



WISCONSIN LEGISLATIVE COUNCIL
STAFF MEMORANDUM

TO: SENATOR ROBERT WIRCH

CONFIDENTIAL

FROM: William Ford, Senior Staff Attorney *WJ*

RE: Brief Description of 1999 Wisconsin Act 11, the Provisions of That Act Being Litigated Before the Wisconsin Supreme Court, and Possible Responses to Final Court Decision

DATE: April 2, 2001

This memorandum provides a brief description of the ten provisions of 1999 Wisconsin Act 11, which makes changes in benefits under the Wisconsin Retirement System (WRS). The memorandum also briefly explains the five provisions of Act 11 currently being challenged before the Wisconsin Supreme Court. In addition, the memorandum contains a "comments" section which provides some thoughts as to possible public comments with respect to the Wisconsin Supreme Court decision, when it occurs. Attached to this memorandum is a report prepared by the Department of Employee Trust Funds which describes the provisions of 1999 Wisconsin Act 11 in much more detail than is provided in this memorandum. In addition, attached to this memorandum is a copy of a brief prepared by the plaintiffs in the Wisconsin Supreme Court litigation which explains in more detail than is provided in this memorandum the legal challenges to five provisions of Act 11.

A. PROVISIONS OF 1999 WISCONSIN ACT 11

1. The formula multiplier factor for years of service performed before 2000 increased by .165%

The factor for executive/elected official/and protective with Social Security would be increased from 2% to 2.165%; the formula factor for protectives without Social Security would be increased from 2.5% to 2.665% and the formula multiplier for all others would be increased from 1.6% to 1.765%. The formula multiplier factor increase would only apply to creditable service performed before 2000. Service provided after that date would be credited at current levels. To be eligible for the higher formula multiplier, a participant must be actively employed under the WRS after 1999.

2. Maximum formula benefit under the WRS increased from 65% to 70% of final average earnings for all employment categories except the protective categories

The maximum formula benefit remains at 65% of final average earnings for protective category employees covered under Social Security and at 85% for protective category employees not covered under Social Security. Participants must be actively employed under the WRS after 1999 to have the higher maximum apply to their formula retirement benefits.

3. \$4 billion transferred from the Transaction Amortization Account (TAA) to the fixed trust fund

The portion of the \$4 billion transferred from the TAA to the employee reserve would be credited to employees in the form of a higher fixed effective interest rate credit for 1999. In addition, of the total amount credited to the employer reserve, \$200 million would be credited to employers based upon each employer's percentage of the total covered WRS payroll in 1998. This amount would be used to reduce an employer's accrued unfunded liability or to pay the employer's normal monthly required contributions to the WRS if the employer has no unfunded liability. Also, the portion of the TAA transfer credited to the annuity reserve would be distributed to WRS retirement and disability annuitants in the form of a higher fixed dividend effective with the May 1, 2000 check.

4. 5% fixed interest cap currently imposed upon persons first employed under the WRS after January 1, 1982 prospectively eliminated

The elimination of the fixed interest cap effects all benefits based upon a participant's account balances, including separation benefits, death benefits and money purchase retirement benefits. Beginning December 31, 1999, all participants will receive the annual fixed effective rate interest credited to their accounts, without any cap. Only participants who terminate WRS employment on or after December 30, 1999 are eligible for full effective interest rate crediting.

5. Separation benefit balance increased for participants who were previously restricted to 3% interest crediting on their separation benefits

For participants who are active on or after December 31, 1999, the separation benefit balances will be adjusted to the balance that would exist if they had received 5% interest on their separation benefit balance, rather than the 3% with which they were credited.

6. Death benefits increased for participants who die as active WRS employees on or after December 30, 1999

The death benefit of participants who die as active WRS employees before reaching minimum retirement age is increased to the amount in the participant's money purchase balance, including both

employee required contributions *plus matching employer contributions*. Currently, *only* the *employees* required contributions plus any voluntary additional employee contributions are paid as death benefits for participants who die before reaching minimum retirement age.

In addition, certain restrictions with respect to the beneficiaries of persons who die after reaching minimum retirement age are eliminated.

7. Persons who are active WRS employees after 2000 may elect to participate in the variable trust

Participants cannot transfer past contributions into the variable trust; the election applies only to future contributions.

8. Purchase of uncredited service as a member or employee of the Legislature or as the employee of a legislative service agency may be purchased by actively employed participants of the WRS

9. Market recognition account substituted for a TAA as the "smoothing mechanism" for fixed investment trust earnings

The TAA would be phased out over a five-year period, which will result in higher fixed effective rate interest credits to active and eligible inactive members and higher fixed dividends for annuitants for the next five years. A market recognition account would be created as the new "smoothing mechanism," which will result in a faster recognition of gains and losses than occurs under the TAA.

10. Actuarial assumptions as to the spread between the assumed investment earnings rate of the trust fund and the aggregate salary increase assumption decreased from 4.8% to 4.6%

This change would have the effect of temporarily reducing annual contribution rates to the WRS below what they would otherwise be. In addition, the Employee Trust Funds Board would be authorized to adjust employer unfunded accrued actuarial liabilities to reflect changes in actuarial assumptions.

B. PROVISIONS OF 1999 WISCONSIN ACT 11 BEING CHALLENGED BEFORE THE WISCONSIN SUPREME COURT

1. The use of \$647 million to create the \$200 million employer credit to be used to pay unfunded prior service and contribution debts owed by employers to the WRS

This provision is being challenged as a *violation of s. 40.19 (1), Stats.*, as a *taking* of WRS participant's property without just compensation and without due process in violation of the Fourteenth

Amendment to the U.S. Constitution and art. I, s. 13 of the Wisconsin Constitution and as an *impairment of contract* in violation of art. I, s. 10, clause 1 of the U.S. Constitution and of art. I, s. 12 of the Wisconsin Constitution.

2. The spread between the assumed investment earnings rate of the trust fund and the aggregate salary increase assumption, which was decreased from 4.8% to 4.6%

This provision is challenged as a *violation of s. 40.19 (1), Stats.*, as a *taking* of WRS participant's property without just compensation and without due process in violation of the Fourteenth Amendment to the U.S. Constitution and art. I, s. 13 of the Wisconsin Constitution and as an *impairment of contract* in violation of art. I, s. 10, clause 1 of the U.S. Constitution and of art. I, s. 12 of the Wisconsin Constitution.

3. The transfer of \$4 billion from the TAA to the fund account for use other than a smoothing mechanism and in a manner which does not permit inactive WRS participants to share in the benefits of the transfer

This provision is challenged as a *violation of s. 40.19 (1), Stats.*, as a *taking* of WRS participant's property without just compensation or without due process in violation of the Fourteenth Amendment to the U.S. Constitution and art. I, s. 13 of the Wisconsin Constitution and as an *impairment of contract* in violation of art. I, s. 10, clause 1 of the U.S. Constitution and of art. I, s. 12 of the Wisconsin Constitution.

4. The increase in the formula multiplier (described in par. 1 in part A. of this memorandum) used in calculating retirement benefits using the internal funding sources provided in Act 11 but excluding approximately 51,000 inactive WRS participants from the increase when they retire

This provision is challenged as a violation of the *Equal Protection Clause* of the Fourteenth Amendment to the U.S. Constitution and art. I, s. 1 of the Wisconsin Constitution.

5. Raising the final average earnings cap by 5%, as described in par. 2 in part A. of this memorandum, using the internal funding sources provided in Act 11 but excluding protective occupation participants from sharing in the increase

This provision is being challenged as a violation of the *Equal Protection Clause* of the Fourteenth Amendment to the U.S. Constitution and of art. I, s. 1 of the Wisconsin Constitution.

C. COMMENTS

The validity of five of the 10 provisions of Act 11 is being challenged before the Wisconsin Supreme Court. The court could:

1. Approve all of the provisions of Act 11;
2. Strike down all of the provisions of Act 11, by holding that one or more of the five challenged provisions are unconstitutional and that the remaining provisions, even if not challenged, are not severable from the invalid provisions; and
3. Invalidate one or more of the five challenged provisions and approve the remainder of the provisions.

The following are some ideas you might consider when determining how to comment publicly on the court's decision when it does occur.

If the court approves all of Act 11, a possible response might be that, over all, Act 11 is beneficial to employees of state and local governments even though some provisions of the act not favorable to employees were negotiated in exchange for the act's passage (e.g., the \$200 million employer credit). If some groups of employees feel they were treated unfairly by certain provisions of Act 11, a possible response might be to promise to introduce legislation to remedy the situation in the current session. For example, some people in the "protectives" category have complained that their maximum formula benefit was not changed while the maximum formula benefit for other employees was changed (as is explained in par. 2 of part A. of this memorandum).

If the court approves all of Act 11 except for the \$200 million employer credit, a possible response might be that the supreme court decision protects the WRS by reaffirming that employee trust funds may not be used to benefit employers. If the court upholds the \$200 million employer credit, a possible response might be that this provision was negotiated by the Legislature but that it is something that should be used very sparingly in the future because it is somewhat contrary to the notion of the WRS as an employee trust fund.

Please contact me at the Legislative Council Staff offices if I can be of further assistance.

WF:rv:wu:tlu;ksm

Attachments

END



END

Draft

October 23, 2002

James Gleason
261 N. 8th Street
Hilbert, WI 54129

Dear Mr. Gleason:

Thank you for contacting me regarding your support for legislation authorizing the certifying of Fugitive Recovery Agents. I appreciate hearing from you on this issue and will certainly look into the possibility of introducing legislation in this area.

As you know, the legislature is not currently in session and therefore bills cannot be introduced. However, I will direct my staff to research this issue with the Legislative Council Staff that provides legal advice to the legislature. It would be my hope that this research would lead to the drafting of legislation and when the time comes I will certainly inform you of the progress being made.

Once again, thank you for this well thought out suggestion and I will keep your letter and contact information and contact you if there are any further questions.

Sincerely,



JIM BAUMGART
State Senator
9th Senate District

JB/ph

OCT 21 2002

James A. Gleason
261 N 8th Street
Hilbert, Wisconsin 54129
Home Phone (920)853-3952

October 16, 2002

Senator Jim Baumgart
P.O. Box 7882
Madison WI 53707-7882

Revision of State Statues Concerning: Bail, Bail Bondsman, and Fugitive Recovery.

I am writing this letter in regards to the Wisconsin State Statutes that address Bail and Bail Bondsmen. I would like to see legislation passed to revise Wisconsin's statutes on these matters. Revision of these statutes would be very economical for the State of Wisconsin in that it would save the taxpayers money as well as create jobs right here in Wisconsin. Jobs in every county.

At the present time taxpayers are paying to build new jails because of overcrowding. Jails are being overcrowded by defendants that could be released on bond should the Judge see fit to do so. However our statutes do not allow bondsmen to be compensated for services. (statute 969.12) therefore not allowing Bondsmen in the State of Wisconsin.

States that allow Bondsmen do not have the degree of problems that Wisconsin is experiencing with jail overcrowding.

They also have a large amount of people employed in the Bail Bond Industry.

I am very familiar with the Bail Bond Industry as I am a Certified Fugitive Recovery Agent. While I reside in Wisconsin I currently work with Bail Bondsmen in the State of Minnesota, recovering defendants that fail to appear for their court hearings. I as well as the team of men and women that work with me have been in this profession for four years. Working with local, state and federal law enforcement we have never had an incident where any harm was caused to a defendant or an Agent during an apprehension. We operate under the authority given to us by the Supreme Court decision (83 us 16 wall at 366)(1872) Taylor vs. Taintor which states:

"when bail is given, the principal is regarded as delivered to the custody of his sureties. Their dominion is a continuance of the original imprisonment. Whenever they choose to do so, they may seize him and may deliver him up in their discharge; and if this cannot be done at once, they may imprison him until it can be done. They may exercise their rights in person or by agent. They may pursue him into another state; may arrest him on the Sabbath, and if necessary, may break and enter his house for that purpose. The seizure is not made by virtue of new process. None is needed. It is likened to the rearrest by the sheriff of an escaping prisoner."

Wisconsin could adapt the statutes of other Bail Bond states, however with Minnesota being a Wisconsin border state adapting Minnesota's statutes would be in Wisconsin's best interest.

This Industry creates jobs. People can learn these jobs through on the job training, earning a wage as they learn to be a professional in the industry.

As a Certified and Experienced Recovery Agent I have trained individuals into my profession. My team and I would make ourselves available for training course instruction if it would help to establish the Bail Bond Industry here in Wisconsin.

The use of Fugitive Recovery Agents takes a large work load off of local law enforcement allowing them to concentrate on more urgent matters, also saving on taxpayer dollars.

The Industry also brings capital into the state through surety companies and insurance companies.

It would be a wise move by Wisconsin Legislatures to adapt the Statutes of Minnesota involving Bail, Bail Bondsman and Fugitive Recovery, Saving the taxpayers money by reducing jail overcrowding and creating

Wisconsin jobs.....Jobs that stay here in Wisconsin! Something we can all be proud of , and again...Wisconsin WINS!

I would like to see this legislation on the table this January as the Wisconsin economy is falling and Wisconsin needs JOBS!

I would be happy to be of assistance in the development of the Bail Bond Industry right here in Wisconsin. If it works for other states it can work for Wisconsin also.

I eagerly wait your reply. Thank you for your time.

A handwritten signature in black ink that reads "James A. Gleason". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

James A. Gleason
261 N 8th Street
Hilbert, Wisconsin 54129

Draft

October 23, 2002

Bruce Sneen
Designer Photography
1202 A North 8th Street
Sheboygan, WI 53081

Dear Mr. Sneen:

Thank you for contacting me regarding legislation that you would like to see introduced.

I can certainly understand why this type of legislation would be beneficial to photographers as well as potential senior portrait customers and will discuss the possibility of introducing the legislation you suggested with our Legislative Council staff that advise the legislature on such matters.

However, we are currently not in session and therefore are not able to introduce any new bills until early in January. In the meantime my office will do some initial groundwork on the proposal and we'll take it from there in January. Your suggestion is well thought out and I am pleased that you took the time to discuss this matter with me.

Sincerely,



JIM BAUMGART
State Senator
9th Senate District

JB/ph

Designer Photography

by *Bruce*

B & B Studio Loft
Above Bike'n Ski
1202 A North 8th Street
Sheboygan, WI 53081

Bruce Sneen

920-457-3434

Senator James R. Baumgart
722 N. 26th St.
Sheboygan, WI. 53081
(920) 458-7407

Dear Mr. Baumgart

I am a member of the Wisconsin Professional Photographers Association and am asking you to pass a bill.

"Pupil senior yearbook pictures.

(1) The board of a school district may enter into a contract with a photographer for the taking of pupil yearbook pictures.

(2) The hiring of a photographer pursuant to this section shall not prohibit a pupil from engaging a photographer of his or her choice nor prevent a senior picture taken by that photographer from appearing in the yearbook if the senior picture meets the reasonable specifications of the yearbook staff."

I believe Wisconsin should have open and free competition, and high school parents and seniors should have the Civil Right to choose the photographer of their choice for their senior yearbook picture.

Please pass this law to protect all of our rights.

Thank you for helping to protect photographers, parents and seniors.

Sincerely,



Bruce Sneen

END



END

September 20, 2001

To: GREEN BAY-CITY CENTRE, WI
200 Main St.
GREEN BAY, WI 54301
Toll-Free: 8004572929
Tel: 1-920-4375900
Fax: 1-920-437-1199
E-Mail: info@holidayinngb.com

Re: Reservation at your Holiday Inn for 1 night (September 26) for 3 non-smoking rooms.

I am faxing to you the State of Wisconsin Purchase Order for the above reservation made under the name of Senator Jim Baumgart. Anne Eskeitz made the reservation and the rooms are for Senator Robert Wirch, Senator Dale Schultz & Senator Jim Baumgart. It is my understanding that a government rate will apply. The Senators will be attending a hearing at 4:00 P.M. at the library & probably will not check in until after the hearing. It is scheduled to last from 1 ½ to 2 hours.

If you have any questions, please give me a call.

Anne Eskeitz, Committee
Senate Environmental Resources Committee
Senator Jim Baumgart, Chair
Phone 1-608-266-2056
FAX 608-267-6796

October 2, 2001

Senator Charles Chvala, Chair
Senate Organization Committee
211 South - Capitol

Dear Senator Chvala:

As Chair of the Senate Environmental Resources Committee, I request permission to hold a public hearing in Milwaukee on LRB 3503/2, relating to environmental regulation of mining. The hearing will be held at 1:30 PM on Thursday, October 11, 2001 at the Southeast Regional Headquarters of the DNR, Room 140, 2300 N. Dr. Martin Luther King Jr. Drive.

At 10:00 AM that morning, the committee will tour the Milwaukee Metropolitan Sewerage District Facilities. This will be for information only and no action by the committee will be conducted on the tour.

The committee will require transportation from Madison and reimbursement for expenses for committee members, sergeant's staff, committee clerk, and a staff person from the Legislative Council.

Thank you for your consideration of this request.

Sincerely,

Jim Baumgart, Chair
Senate Environmental Resources Committee

JB:ae

February 13, 2002

Senator Charles Chvala, Chair
Senate Organization Committee
211 South - Capitol

Dear Senator Chvala:

As Chair of the Senate Environmental Resources Committee, I request permission to take the committee to Pleasant Prairie Wisconsin on Thursday, February 28, 2002. AT 10:00 AM, the committee will tour the Pleasant Prairie Power Plant. A 2:00 PM, the committee will hold a public hearing at the Pleasant Prairie Village Hall.

At the hearing, the committee will receive an update on the Green Tier Legislation and also will hold a public hearing on one or two bills.

Thank you for your consideration of this request.

Sincerely,

Jim Baumgart, Chair
Senate Environmental Resources
Committee

JB:ae



State Senator
Chuck Chvala
SENATE MAJORITY LEADER

February 19, 2002

The Honorable Jim Baumgart
Wisconsin State Senator
306 South – State Capitol
Madison, Wisconsin 53703

Dear Senator Baumgart:

The Senate Committee on Organization has approved your request for the Members of the Senate Environmental Resources Committee to attend a public hearing in Pleasant Prairie, Wisconsin on Thursday, February 28, 2002.

Your request has been approved contingent upon the Senate not being in session. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Chuck Chvala".

CHUCK CHVALA
Chairman
Senate Committee on Organization

Eskeitz, Anne

From: Eskeitz, Anne
Sent: Thursday, February 21, 2002 4:35 PM
To: Nelson, Roxanne; Rohr, Moni
Subject: Senate Environmental Resources Committee - Tour 2-28-

Tracking:

Recipient	Delivery
Nelson, Roxanne	Delivered: 02/21/2002 4:35 PM
Rohr, Moni	Delivered: 02/21/2002 4:35 PM

Hi Roxanne - I understand that Moni is on vacation. Here is my correspondence with Sue re the change in the plans of the committee on February 28, regarding a hearing in Pleasant Prairie after the Tour of the Power Plant. (No hearing notice was put out on this at all)

I am attaching the original request to Senate Org (see below) A hearing notice was filed on Monday for the hearing in Madison on the 28th at 2:00 PM. As 3 members are going to go on the tour, I need to amend that hearing notice to reflect that the committee will tour the Pleasant Prairie Power Plant at 10:00 AM. Sue said someone would get back to me. Thank You! Anne Eskeitz

Anne: I'm cc's Moni and Roxanne about your hearing changes. We'll let you know if you need to do a completely new ballot or if the file can simply be noted. Thanks. -Sue

-----Original Message-----

From: Eskeitz, Anne
Sent: Thursday, February 21, 2002 10:27 AM
To: Meinholz, Susan
Subject: Sen. Environmental Resources Committee - Approval of hearing

The Committee has so many bills that we are not going to have the hearing in Pleasant Prairie as requested in Senator Baumgart's Letter of February 13, 2002.

However the committee is still planning to take a tour of the Power Plant at Pleasant Prairie at 10 AM & then come back to Madison for the

Hearing at 1 PM. The approval letter from Senate Org. approved the request for the hearing in Pleasant Prairie (which we cancelled) but did

not mention the tour. Is it o.k. for the committee to take the tour. The tour will be noticed on an amended Hearing Notice to be put out today.

Eskeitz, Anne

From: Meinholz, Susan
Sent: Thursday, February 21, 2002 10:29 AM
To: Eskeitz, Anne
Cc: Rohr, Moni; Nelson, Roxanne
Subject: RE: Sen. Environmental Resources Committee - Approval of

Anne: I'm cc's Moni and Roxanne about your hearing changes. We'll let you know if you need to do a completely new ballot or if the file can simply be noted. Thanks. -Sue

-----Original Message-----

From: Eskeitz, Anne
Sent: Thursday, February 21, 2002 10:27 AM
To: Meinholz, Susan
Subject: Sen. Environmental Resources Committee - Approval of hearing

The Committee has so many bills that we are not going to have the hearing in Pleasant Prairie as requested in Senator Baumgart's Letter of February 13, 2002. However the committee is still planning to take a tour of the Power Plant at Pleasant Prairie at 10 AM & then come back to Madison for the Hearing at 1 PM. The approval letter from Senate Org. approved the request for the hearing in Pleasant Prairie (which we cancelled) but did not mention the tour. Is it o.k. for the committee to take the tour. The tour will be noticed on an amended Hearing Notice to be put out today.

Anne

Eskeitz, Anne

From: Eskeitz, Anne
Sent: Wednesday, November 21, 2001 9:32 AM
To: Meyer, Amber
Subject: Message from Barry McNulty - FYI
Tracking: Recipient Delivery
Meyer, Amber Delivered: 11/21/2001 9:32 AM

This is what Barry sent me after he called & Jim said we might have a hearing!

-----Original Message-----
From: McNulty,Barry [mailto:Barry.McNulty@weppo.com]
Sent: Thursday, November 15, 2001 3:35 PM
To: 'Anne.Eskeitz@legis.state.wi.us'
Cc: Sarow,Donna
Subject: My E-Mail address and other Info

Anne:

It was nice to talk with you today. Thank you for pursuing a possible Committee hearing in Pleasant Prairie (Kenosha Co.) for the purposes of discussing the DNR's Cooperative Agreement Program, issue of Green Tier Program and the possibility of legislators and staff to tour our Pleasant Prairie Power Plant.

Pleasant Prairie Power Plant is the first facility to arrive at a Cooperative Agreement with DNR and is the largest baseload coal-fired plant in the state. It is currently participating in the national testing of methods and technology to reduce Mercury emissions. Some real exciting material for your Committee. The power plant is located not far from I-94 and Hwy 165 and the Radisson Hotel, which is located at the intersection of those two highways might serve as a perfect location for a public hearing by the Committee.

I will be out of town as I stated until December 3rd. If you have any questions or concerns, please contact Donna Sarow at 608-283-3003.

Thanks,

-Barry McNulty
Wisconsin Electric
608-283-3004



State Senator
Chuck Chvala
SENATE MAJORITY LEADER

October 2, 2001

The Honorable James Baumgart
Wisconsin State Senator
Rm. No. 306 S., Capitol
Madison, WI 53703

Dear Senator Baumgart:

The Senate Committee on Organization has approved your request for the Members of the Senate Committee on Environmental Resources to hold a public hearing on LRB 3503/2, relating to the environmental regulation of mining, on October 11, 2001 in Milwaukee, Wisconsin.

It is the Committee's understanding that you are seeking reimbursement for all actual and necessary expenses associated with the committee members' attendance at this hearing. It is further understood that you are seeking reimbursement for additional staff support from your committee clerk, the Senate Sergeant-at-Arms' staff, the Legislative Council Attorney assigned to this Committee, as well as ground transportation.

Your request has been approved contingent upon the Senate not being in session. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Chuck Chvala".

CHUCK CHVALA
Chairman
Senate Committee on Organization

State Capitol, Post Office Box 7882, Madison, WI 53707-7882 ■ Phone: (608) 266-9170 ■ Fax: (608) 266-5087
Legislative Hotline (Toll-Free) 1-800-362-WISC (9472) ■ E-Mail: chuck.chvala@legis.state.wi.us
World Wide Web: <http://www.legis.state.wi.us/senate/sen16/sen16.html>



Printed on recycled paper





State Senator
Chuck Chvala
SENATE MAJORITY LEADER

September 13, 2001

The Honorable James Baumgart
Wisconsin State Senator
Rm. No. 306 S., Capitol
Madison, WI 53703

Dear Senator Baumgart:

The Senate Committee on Organization has approved your request for the Members of the Senate Committee on Environmental Resources to hold a hearing/briefing on the emergency rule dealing with Yellow Perch in Green Bay, Wisconsin on September 26-27, 2001.

It is the Committee's understanding that you are seeking reimbursement for all actual and necessary expenses associated with the committee members' attendance at this hearing. It is further understood that you are seeking reimbursement for additional staff support from your committee clerk, the Senate Sergeant-at-Arms' staff and ground transportation, as well as overnight lodging for the members of the committee.

Your request has been approved contingent upon the Senate not being in session. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Chuck Chvala".

CHUCK CHVALA
Chairman
Senate Committee on Organization

State Capitol, Post Office Box 7882, Madison, WI 53707-7882 ■ Phone: (608) 266-9170 ■ Fax: (608) 266-5087
Legislative Hotline (Toll-Free) 1-800-362-WISC (9472) ■ E-Mail: chuck.chvala@legis.state.wi.us
World Wide Web: <http://www.legis.state.wi.us/senate/sen16/sen16.html>

September 5, 2001

Senator Charles Chvala, Chair
Senate Organization Committee
211 South - Capitol

Dear Senator Chvala:

As Chair of the Senate Environmental Resources Committee, I request permission to take the committee to Green Bay, Wisconsin for an informational session in Green Bay on Wednesday, September 26, 2001, relating to the emergency rule dealing with Yellow Perch.

The DNR will attend and provide information on the emergency rule and related issues. The public will be invited to testify but will be invited to attend.

On Thursday, September 27th, the DNR will take the committee members out on the perch research boat.

The committee will require transportation from Madison and the services of one or two people from the sergeant's staff. Also I request permission for committee members to be reimbursed for overnight lodging in Green Bay and food.

Thank you for your consideration of this request.

Sincerely,

Jim Baumgart, Chair
Senate Environmental Resources Committee

JB:ae

SEND INVOICE IN TRIPLICATE TO:
 SENATE CHIEF CLERK
 P.O. BOX 7882
 MADISON, WI 53707-7882

STATE OF WISCONSIN
 PURCHASE ORDER

ENTER TYPE CODE
 1 - Regular
 2 - Change Previous
 3 - Cancel Previous
 4 - Interagency
 5 - Blanket-Non Contract
 8 - Blanket-Contract
 G - Grant (Pass-tru)
 L - Master Lease Program
 P - Project (Construction)

PURCHASE ORDER NUMBER
SNL 009
 SHOW THIS NUMBER ON ALL SHIPMENT
 CORRESPONDENCE AND INVOICES
 DATE: MARCH 22, 2001

Fund 02	Dept. 765	App. 103	L1 01	L2 12	L3	Proj. 34	Class 3300	F 2	Cen Acctg.	For Agency Use	Requisition No.
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Vendor
 Federal Employer Identification No./Social Security No.
 GREEN BAY - CENTER CITY, WI
 200 MAIN ST.
 GREENBAY WI 54301

SHIP TO:

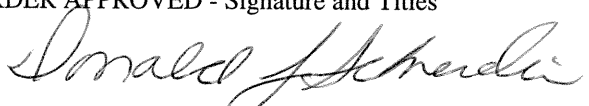
FOB	Terms Net 30	Delivery	Reference	Bid No.	State Procurement Bulletin No
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Item	Quantity	Unit	Item Description	Commodity Code	Unit Price	Total
			1 nights Lodging for Senator Baumgart, Senator Wirch and Senator Schultz on September 26, 2001			

AGENCY CONTACT - Name and phone no.

TAX EXEMPTIONS
 The State of Wisconsin and its agencies are exempt from payment of all federal tax and Wisconsin state and local taxes on its purchase except Wisconsin excise or occupation tax as described on the back of this form. The State of Wisconsin does not issue a tax exempt for state agencies.
 Federal Exemption No. 39-73-1021-K is on file with the Internal Revenue Service, Milwaukee.

PLEASE NOTE
 Deliver between 8 A.M. and 3 P.M.
 No Saturday, Sunday or Holiday deliveries.
 Acknowledge this order promptly.
 Accompany each delivery with a shipping ticket or memo showing Purchase Order Number and material furnished.
 If any item(s) on this order is a hazardous chemical, as defined under 29 CFR 1910.1200, provide one copy of a Material Safety Data Sheet for each item with the shipped contained and one copy with the invoice.
 VENDOR - See Other Side for Standard Terms and Conditions of Purchase

ORDER APPROVED - Signature and Titles

 Donald J. Schneider Senate Chief Clerk

Eskeitz, Anne

From: Eskeitz, Anne
Sent: Wednesday, September 19, 2001 10:51 AM
To: Halbur, Jennifer
Subject: Green Bay Trip - Information re - Sen. Environmental Resources Committee

Senator Baumgart called me this morning and asked me to advise the members of the committee that he wants them all to be invited to go out to eat on Wed. Evening, September 26, after the hearing.

Reservations have been made for Senators Baumgart, Wirch & Schultz to stay at the Holiday Inn at:

GREEN BAY-CITY CENTRE, WI
200 Main St.
GREEN BAY, WI 54301

Toll-Free: 8004572929
Tel: 1-920-4375900
Fax: 1-920-4371199
E-Mail: info@holidayinngb.com

Senator Hansen has suggested the following three places to eat.

- The Holiday Inn - Dave said the food there is pretty decent
- Regency Suites - Smokin' Joe's Restaurant - Cajun food
- Coaches Corner - very casual, bar food, right across the street from the Holiday Inn.

Does Senator Cowles have any suggestions regarding eating out & does he want to do that?

Eskeitz, Anne

From: Ellinger, Lisa
Sent: Wednesday, September 19, 2001 9:31 AM
To: Eskeitz, Anne
Subject: RE: Senate Environmental Resources Committee - Hearing in Green Bay (September 26 & Tour on Perch Boat, September 27)

Anne:

Dave will join the group for dinner. He said that the Holiday Inn is near a lot of options, and suggested the following:

- The Holiday Inn - Dave said the food there is pretty decent
- Regency Suites - Smokin' Joe's Restaurant - Cajun food
- Coaches Corner - very casual, bar food, right across the street from the Holiday Inn.

Hope that helps. See what Sen. Cowles recommends. Lisa

-----Original Message-----

From: Eskeitz, Anne
Sent: Tuesday, September 18, 2001 3:29 PM
To: Ellinger, Lisa; 'Sen. Cowles Staff - Jennifer Halbur'; Burdette, Sarah; OBrien, John; Erickson, Pat; Meyer, Amber
Subject: Senate Environmental Resources Committee - Hearing in Green Bay (September 26 & Tour on Perch Boat, September 27)

<< File: September 26.doc >>

Eskeitz, Anne

From: Rossberg, Doug C
Sent: Thursday, September 13, 2001 1:52 PM
To: Eskeitz, Anne
Subject: RE: Senate Environmental Resources Committee

Here's the line up for the afternoon of the 26th.

I. Introductory Comments and Introduction of Speakers

Ron Kazmierczak, Northeast Region, Regional Director and or Mike Staggs, Bureau Director, Bureau of Fish and Habitat Protection

II. Speakers:

Bill Horns, Bureau of Fish and Habitat Protection, DNR Madison: Overview of Yellow Perch Emergency Rule, discussion of rule-making, role of the Lake Michigan Fisheries Forum

Justine Hasz, Green Bay Fisheries Biologist, Northeast Region: Overview of Yellow Perch reseach work on Green Bay and current year's findings

Phil Moy, Sea Grant and Chairman of the Lake Michigan Fisheries Forum: Overview of trends and issues regarding exotic species

Fred Binkowski, University of Wisconsin-Milwaukee Water Institute: Discussion of reserach initiatives, emphasizing the Lake Michigan Yellow Perch Task Group

I think we can easily fill and hour and a half, and certainly more as the committee desires. If you need anything else, let me know.

Douglas C. Rossberg

Water Team Supervisor
Upper Green Bay Basin
PH: 715/582-5022

From: Eskeitz, Anne
Sent: Thursday, September 13, 2001 9:32 AM
To: 'rossbd@dnr.state.wi.us'
Subject: Senate Environmental Resources Committee

Senator Baumgart would like an agend for the meeting at 4 PM. I am sure he wants to list the agenda on the notice of the informational meeting and make sure the press gets it. The meeting will be held at the Brown County Library beginning at 4 PM & should take about an hour & 1/2. Senator Baumgart said it could go over that a little bit if necessary. I talked to Bill Horns and he said an agenda would be discussed. The Senator mentioned a presentation on yellow perch, exotics & Sea Grant and perhaps

I can't remember how many can go on the boat. There will be five committee members. Senator Baumgart might want to take a press person. Last week I thought that the committee clerk, a Leg. Council person would go & if not full the page that will work the meeting. But now Senator Baumgart thinks there will not be enough room. Please let me know.

Thank You -

Anne Eskeitz

LIBRARY
Brown County

515 PINE STREET
GREEN BAY, WISCONSIN 54301-5194

PATRICIA LA VIOLETTE
DIRECTOR

PHONE (920) 448-4400 Ext. 351
FAX (920) 448-4364

E-MAIL laviolette_cp@co.brown.wi.us
WEBSITE www.browncountylibrary.org

**BROWN COUNTY LIBRARY
TELEFACSIMILE TRANSMISSION**

Date: September 20, 2001

From:

To: Anne Eskeitz

Address: _____

Telephone: (888) 295-8750 Fax: (608) 267-6796

To

~~From:~~ Janel Kipp

Address: _____

Telephone: (920) 448-4400 x. 354 Fax: (920) 448-4364

Pages (including this page): 3

Additional Notes: Please sign the application form and fax back to me at
the number listed above. Thanks. *Signed*

September 5, 2001

Senator Charles Chvala, Chair
Senate Organization Committee
211 South - Capitol

Dear Senator Chvala:

As Chair of the Senate Environmental Resources Committee, I request permission to hold an informational session/hearing in Green Bay on Wednesday, September 26, 2001, relating to the emergency rule dealing with Yellow Perch.

The DNR will attend and provide information on the emergency rule and related issues. The public will be invited to testify but will be invited to attend.

On Thursday, September 27th, the DNR will take the committee members out on the perch research boat (weather permitting).

The committee will require transportation from Madison and the services of one or two people from the sergeant's staff. Also I request permission for committee members and staff to be reimbursed for overnight lodging in Green Bay and food.

Thank you for your consideration of this request.

Sincerely,

Jim Baumgart, Chair
Senate Environmental Resources Committee

JB:ae



State Senator
Chuck Chvala
SENATE MAJORITY LEADER

January 26, 2001

The Honorable James Baumgart
Wisconsin State Senator
Rm. No. 306 S., Capitol
Madison, WI 53703

Dear Senator Baumgart:

The Senate Committee on Organization has approved your request for the Members of the Committee on Environmental Resources to travel to Wausau, Wisconsin on February 8, 2001, for the purpose of conducting a Public Hearing on SJR-2.

It is the Committee's understanding that you are seeking reimbursement for all actual and necessary expenses associated with the committee members' attendance at this hearing. It is further understood that you are seeking reimbursement for additional staff support from your committee clerk, the Senate Sergeant-at-Arms, transportation and facility fees.

Your request has been approved contingent upon the Senate not being in session. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Chuck Chvala".

CHUCK CHVALA
Chairman
Senate Committee on Organization





State Senator
Chuck Chvala
SENATE MAJORITY LEADER

January 26, 2001

The Honorable James Baumgart
Wisconsin State Senator
Rm. No. 306 S., Capitol
Madison, WI 53703

Dear Senator Baumgart:

The Senate Committee on Organization has approved your request for the Members of the Committee on Environmental Resources to travel to Manitowoc, Wisconsin on February 6, 2001, for the purpose of conducting a Public Hearing on SJR-2.

It is the Committee's understanding that you are seeking reimbursement for all actual and necessary expenses associated with the committee members' attendance at this hearing. It is further understood that you are seeking reimbursement for additional staff support from your committee clerk, the Senate Sergeant-at-Arms, transportation and facility fees.

Your request has been approved contingent upon the Senate not being in session. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Chuck Chvala".

CHUCK CHVALA
Chairman
Senate Committee on Organization



January 22, 2001

Senator Charles Chvala, Chair
Senate Organization Committee
211 South - Capitol

Dear Senator Chvala:

As Chair of the Senate Environmental Resources Committee, I hereby request permission to hold two public hearings of the committee outside of Madison.

The hearings would be:

On Tuesday, February 6, 2001 - 2:00 PM in Manitowoc, Wisconsin, at the Manitowoc Public Library (\$30 fee for this room).

On Thursday, February 8, 2001 - 10:00 PM in Wausau, Wisconsin, at the Northcentral Technical College (arrangements pending).

The committee would require transportation from Madison and the services of a member of the sergeant's staff.

Thank you for your consideration of this request.

Sincerely,

Jim Baumgart, Chair
Senate Environmental Resources Committee

JB:ae

BROWN COUNTY LIBRARY
515 Pine Street
Green Bay, WI 54301

MEETING ROOM REGULATIONS AND POLICIES FOR USE

1. Premises may be used for programs sponsored by the governmental agencies, non-profit educational and cultural organizations, community service agencies, and other responsible, non-commercial groups. Library-sponsored programs shall have first priority.

Organized non-profit groups may use the meeting facilities free of charge six times per year provided meetings are open to the public and no fees are charged to attend. No reservations will be taken on a monthly basis. Room set up and take down will be the responsibility of the in-coming group. Tables and chairs will be available for set up. When booking your meeting, please include this time.
2. Meetings may only be scheduled during library hours: Monday through Thursday, 9 a.m. to 9 p.m., Friday and Saturday, 9 a.m. to 5 p.m., Sunday 12 to 4 p.m. Between Memorial Day and Labor Day, Monday through Thursday, 9 a.m. to 9 p.m., Friday and Saturday, 9 a.m. to 5 p.m., closed Sundays. Applications may be submitted no later than one week prior to the meeting. **All meetings must conclude 15 minutes before closing time of the library.**
3. Alcoholic beverages are NOT permitted in the library, unless special permission is granted by the Library Board, via the Library Director, and only if appropriate municipal licenses are obtained.
4. Smoking is NOT permitted in the library.
5. Groups using the Foyer, Meeting Rooms I and II, or the Board Room may serve light refreshments when their plan to do so has been approved by the library. Refreshment consumption is not permitted in the Auditorium. Groups using the premises are responsible for proper clean up and disposal of all refuse and utensils, leaving each area in the same condition in which it was found.
6. Meetings must be confined to rooms scheduled.
7. Audio-visual equipment is available for use in the building at no charge.
8. All meeting room and equipment cancellations must be made at least 24 hours prior to meeting.

MEETING ROOMS AVAILABLE FOR PUBLIC USE

Auditorium - Lower level, seats 300 theater style. Can be used for hearings, lectures, panel discussions, film and slide presentations, or performances not requiring stage props and dressing rooms. (\$300 full day, \$150 half day)

Meeting Rooms - Lower level, seats 75 with stack-type chairs when fully used. East half can be used as a conversation or discussion lounge. West half can be furnished with folding tables and stack chairs. Access to kitchenette for light refreshment service. (\$120 full day, \$60 half day)

Board Room - Second floor, seats 12 around conference table, with extra chairs around perimeter of room. Maximum capacity 25. (\$100 full day, \$50 half day)

**THE LIBRARY IS NOT RESPONSIBLE FOR TAKING MESSAGES
FOR ANY PERSONS USING MEETING ROOMS.**

FOR ROOM AND AUDIO-VISUAL RESERVATIONS CONTACT JANEL KIPP AT 448-4400 EXT. 354.

END



END

Waukesha Field Office
Corps of Engineers
1617 E. Racine Avenue, Room 101
Waukesha, WI 53186
(262) 547-6986

Fax

To: State Senator Jim Baumgart **From:** Howard Ecklund

Fax: (608) 267-6796 **Date:** October 15, 2002

Phone: **Pages:** 11 w/cover

Re: Correction of Lake Michigan Nautical **CC:**
Charts to Show Danger Zone Associated
with Restricted Area 6903

Urgent For Review Please Comment Please Reply Please Recycle

•Comments:

**DEPARTMENT OF THE ARMY**

ST. PAUL DISTRICT, CORPS OF ENGINEERS
ARMY CORPS OF ENGINEERS CENTRE
190 FIFTH STREET EAST
ST. PAUL, MN 55101-1638

REPLY TO
ATTENTION OF

CEMVP-CO-R (01-05821-HJE)

October 15, 2002

MEMORANDUM FOR Interested Parties

SUBJECT: Correction of Lake Michigan Nautical Charts to Show
Danger Zone Associated with Restricted Area 6903.

1. Earlier this year, you expressed concern regarding a Danger Zone in Lake Michigan used for exercises by the Wisconsin Air National Guard.
2. During the month of December, 2002, we will be finalizing a new notice for the Federal Register, regarding this area. Attached, for your information, is a draft of the proposed Federal Register notice and the proposed local public notice that would be issued simultaneously.
3. If you have comments or questions about either of these draft documents, please contact me before 2 December, 2002.

Maria T. Valencia

Maria T. Valencia
Chief, Out-State Wisconsin
Section
Regulatory Branch

DRAFT

(27 September 2002)

Department of the Army, Corps of Engineers

33 CFR 334

Department of Air Force, Wisconsin Air National Guard Danger Zone under restricted air space
R-6903, Lake Michigan, Sheboygan County, Wisconsin.

AGENCY: United States Army Corps of Engineers, Department of Defense.

ACTION: Amended notice of proposed rulemaking and request for comments.

SUMMARY: The Corps of Engineers is proposing regulations that will allow an official designation number to be added to an existing Military Exercise Area located off the Wisconsin shoreline in Lake Michigan from Manitowoc to Port Washington, as shown on NOAA Chart 14901 (1999). These regulations will enable the Wisconsin Air National Guard (WiANG) to advise fishermen and mariners in the vicinity when a military exercise is scheduled and thus ensure their safety by alerting them of, temporary, potentially hazardous conditions which may exist as a result.

DATES: Written comments must be submitted on or before (Insert date 30 days after publication in the FEDERAL REGISTER).

ADDRESS: U. S Army Corps of Engineers, ATTN: CECW-OR, 441 G Street, NW,
Washington, D.C 20314-1000.

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FOR FURTHER INFORMATION CONTACT: Mr. Frank Torbett, Headquarters Regulatory Branch, Washington, D.C. at (202) 761-4618, or Mr. Howard J. Ecklund, Corps of Engineers, St. Paul District, Regulatory Branch, at (262) 547-4171.

SUPPLEMENTARY INFORMATION:

Pursuant to its authorities in § 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C.1) and Chapter XIX, of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C.3), the Corps proposes to amend the restricted area regulations in 33 CFR 334 by adding § 334.145 which identifies the existing danger zone in Lake Michigan offshore from Manitowoc and Sheboygan Counties in Wisconsin, as shown on NOAA Chart 14901 (1999).

By correspondence dated 2 July 2001, the WiANG has requested the Corps of Engineers to re-identify this danger zone. The area is located under Restricted Air Space R-6903 which is shown on existing aeronautical charts. This amendment of the regulation will allow WiANG to request that the Coast Guard issue a Notice to Mariners when exercises are planned and thus better inform fishermen and mariners of military activities in this area. WiANG intends to continue to use this area in a similar manner as it has been using it during the past 20 years.

Procedural Requirements:

- a. Review under Executive Order 12866.

This proposed rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

- b. Review under the Regulatory Flexibility Act.

These proposed rules have been reviewed under the Regulatory Flexibility Act (Public Law 96-

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354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small Governments). The Corps expects that the economic impact of the identification of this danger zone would have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, certifies that this proposal if adopted, will have no significant economic impact on small entities.

c. Review under the National Environmental Policy Act.

A preliminary draft environmental assessment has been prepared for this action. Due to the administrative nature of this action and because there is no intended change in the use of the area, the Corps expects that this regulation, if adopted, will not have a significant impact to the quality of the human environment and, therefore, preparation of an environmental impact statement will not be required. The environmental assessment will be finalized after the public notice period is closed and all comments have been received and considered. It may be reviewed at the District office listed at the end of FOR FURTHER INFORMATION CONTACT, above.

d. Unfunded Mandates Act.

This proposed rule does not impose an enforceable duty among the private sector and, therefore, it is not a Federal private sector mandate and it is not subject to the requirements of either Section 202 or Section 205 of the Unfunded Mandates Act. We have also found under Section 203 of the Act, that small Governments will not be significantly and uniquely affected by this rulemaking.

List of Subjects in 33 CFR Part 334

Danger Zones, Marine Safety, Restricted Areas, Waterways

For the reasons set out in the preamble, the Corps proposes to amend 33 CFR 334, as

follows:

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PART 334-DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for 33 CFR 334 continues to read as follows:

AUTHORITY: 40 Stat. 266 (30 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

2. § 334.145 would be added to read as follows:

§ 334.145 , Wisconsin Air National Guard, Volk Field military exercise area

located in Lake Michigan offshore from Manitowoc and Sheboygan Counties; Danger Zone.

(a). The area. (1) The waters within an area beginning at a point at latitude

43°19'00" N., longitude 87°41'00" W.; to latitude 44°05'30" N, longitude 87°29'45" W.; to

latitude 44°02'00" N., longitude 87°02'30" W.; to latitude 43°15'30" N., longitude 87°14'00"

W.; thence to the point of beginning, as shown on NOAA Chart 14901 (1999) and existing

aeronautical charts.

(b). The regulation. (1) During specific, infrequent periods when Military exercises will be conducted, as promulgated in the Local Notice to mariners published by the USCG, all vessels entering the danger are advised to proceed across the area by the most direct route and without unnecessary delay.

(2) During specific, infrequent periods when Military exercises will be conducted, as promulgated in the Local Notice to mariners published by the USCG , no vessel or craft of any size shall lie-to or anchor in the danger zone, other than a vessel operated by or for the U.S. Coast Guard, or any other authorized agency.

(c). Normal use. At all other times, nothing in this regulation shall prohibit any lawful uses of this area.

(d) Enforcement. The regulation in this section shall be enforced by the Commanding Officer,
VOLK Field, WI, and/or persons or agencies as he/she may designate.

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DATE _____

APPROVED _____

CHARLES M. HESS

Chief, Operations Division

Directorate of Civil Works



US Army Corps
of Engineers
St Paul District

DRAFT

Public Notice

APPLICANT: Department of the
Air Force

ISSUED:
EXPIRES:

REFER TO: 01-05821-HJE

SECTION: 7 - Rivers & Harbors
Act of 1917

Second Notice

This is the second public notice for this proposal. The original public notice was issued on April 1, 2002. The Corps has obtained additional information since that time.

1. SUMMARY of PROPOSAL: The Corps of Engineers is proposing regulations that will allow an official designation number to be added to an existing Military Exercise Area located off the Wisconsin shoreline in Lake Michigan from Manitowoc to Port Washington, as shown on National Oceanographic and Atmospheric Administration (NOAA) chart 14901 (1999). These regulations will enable the Wisconsin Air National Guard (WiANG) to advise fishermen and mariners in the vicinity when a military exercise is scheduled and thus ensure their safety by alerting them of, temporary, potentially hazardous conditions which may exist as a result.

The public currently has unrestricted access to the waters of Lake Michigan in close proximity to this Military Exercise Area. The WiANG has requested the Corps of Engineers to identify this danger zone. The area is located under Restricted Air Space R-6903 which is shown on existing aeronautical charts. This amendment of the regulation will allow WiANG to request that the Coast Guard issue a Notice to Mariners when exercises are planned and thus better inform fishermen and mariners of military activities in this area. WiANG intends to continue to use this area in the same manner as it has been using it during the past 10 years.

2. SPECIFIC INFORMATION.

CONTACT: LTC Gunther Neumann
Volk Field Combat Readiness Training
Center
100 Independence Drive
Camp Douglas, WI 54618-5001
(608) 427-1205

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3. PROPOSED REGULATION

Part 334-DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for 33 CFR 334 continues to read as follows:
AUTHORITY: 40 Stat. 266 (30 U.S.C.1) and 40 Stat. 892 (33 U.S.C.3).

2. Section 334.845 would be added to read as follows:

Section 334.845, Wisconsin Air National Guard, Volk Field military exercise area located in Lake Michigan offshore from Manitowoc, Sheboygan and Ozaukee Counties; Danger Zone.

(a) The area. (1) The waters within an area beginning at a point at latitude 43 19' 00" N., longitude 87 41' 00" W.; to latitude 44 05' 30" N., longitude 87 29' 45"W.; to latitude 44 02' 00" N., longitude 87 02' 30".; to latitude 43 15' 30' W.; thence to the point of beginning.

(b) The regulation. (1) During periods of military exercises, as promulgated in the Local Notice to Mariners published by the United States Coast Guard (USCG), all vessels entering the danger zone are advised to proceed across the area by the most direct route and without unnecessary delay. (2) During periods of military exercises, as promulgated in the Local Notice to Mariners published by the USCG, no vessel or craft of any size shall lie-to or anchor in the danger zone at any time other than a vessel operated by or for the U.S. Coast Guard or any other authorized agency.

(c) Enforcement. The regulation in this section shall be enforced by the commanding Officer, Volk Field, WI and/or persons or agencies as he/she may designate.

4. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to U.S. Army Corps of Engineers, ATTN: CECW-OR, 441 G Street, NW, Washington, D.C. 20314-1000 or Regulatory Branch, St. Paul District, Corps of Engineers, Room 101, 1617 East Racine Ave, Waukesha, WI 53186-6875.

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Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Frank Torbett, headquarters Regulatory Branch, Washington, D.C. at (202) 761-4618, or Howard J. Ecklund at the Waukesha office of the Corps, at (262) 547-4171.

5. PUBLIC HEARING REQUESTS.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposal. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

6. JURISDICTION.

This action is being undertaken pursuant to authorities in Section 7 of the River and Harbor Act of 1917 (40 Stat. 266; 33 U.S.C.1) and Chapter XIX, of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C.3).

7. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the proponent or are known to exist in the proposed military exercise area.

This action is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

8. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer to determine if there are known cultural resources which may be affected by the described work. Any unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application. However, the latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area.

9. The Wisconsin Coastal Management Program (WCMP) in the Department of Administration is inviting public comment regarding this project. The WCMP may conduct a Federal consistency review to verify that the

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project will comply with State policies in Wisconsin's coastal zone. Further information may be obtained from the Federal Consistency Coordinator at: Wisconsin Coastal Management Program, P.O. Box 7868, Madison, WI 53707-7868; (608) 266-8234. Any comments on whether or not this proposed project complies with the State enforceable policies should be received within 30 days by the Federal Consistency Coordinator.

Robert J. Whiting
Chief, Regulatory Branch
Construction-Operations

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.