer these species utilize trees for maternity colonies and day roosts and they forage in forested areas.
- NLEB, Tri-colored bat and possibly little brown bat (LBB) will be listed as endangered due the impacts of WNS, and any take of an endangered species is prohibited. WI will need an incidental take permit to continue forest management activities.
- WI, MI, MN have jointly developed the Lake States Forest Management Bat Habitat Conservation Plan to obtain a federal Incidental Take Permit under the Endangered Species Act (ESA) section 10 requesting authorization for the incidental take of bats during forest management activities.
- Permit expected to be issued March 2023.

Covered Species:

- Northern Long-eared Bat
 - Federally endangered as of 3/31/2023
- Tri-colored Bat
 - Federal listing expected in 2023
- Little Brown Bat
 - Under review for federal listing by USFWS

Covered Activities and Required Conservation Actions:

- Timber harvest and related forest practices:
 - Implement state tree retention guidelines.
 - 150 ft year-round buffer around known maternity roost trees.
 - 0.25 mile buffer around known hibernacula entrances.
 - No harvest except where objective is improving habitat for bats.
- Prescribed fire:
 - Ensure wind will carry smoke away from the entrance(s) of hibernacula.
 - Prohibit prescribed burns within 150 feet of known occupied maternity roost trees during pup season (June 1–July 31).
 - Reduce fire intensity within 0.25 miles of hibernacula entrances during spring and fall.
- Maintenance of existing permanent forestry roads and recreational trails on public lands:
 - Refers to maintenance that requires tree cutting on permanent roads maintained by WI DNR or County Forests (not DOT roads).
 - Remove trees from October 1 to March 1 within 150 feet of a known maternity roost.
 - Remove trees from October 15 to March 31 or from May 15 to August 15 within 2.5 miles of a known hibernaculum.
 - Removal of hazard trees always allowed.

- Construction of new permanent forestry roads and recreational trails on public lands:
 - Refers to permanent roads maintained by WI DNR or County Forests for the purpose of supporting land management and public recreation (not DOT roads).
 - Temporary roads built to support a specific management project and then closed are covered as a forestry practice.
 - No removal of large-diameter trees (i.e., 9 inches dbh) during pup season (June 1 – July 31).
 - No new roads and trails within 150 feet of a known occupied maternity roost tree.
 - No new roads or trails within 0.25 miles of a known hibernaculum entrance year round.
 - Remove trees from October 15 to March 31 or from May 15 to August 15 within 2.5 miles of a known hibernaculum.

- Other conservation strategies:
 - Bat management zones on state lands:
 - Protected areas, no management June 1 to July 31
 - Already designated as protected wilderness areas, wild river areas, old growth areas, wild areas in WISFIRS
 - Maintain hibernacula entrances on DNR lands:
 - Gates, remove obstructions
 - Provide a way for other landowners to receive take authorization through the HCP.

Landowner Enrollment Program:

- Landowners who meet certain criteria can receive incidental take coverage by joining WDNR's permit.
- All County Forests are eligible.
- Acreage threshold for private landowners:
 - 10,000 acres for NLEB and TCB.
 - 500 acres for LBB (if LBB is listed as endangered).
 - Below these acreage thresholds risk of taking bats during management is extremely low/insignificant.
- Applicant owns lands (of any size) containing a known roost or known hibernaculum entrance.
- LEP application and agreement are in development.
- Goal to have eligible landowners enrolled by end of March 2023.
- WI DNR will hire a Bat HCP Coordinator to help guide folks through the process and handle annual reporting requirements.
- Annual Reporting Requirements:
 - Total acres of timber harvest - if possible, broken out by even-aged, uneven-aged, intermediate and salvage harvests
 - Acres of Rx Fire in forest or brushland
 - Possibly miles of newly constructed permanent roads or trails.



Image Details (/media/95116)

Effective date to reclassify northern long-eared bat as endangered extended

PRESS RELEASE

U.S. Fish and Wildlife Service extends effective date to reclassify northern long-eared bat as endangered

Jan 25, 2023

Media Contacts

Georgia Parham (/staff-profile/georgia-parham)

The U.S. Fish and Wildlife Service is delaying the effective date of the final rule to reclassify the northern long-eared bat from threatened to endangered under the Endangered Species Act. The agency is extending the effective date by 60 days, from Jan. 30, 2023, to March 31, 2023.

The extension will allow the Service to finalize conservation tools and guidance to avoid confusion and disruption for landowners, federal partners and industry with projects occurring in suitable habitats within the northern long-eared bat's 37-state range.

The Service remains committed to working proactively with stakeholders to conserve and recover northern long-eared bats while reducing impacts to landowners, where possible and practicable. We recognize reclassification of the northern long-eared bat has resulted in questions and concerns regarding compliance under the Endangered Species Act for timber harvest, habitat management, development and other projects. A delay in the effective date provides stakeholders time to preview newly developed guidance and management tools before the rule goes into effect.

The rule reclassifying the northern long-eared bat from threatened to endangered was published in the *Federal Register* Nov. 30, 2022; the bat remains protected as a threatened species with a 4(d) rule until the reclassification becomes effective on March 31. The northern long-eared bat was listed as threatened in 2015. It now faces extinction due to the range-wide impacts of white-nose syndrome, a deadly disease affecting hibernating bats across North America.

To assist forestry, wind energy, infrastructure and other project managers in the range of the northern long-eared bat, the Service is developing a suite of tools to provide guidance and to streamline processes for projects under the Endangered Species Act. We intend to provide these tools in early March. Once available, users can preview the tools through the agency's northern long-eared bat website.

The Service is not accepting public comment on the extension. A Federal Register notice extending the effective date of the final reclassification for the northern long-eared bat will publish on Jan. 26, 2023 under Docket No. FWS-R3-ES-2021-0140.

The northern long-eared bat is found in 37 states in the eastern and north-central United States, the District of Columbia, and all Canadian provinces from the Atlantic coast west to the southern Northwest Territories and eastern British Columbia. These bats mostly spend the winter hibernating in caves and abandoned mines. During summer, northern long-eared bats roost alone or in small colonies underneath bark or in cavities or crevices of both live and dead trees. They emerge at dusk to fly primarily through the understory of forested areas, feeding on insects. Data indicate that white-nose syndrome has caused estimated declines of 97 to 100% in affected northern long-eared bat populations.

[Learn more about the northern long-eared bat, the threat of white-nose syndrome and how the Service is helping \(https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis\).](https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis)

Wisconsin County Forests Association

Joe Waichulis
President
Clark County

Phil Schneider
Vice President
Rusk County

Bill Bialecki
Treasurer
Lincoln County

Norman Bickford
Director
Burnett County

Myron Brooks
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Marathon County

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Marinette County

Hank Graber
Director
Washburn County

Lolita Olson
Director
Washburn County

Michael Luedeke
Director-at-Large
Spooner, WI

Jeff Barkley
Director-at-Large
Madison, WI

Henry Schienebeck
Director-at-Large
Rhineland, WI

Rebekah Luedtke
Executive Director

801 N. Sales St,
Suite 107
Merrill, WI 54452
715-539-1097
rebekah@wisconsin
countyforests.com

October 24 2023

Honorable Tony Evers, Governor of Wisconsin
Adam Payne, Secretary-Designee, Department of Natural Resources

RE: Misconduct of the Governor's Snowmobile Recreation Council

Dear Governor Evers and DNR Secretary Payne;

The Wisconsin County Forests Association (WCFA) is respectfully requesting your attention and corrective action concerning the Governor's Snowmobile Recreation Council's ongoing lack of professional conduct and recent issues not following state statute when approving grant applications for state funding.

WCFA represents the forestry interests of the 30 counties in Wisconsin with lands enrolled under Wisconsin's County Forest Law (§28.10 & §28.11). Our member counties collectively manage over 2.4 million acres in Wisconsin, making them the largest public ownership in the State. The counties' partnership with the Governor's Snowmobile Recreation Council, along with numerous snowmobile clubs and the Department of Natural Resources (DNR), is critical to their success in providing the citizens and visitors of Wisconsin a quality experience when riding over 8,400 miles of snowmobile trails located on county forest lands, as well as those trails managed by the counties under cooperative agreements with other landowners including the State of Wisconsin and the United States Forest Service.

After the most recent Council meeting on August 30th, there are continued concerns in how the Council is proceeding with the review of grant applications and overall conduct and management of council business. It has become evident this Council has evolved into an entity with approval authority rather than being a body who recommends, as outlined in WI § 350.14 and their own bylaws. It's clear that certain members of the Council do not approach Council business with affected stakeholders and the consideration of grant applications with good intent but rather with animosity and ill will.

During the August 30th meeting, the following items were observed and should be cause for concern:

1. The Council violated state statute by not following the priority listing when considering grant applications for funding without giving sufficient reasoning. WI § 23.09(26)(c) states: *Distribution of snowmobile trail funds shall be made on the basis of a priority system according to the following priority-ranked purposes:*
 1. Maintenance of existing approved trails.
 2. Club signing program.
 3. Major bridge reconstruction or rehabilitation.
 4. Route signing program.
 5. Trail rehabilitation.
 6. Development of new trails.

Wisconsin County Forests Association

Given these priorities, bridge reconstruction and rehabilitation projects **shall** be funded prior to any new projects for trails or bridges. Several counties were asked on the spot to voluntarily prioritize bridge rehabilitation projects. The Council was not honest or forthcoming in why the request was being asked of those counties and this approach put the counties in an awkward spot and felt pressured to be accommodating. It later became clear several bridge reconstruction and rehabilitation projects were bypassed in an effort to save funding for one specific new bridge project which was put forward by Sauk County further in the applications and down in the priority list. We feel the reasoning given for not funding reconstruction and rehabilitation projects was extremely insufficient and the Council failed to follow state statute. Comments were made by both DNR staff and Council members that certain bridge projects did not meet the definition or criteria of “major” but no such definition or criteria exists.

2. Sam Landes, who is a current member of the Council, presented the new bridge application for Sauk County and advocated for it. As a Council member, this is a clear conflict of interest as per WI §19.46. Mr. Landes should have recused himself and gone on record as abstaining from voting on the project. It should be noted there were 2 individuals from Sauk County in the room that could have presented the project.
3. Furthermore, the Sauk County application was incomplete and should not been considered for funding in the first place, as it did not provide two cost estimates, which the Council has been extremely adamant about. The application included only one cost estimate from an engineer which, according to the DNR’s application checklist, does not qualify.
4. The Sauk County application was also listed in the “mandatory trail relocation” category, which is covered under #6 of the priority list. As mentioned above in #1, many bridge reconstruction and rehabilitation projects were skipped or bypassed in order to set aside funds for the “development of new trails” category.

It was evident the new bridge project in Sauk County was a pet project for at least one, if not multiple, Council members and that strategical discussions about said project had occurred outside the formal Council meeting. We feel the Snowmobile Recreation Council is acting outside their authority, which is set in WI § 350.14. Additionally, the question should be asked if a snowmobile bridge in Sauk County is the best use of state funding when they receive minimal snow each winter sufficient for snowmobiling. Many of the projects that were asked to be voluntarily withdrawn are in Counties who have open trails for the majority of the winter months and therefore would be utilized by significantly more trail users annually.

Furthermore, we feel the entire snowmobile grant program needs a complete overall and should be re-evaluated from top to bottom. We are requesting the DNR pull together an advisory committee of interested and affected stakeholders to reconsider how the program is constructed and operates, as well as to strongly consider these additional requests:

1. Adopt a formal council membership which provides a sufficient cross section of all stakeholders and interested parties from across the primary regions of Wisconsin. Examples of entities which could be represented include trail managers, club members, trail users, law enforcement, tourism, transportation, industry, non-profit associations, DNR legal services, etc. WCFA is ready to put forth an applicant to sit on the Council and represent the county forests and our Association.

Wisconsin County Forests Association

2. Empower DNR staff, liaisons and leadership to enforce State of Wisconsin statutes and correct councils if and when necessary.
3. Reinforce to the Councils that the Department of Natural Resources is the authority on all decisions and has final say.
4. Require State ethics training, including conflict of interest, for all councils. Ethics training is required of certain councils already.
5. Request DNR legal services review and clarify council authority, bylaws, procedures and the obligations of council members under WI §19, specifically §19.45 – Standards of conduct, state public officials and §19.46 – Conflict of interest prohibited. DNR legal services should also review and reinforce who has final say in grant funding and approvals.
6. Develop a better strategy and guidance on how to deal with requests for storm damage funding. Emergency or storm damage grants should be accepted and executed by the DNR only.
7. The Snowmobile Recreation and Off-Road Vehicle Councils should be consistent where they are equal. There are currently several inconsistencies in how the two councils deal with issues.
8. The DNR should publicly advertise when Council seats are expiring and applications are being accepted.
9. Adopt ground rules into operational guidelines or by-laws regarding how to act in an appropriate and professional manner.

In addition, previous disparaging comments made by some Council members against the Counties during other meetings are disappointing and unbecoming of a Governor's Council. The most recent actions and misconduct of the Council is undermining the credibility and validity of the Governor's councils. Given the current issues with the Snowmobile Recreation Council, the snowmobile program may be better served by direct administration under the DNR, rather than with citizen advisory council oversight.

Lastly, enclosed is a resolution from the Wisconsin County Forests Association Board of Directors, approved September 26th, which supports requesting corrective action be taken by the Governor and the DNR. We would greatly appreciate your attention to this matter and your consideration of our requests. If you wish to discuss this matter further, please do not hesitate to contact our office.

Sincerely,



Rebekah Luedtke
Executive Director
Wisconsin County Forests Association

Enclosed: WCFA Board of Directors Resolution 03-23

cc: Ann Kipper, Administrator, External Services Division, Department of Natural Resources
Senator Romaine Quinn, Chair of Senate Committee on Housing, Rural Issues and Forestry
Representative Jeff Mursau, Chair of Assembly Committee Forestry, Parks and Outdoor Recreation

WISCONSIN COUNTY FORESTS ASSOCIATION

CONCERNS WITH STATE SNOWMOBILE RECREATION COUNCIL ACTIONS

Resolution 03-23

- 1 WHEREAS, The State of Wisconsin has a Governors Snowmobile Recreation Council, with citizen
2 members, making snowmobile grant funding program recommendations to the Department of Natural
3 Resources; and
- 4 WHEREAS, The primary function of this Council is to provide recommendations on County snowmobile
5 program grant requests in an environment of extremely limited program funds; and
- 6 WHEREAS, Wisconsin County Forests Association staff and numerous County Forest Administrators
7 have noted numerous issues with current council members that are concerning, in particular potential
8 conflict of interest among Council members and possible failure to comply with statute, code and
9 Council guidelines
- 10 THEREFORE BE IT RESOLVED, that the Wisconsin County Forests Association directs their
11 Executive Director to draft and send a letter regarding concerns with the Snowmobile Recreation
12 Council to the Governor and DNR Secretary; and
- 13 THEREFORE BE IT FURTHER RESOLVED that this letter is to contain references to Chapter 227
14 (Administrative Procedure and Review) of the Wisconsin State Statutes.
- 15 Recommended for adoption by the Legislative/Certification Committee on September 12, 2023 and
16 presented to the Board of Directors on September 26, 2023
- 17 Approved September 26, 2023
- 
- The logo of the Wisconsin County Forests Association is a large, light green silhouette of a stylized evergreen tree. The tree has a thick trunk and a wide, triangular canopy. The logo is centered on the page and partially overlaps the text of the resolution.