

## 05hr\_SC-NRT\_CRule\_Misc\_pt03



DETAILS: JOINT PUBLIC HEARING OF SENATE COMMITTEE ON NATURAL RESOURCES AND TRANSPORTATION AND ASSEMBLY COMMITTEE ON NATURAL RESOURCES. THE HEARING WAS HELD ON WEDNESDAY, FEBRUARY 23, 2005 ON THE EFFECTS OF IMPLEMENTATION OF 2003 WISCONSIN ACT 118 ON CHAPTER 30 ADMINISTRATIVE RULES.

(FORM UPDATED: 08/11/2010)

# WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

## 2005-06

(session year)

## Senate

(Assembly, Senate or Joint)

## Committee on Natural Resources and Transportation...

### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**



## WISCONSIN LEGISLATURE

P.O. BOX 8952 • MADISON, WI 53708

February 23, 2005

Chairmen Kedzie and Gunderson  
Members, Senate Committee on Natural Resources & Transportation  
and Assembly Committee on Natural Resources  
Joint Hearing, Room 412 East  
State Capitol

Dear Chairmen Kedzie, Gunderson, and Committee Members:

Thank you for providing this opportunity to comment on Clearinghouse Rule 04-066 and Clearinghouse Rule 04-084. While I support much of what these rule packages propose, the rules should allow the replacement of existing culverts on tributaries to trout streams under a general permit.

I agree with the concept of creating general permits as an alternative to individual permits for certain projects on navigable waters. I also agree with the concept of requiring a more extensive review of site conditions before a permit is issued in sensitive natural areas like trout streams.

I do not agree that the replacement of small culverts on small, non-trout streams endangers trout streams. The primary function of tributaries to trout streams is to supply cold water. Properly installed culverts, or even less-than-perfect culverts, should not impound so much water on the upstream side that it has time to warm-up.

I do not agree that allowing general permits for culverts on tributaries will block the passage of trout that are migrating to spawning areas in the headwaters. If trout do physically inhabit a stream at times, then those streams are normally already listed as trout streams by the DNR and protected. Even streams that are so small that they only support trout occasionally are listed as trout streams.

*Page 2, February 23, 2005*

The general permit conditions established in the proposed NR 320 do establish standards that assure culverts are installed properly and that the DNR has recourse if they are not functioning. The rules even require that culverts be installed so that 25% is below bed in order to allow fish and wildlife passage.

There are almost no parts of this rule package that provide permit streamlining for people in my district. Most of our water is listed in the trout book or is tributary to trout water. But I do believe that tributaries to our trout streams are sufficiently protected under the general permit. I hope that you will ask the DNR to reconsider this provision of their proposed rules.

Sincerely,

A handwritten signature in cursive script that reads "Lee Nerison".

Lee Nerison  
State Representative  
96<sup>th</sup> Assembly District





WISCONSIN REALTORS\* ASSOCIATION  
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Kitty Jedwabny, CRB, CRS, Chairman  
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William Malkasian, CAE, President  
E-mail: [wem@wra.org](mailto:wem@wra.org)

# Memorandum

To: Members, Senate Natural Resources and Transportation Committee and  
Assembly Natural Resources Committee

From: Tom Larson

Date: February 23, 2005

Re: Ch. 30 Rules

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The Wisconsin Realtors Association has identified a number of concerns related to the Ch. 30 rule package. These concerns are outlined in a letter addressed to Secretary Scott Hassett, dated January 11, 2005 and relate to three specific rule packages – NR 1, NR 326, and NR 328.

Over the last several weeks, we have been working with the DNR to address our concerns related to NR1, which identifies special waters where activities are not eligible for an exemption from the permitting requirements, and NR 328 (also known as “the riprap rule”), which regulates erosion control methods. Because NR 326 (“the pier rules”) has not yet been finalized and presented to the Legislature, we are still working with the DNR and the NR 326 Advisory Committee to address our concerns with this rule.

Thanks to the support from Senator Kedzie, Rep. Gunderson, and many other members of these committees, we are happy to report that we have reached an agreement with the DNR that will allow us to remove our opposition to the rule package.

We have outlined below the general concerns we had with the rules and the agreement we reached with the DNR to address these concerns.

## **Concerns/Agreed Upon Changes**

### *Concern #1 – Definitions of “Areas of Special Natural Resource Interest” and “Public Rights Features” Are Overly Broad*

With respect to NR 1, our concern was that the broad definition of ASNRI and “public rights features” would provide the DNR with unlimited discretion to kick any regulated



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activity into an individual permitting process. We were most concerned about the relationship between NR 1 and the pier rules (NR 326) because the advisory committee in charge of drafting the pier rule has been working under the premise that existing boat hoists and new piers located in these special waters must go through the IP process. We wanted to make it clear in NR 1 that these special waters in no way limit the NR 326 advisory group's ability to exempt all piers in special waters if they chose to do so. We know that we will have this fight with the pier rules, but did not want to hold up NR 1 in the process.

The DNR has agreed to add a note in NR 1 indicating that piers may be exempt in ASNRI waters and in areas with public rights features. We have been told that the Natural Resources Board will pass a motion today to approve the addition of this note to the rule. Below is the actual language that will be added after NR 1.05 (ASNRI) and NR 1.06 (public rights features):

However, new and existing piers may be exempt in [areas of special natural resource interest/areas with public rights features] under s. 30.13, Stats., as set forth in NR 326.  
(Emphasis added)

*Concern #2 – Riprap Standards Will Prevent Property Owners on “Low Energy” Sites From Controlling Erosion*

With respect to the riprap rules (NR 328), our primary concern was the rule's effective prohibition of riprap on smaller lakes. The rule does allow for property owners on smaller lakes to apply for an individual permit to install riprap, but only if they can meet one of two relatively high standards (6 inches of erosion per year, or a score between 40-48 on the DNR's Erosion Index).

To provide property owners with a less onerous standard for demonstrating erosion, the DNR agreed to add the following note under Section 328.05(5)(b) of the rules:

Note: The applicant will satisfy the "equal to or greater than 0.5 feet per year" requirement by demonstrating that the bank-edge recession is equal to or greater than 1.5 inches per 3 months during the open-water season.

As to the use of riprap, we have been told that riprap is the most effective means of controlling erosion in areas with high boat traffic or ice jacking in the Spring, and that biological erosion control methods (i.e., biologs), which are allowed under the rule, are ineffective under these conditions. The DNR maintains that biological erosion control methods are actually more effective at controlling erosion if installed properly and cost significantly less than riprap.

Given that insufficient data exists on the effectiveness or ineffectiveness of biological erosion control methods, we decided that a reasonable compromise would be to make property owners on smaller lakes eligible for a general permit to install riprap if the biological method failed to control erosion. In other words, property owners on

smaller lakes will be able to install riprap through (a) an individual permit process, if they can demonstrate that they are experiencing 1.5 inches of erosion during any 3 months of open water season or score between a 40-48 on the Erosion Index, or (b) the general permit process, if they install a biolog and can demonstrate that they are still experiencing 1.5 inches of erosion during any 3 months of open water season. In addition, the DNR will be gathering data on the effectiveness of biological methods to control erosion and will be presenting this data to the legislature's standing committees on an annual basis.

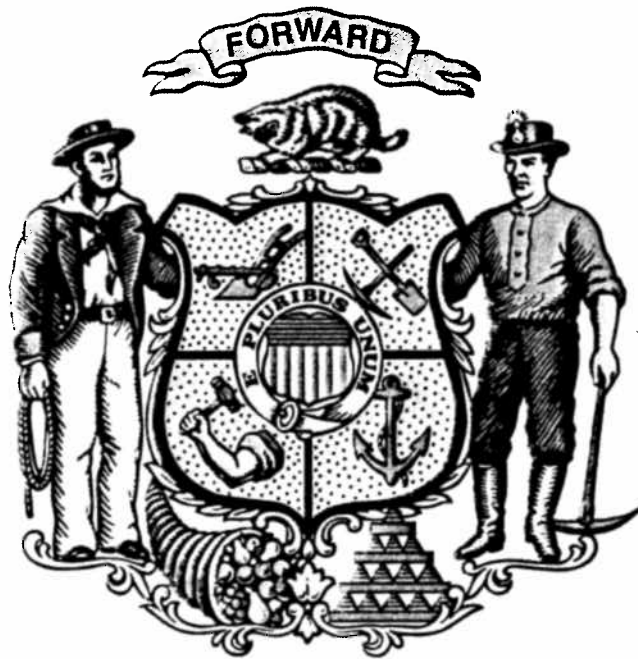
Specifically, the DNR agreed to add the following note to the rule:

Where biological erosion control is installed (exempt or GP), but where erosion greater than six inches per year (1.5 inches in three months/open water season) is measured by the headstake method, sites will be eligible for a general permit for riprap (current moderate energy GP practices). DNR will report on the number and physical site features of such applications each year.

### **Implementation of Rules**

While we are willing to remove our opposition to these rules at this time, many of our concerns remain. Specifically, we still have concerns about the seemingly limitless reach of NR 1 to include almost any water body in the state and the lack of recent public hearings on NR 328. Nevertheless, we believe it is time to move these rules forward and then evaluate how the rules are implemented over the next several years. If problems arise with the implementation of these rules, we will be asking the legislature to revisit these rules in the future.

If you have any questions, please contact me at (608) 240-8254.







222 S. Hamilton St. #1 Madison, WI 53703

Phone: (608) 250-9971 Fax: (608) 287-1179

[www.wiscwetlands.org](http://www.wiscwetlands.org)

**February 23, 2005**

**To: Members of Senate Committee on Natural Resources and Transportation**

**Members of Assembly Committee on Natural Resources**

**From: Wisconsin Wetlands Association, Becky Abel, Executive Director**

**RE: Support for proposed Act 118 administrative rules**

Good morning. Thank you for the opportunity to speak before you today. I am representing the Wisconsin Wetlands Association, a statewide, member-based organization whose mission is the protection, restoration, and enjoyment of wetlands and associated ecosystems through science-based programs, education, and advocacy.

Act 118 or the "Job Creation Act" contained provisions that reduced protection for many of Wisconsin's streams, lakes, and associated wetlands. Under Act 118, thousands of potentially damaging projects could be exempted from regulation or covered under general permits. Many groups and individuals have worked on advisory groups, attended public hearings, and made their voices heard in the process of developing the administrative rules before you today. Realtors, developers, conservationists, landowners, environmentalists, hunters and anglers invested time and energy into developing a strong rules package that protects our water resources while considering economic needs.

We ask that you acknowledge the dedication of the many stakeholders who developed these rules by adopting them and evaluating them through an annual review process.

Specific points related to the rules:

➤ NR1.016.

This introduction must be retained as it provides the background for why strong administrative rules are necessary. The Public Trust Doctrine and its importance in directing protection of public rights in navigable waters must be highlighted in this way in order to set the stage for why the state has a legal obligation to administer rules that protect public rights in navigable waters. These rights include the right to hunt, fish, recreate, swim and enjoy scenic beauty in clean water that is free of pollution.

Scientific research *does* demonstrate that the impacts of many, repeated alterations of our shorelines and shallow water habitat are accumulating with significant impacts on our aquatic ecosystems and their associated human uses.

Shoreline construction leads to sedimentation, which is already one of the leading causes of impairment of our state's water. More than 6400 miles of streams and rivers in Wisconsin are impaired due to excessive sediment. Our organization is very concerned about the damage that Act 118 can cause to our wetlands because of the many exempt activities that will proceed without DNR review. The cumulative effects of construction activities on lakes and streams affect the water quality, quantity, and ecological health of associated wetlands.

The public was assured by the Governor and the legislature that Act 118 would not lessen environmental standards mandated through the Public Trust Doctrine. We encourage you to retain NR1.016 as a leading theme to underscore the seriousness of the state's responsibility in upholding the Public Trust Doctrine.

- NR1.05 "Areas of Special Natural Resource Interest"  
Wisconsin Wetlands Association encourages the protection of the entire list of lakes and streams identified as areas of special natural resource interest. The current list is shorter than it was in the beginning of the rule-making process and we ask that no more waterways be cut from this list of fragile and extremely important lakes and streams.
- NR1.06. "Identification of Public Rights Features"  
Wisconsin Wetlands Association is encouraged to see that this rule provides for protection (through general and individual permits) of many valuable water bodies that would fall under the categories described as public rights features. This section identifies many important water bodies that exemplify what's wonderful about Wisconsin's waters—fish spawning areas, endangered species habitat, and valuable wildlife habitat.

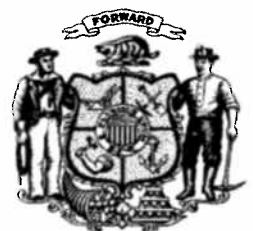
Wisconsin Wetlands Association believes that the Act 118 rules must be as protective of our public waters as possible. The rules must protect our public rights for clean water, fishable and swimmable lakes and rivers, and scenic beauty. We urge you to support the rules package.

Our state is blessed with high quality rivers, lakes, streams and wetlands. Our waterways provide us with invaluable recreational and tourism opportunities. We have a responsibility to provide appropriate regulation and protection to the waters of Wisconsin. The rules package addresses many of the environmental protection concerns resulting from the passage of Act 118--as the legislature and Governor promised it would. We commend the staff and board of the DNR and all of the varied stakeholders who worked on this rules package and hope that you, as committee members, will acknowledge the dedicated work of many people and adopt the Act 118 rules.

Thank you.



# WISCONSIN STATE LEGISLATURE





# Wisconsin Wildlife Federation

720 ST. CROIX ST., SUITE 101, PRESCOTT, WI 54021 • (715) 262-9279 • 1-800-897-4161

*AFFILIATED WITH NATIONAL WILDLIFE FEDERATION*

February 23, 2005

## **Testimony of the Wisconsin Wildlife Federation Before the Assembly Natural Resources Committee and the Senate Natural Resources and Transportation Committee In Support of DNR's Proposed Act 118 Rules**

Chairman Kedzie, Chairman Gunderson and Committee Members,

Thank you very much for the opportunity to appear before you today on behalf of the Wisconsin Wildlife Federation in support of the ten chapters of rules proposed by the Department of Natural Resources under the specific direction of Act 118, generally called the Jobs Creation Act.

The Wisconsin Wildlife Federation is comprised of ninety-seven hunting, fishing and trapping organizations located throughout the State of Wisconsin. Hunters, fishers and trappers have a major interest and need to have these rules formally adopted into law.

Please let me explain. These rules regulate how public and private owners on lakes and streams engage in a number of activities in public waterways. These activities include construction of structures, erosion control devices, boathouses, houseboats, fish and wildlife habitat, bridges, culverts, shoreline grading and dredging material from the beds of lakes and streams. The great majority of this activity takes place within the first fifty to one hundred feet from the shoreline, which is generally the most important habitat for reproduction, food and cover for many species of fish and wildlife habitat. Loss of significant areas of this valuable near-shore habitat leads to reduced fish and wildlife in our lakes and streams and reduced opportunities for hunting, fishing and trapping and other wildlife-related recreational pursuits.

The Wisconsin Wildlife Federation respectfully requests that you support the ten chapters of regulations that have been forwarded to you by the DNR. There has been an exceptional amount of public involvement in the tens of hearings and meetings that have culminated in these rules. There have been extensive changes in the regulations since the rules were proposed.

After the formal public hearings on the permanent rules, DNR convened technical advisory groups representing realtors, builders, environmental groups, landowners and

conservationists. The Wisconsin Wildlife Federation sat on the group representing hunters, anglers and trappers.

I applaud each of you for taking the time to read and study many-inch stack of rules that were required by Act 118. The technical advisory groups read several drafts of those chapters and met for tens of hours trying to reach agreement and represent the views of the public that testified at the public hearings. I believe that you will recognize that it is a much-improved product. Great credit must go to the DNR staff that was involved in the discussion and I would like to also recognize the representatives of the other groups at the many sessions. The discussions were very productive, generally cordial but not without pointed and tough discussion.

All of those involved agreed that the rules should go forward and be enacted into law. **There is a sense of urgency**, the waterway construction season will be on us in a very few such weeks and without these rules there is virtually no protection from fish and wildlife habitat harm from this type of construction. All of those involved in the technical advisory groups recognized that the rules are not perfect and thereby received the commitment of DNR that there will be a formal review process in one year to see whether the concerns that each of us may have are actually justified and if so, what changes to the rules are necessary. The Natural Resources Board agreed to a mandatory one-year review process.

While the Wisconsin Wildlife Federation supports all of the rules, we would wish to highlight our strongest support for three provisions of Chapter NR 1.

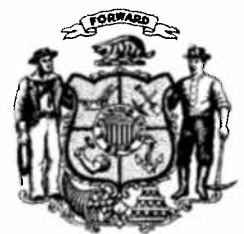
The first is section NR 1.06 which defines what are public rights features. This is the specific section that establishes that waterway construction activities must assure protection of fish and wildlife habitat, navigation, water quality and natural scenic beauty. **This section is of fundamental importance to hunting, fishing and trapping in Wisconsin.** Its retention is also critically important to the constitutionality of these rules and Act 118 itself.

Second is NR 1.05 which identifies what are "areas of special natural resource interest". This is a list of Wisconsin's most valuable lakes and streams such as "outstanding and exceptional waterways", trout streams, wild and scenic waterways, etc. Waterways on this list are afforded greater regulatory scrutiny to assure Wisconsin citizens that they will remain of high resource and economic value.

Last is NR 1.016 which identifies the overall purpose and responsibility of the DNR to carry out its regulatory reform duties of Act 118 in a manner which fully recognizes the Constitutionally required protection of fish and wildlife habitat in the State of Wisconsin

In conclusion, on behalf of the Wisconsin Wildlife Federation, thank you very much for the opportunity to testify before you today.

George Meyer, Executive Director



Ch. 30 Rules  
Agreed to Changes Between WRA and DNR

February 24, 2005

Item #1 -- Note after NR 1.05(2)

**Note:** Activities not exempted in areas of special natural resource interest under ss. 30.12 and 30.20, Stats., are: deposits less than 2 cubic yards; seasonal structures other than piers or wharves; fish habitat structures; bird nesting platforms; dry hydrants; pilings; riprap repair or replacement; biological shore erosion control structures; intake or outfall structures; dredging to place or maintain an exempt structure; dredging without auxiliary power. Activities not exempted in areas of special natural resource interest under ch. NR 320 are culvert replacements. However, new and existing piers may be exempt in areas of special natural resource interest under s. 30.13, Stats., as set forth in NR 326. (Emphasis added)

Item #2 -- Note after NR 1.06(2)

**Note:** Exemptions not allowed in locations of public rights features are: intake or outfall structures other than dry hydrants; replacement culverts with inside diameter not more than 24 inches; dredging without auxiliary power. However, new and existing piers may be exempt in areas with public rights features under s. 30.13, Stats., as set forth in NR 326. (Emphasis added)

Item #3 – Addition to NR 328.04(c)

(c) Vegetation shall be plant species that are native to the area of Wisconsin where the project is located. Vegetative treatments shall be installed according to Natural Resources Conservation Service Conservation Practice Standard Code 580 (Streambank and Shoreline Protection) or the Natural Resources Conservation Service Engineer's Handbook. *WRMAA/ALTS/2004*

Item #4 – Addition to NR 328.05(5)(b)

(b) The project site is a moderate or high energy site; or a low energy site where the bank-edge recession described in s. NR 328.08(3) is equal to or greater than 0.5 feet per year and the applicant can show a biological erosion control structure was previously placed according to the standards in NR 328.04 subs. (3) and (4).

Note: NR 328.08(3) requires that the time between separate measurements shall equal or exceed 3 months during the open-water season.

Note: The applicant will satisfy the "equal to or greater than 0.5 feet per year" requirement by demonstrating that the bank-edge recession is equal to or greater than 1.5 inches per 3 months during the open-water season.

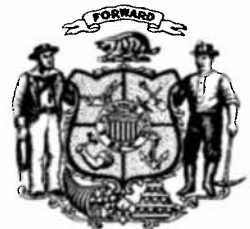
Item #5 -- ????

DNR will provide a written report annually to the appropriate standing committees in both houses indicating (a) the number of permit applications, application withdrawals, and permit denials for all permits under NR 328; (b) the time period the application submittal and final action by the Department; (c) the name and contact information for each permit applicant; and (d) the physical site features of such applications each year.





# WISCONSIN STATE LEGISLATURE



# Various Wisconsin Biolog Projects

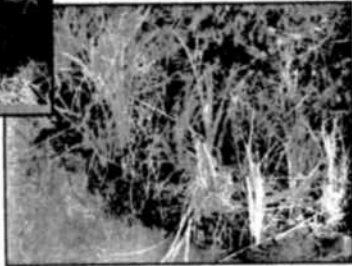
by LJ Reas Environmental Consulting Corp.



Lake Redstone  
Sauk Co.



Lake Redstone  
Sauk Co.



Lawrence Lake  
Marquette Co.



Lake Winnebago  
Winnebago Co.



Lake Comus  
Walworth Co.



Lake Sinissippi  
Dodge Co.

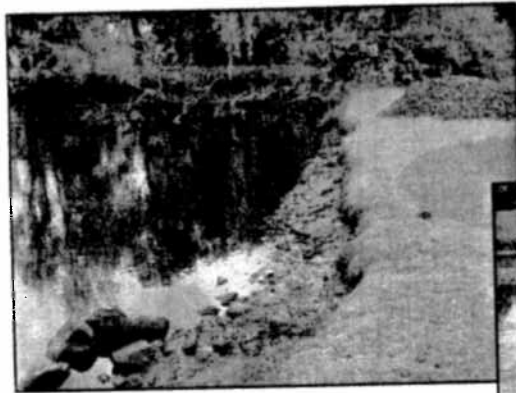




Fox River  
Green Lake Co.



Whitewater Lake  
Walworth Co.



Turtle Creek  
Walworth Co.



(Spring - Before new growth)



**Green Lake's RSVP Biolog Projects** – Lisa Reas designed, oversaw installation, or assisted with maintenance on all sites pictured below.

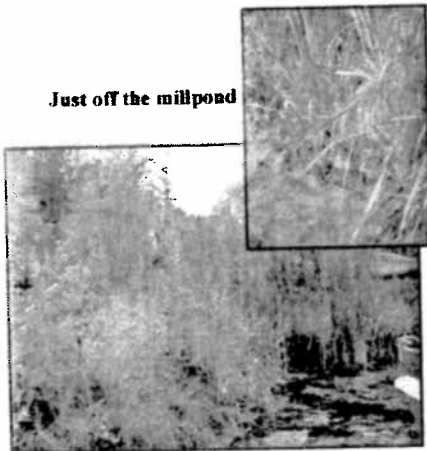
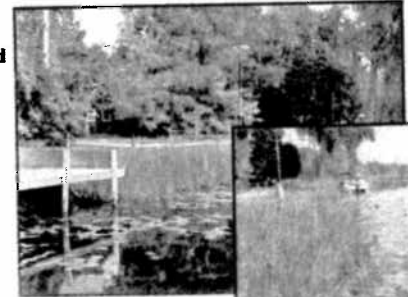
The Green Lake Revitalization of Shoreline Vegetation Project has overseen the installation of 9 successful biolog projects on Green Lake in Green Lake County. To date, all projects look great and the landowners are quite satisfied.



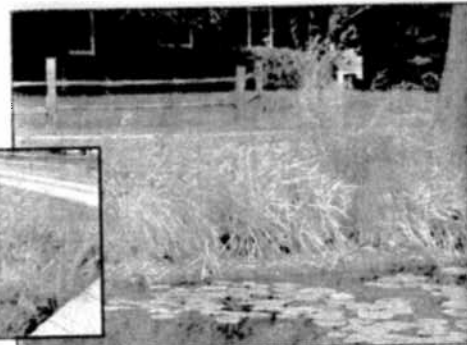
Just off the  
millpond



Blackbird  
Point



Just off the millpond



Blackbird  
Point





# WISCONSIN STATE LEGISLATURE





wisconsin

AN ENVIRONMENTAL VOICE SINCE 1970

## **Testimony for the Joint Public Hearing before the Senate Committee on Natural Resources and Transportation and the Assembly Committee on Natural Resources**

My name is Derek Scheer and I'm the Water Policy Director at Clean Wisconsin. Clean Wisconsin was founded in 1970 as Wisconsin's Environmental Decade. We're an environmental advocacy group protecting Wisconsin's clean water and air, and advocating for clean energy. We do this by being an effective voice in the state legislature and by holding elected officials and corporations accountable. We also expose corporate polluters, make sure existing environmental laws are enforced, and educate citizens and businesses. On behalf of 10,000 members and our coalition partners, Clean Wisconsin protects the special places that make Wisconsin such a wonderful place to live, work and play.

Clean Wisconsin supports the adoption of the permanent rules being proposed under Act 118.

Clean Wisconsin has been concerned over the provisions of Act 118 related to protection of the shorelines of our lakes and streams because it appeared to undermine Wisconsin's Environmental protections and undercut the reach of the Public Trust Doctrine. The beautiful natural shorelines that define Wisconsin, the areas that fish need to live and prosper, and the areas that are needed to protect water quality and provide all need protection. It was therefore necessary that the legislature directed the Department of Natural Resources to adopt rules to assure the protection of the rights of the public in navigable waters such as the right to hunt, fish, boat, and enjoy the scenic beauty of Wisconsin's waters.

The rules before you are a result of hard work by the Department of Natural Resources, the Technical Advisory Groups, and the public through the many public hearings. The development industry, realtors, conservationists, land owners and environmentalists have all been heard and worked toward these rules. The permanent rules that were developed in this process go a long way to meet the needs of all groups.

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Madison, WI 53703-2500 | Fax 608-251-1655  
www.cleanwisconsin.org | Email: info@cleanwisconsin.org



Formerly Wisconsin's Environmental Decade

50101-1000-1000-1000-1000



Please honor the work that went into on these rules and those interests that worked hard side-by-side to achieve agreement. In particular, you are urged to fully adopt the provisions of Chapter NR 1 that set out the fundamental standards that protect lakes and streams. NR 1.016 sets out the long standing Wisconsin Constitutional protections that establish citizens' rights to use lakes and streams and to assure that they will retain their value for future generations.

The lakes and streams identified in NR 1.05 are sensitive and fragile lakes and streams in the state that need an extra level of attention to assure this protection. It is my understanding that this list of lakes and streams has already been shortened substantially during the rule development process. This section must be adopted as is and should be further reviewed in the future.

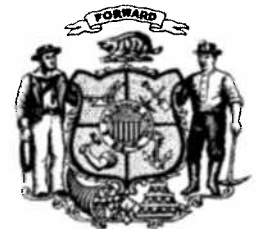
NR 1.06 which identifies "public rights features" protects those aspects of our waterways that are most important to Wisconsin citizens. It also provides critical direction to those who engage in exempt activities or utilize the general permits in the Act 118 rules.

We all have a duty to protect our wild special places. Wisconsin's Constitution, Article IX, §1, declares that the State's wetlands and waterways "shall be common highways and forever free." This constitutional phrase gives the public access to thousands of miles of recreational and scenic waters. Wisconsin's rivers, lakes and streams offer incredible recreational opportunities because they are cherished and have been protected over the years. Please honor the work that has been done to protect our most precious resources by adopting these permanent rules.

Thank you for the opportunity to speak before you today.



# WISCONSIN STATE LEGISLATURE



# *Chapter 30*

## *Act 118*

*Cause & Effect*





## VILAS COUNTY BOARD OF SUPERVISORS



330 COURT STREET  
EAGLE RIVER, WISCONSIN 54521  
715/479-3600

In the late 1960's the Wisconsin Legislature saw fit to enact Chapter 59. This directed seventy counties to craft and administrate a Shoreland Protection Ordinance. In that tradition Vilas County has hired a zoning administrator, a county conservationist, a lake water quality specialist, and an aquatic invasive species coordinator. In the thirty some years that ensued Vilas County has established a positive working relationship with the Department of Natural Resources.

Last year we saw the Legislature pass Act 118 for the purpose of making the permitting process faster and more efficient. The County Board supported that effort. Then we saw the Chapter 30 emergency rules which raised doubt as to the DNR's following the intent of the Legislature's action. As a final reaction, we and other counties ask that the Joint Rules Committee review the proposed rules. Now we find the permanent rules are counter productive to our shoreland ordinance.

We feel the material collected herein demonstrates some of the conflicts with Chapter 59 and Act 118.

- 1) The paper work needed to gain a permit for a gravel pit when prepared by a retired zoning administrator with twenty-nine years experience.
- 2) A news paper article that addresses a letter written by DNR personnel to a County warning that administrative rule may require as yet unseen ordinance amendment.
- 3) A resolution by the Vilas County Board addressing the negative effect of proposed Chapter 30 rule.

## LIST OF CONTENTS

	PAGE
ORIGINAL PROPOSED POND AFTER EXTRACTION OF GRAVEL	1.
LETTER FROM JANIE WADIE D.N.R. 12TH APRIL 2004 TO ME	2.
LETTER FROM JANIE WADIE D.N.R. 12TH APRIL 2004 TO BEN PECK	3.
MY DRAWING SHOWING WETLANDS DELINEATED WITH 50' BUFFER	4.
LETTER FROM JANIE WADIE D.N.R. WITH DEPARTMENT'S RECOMMENDATION	5.
DRAWING TO CORRELATE WITH D.N.R. RECOMMENDATIONS	6.
END RESULT SHOWING PIT AREA	7.
MAP SHOWING LOCATION IN PRESQUE ISLE	8.

MANY THANKS FOR YOUR INTEREST, I AM VERY PLEASED  
TO BE OF SERVICE IN YOUR ENDEAVORS WITH THE  
D.N.R.

John D. Anderson  
2-28-05

# TOPOGRAPHICAL SURVEY

FOR EARTHWORKS EXCAVATING  
LOCATED IN THE SE 1/4-NW 1/4,  
SECTION 31, T44N, R6E,  
TOWN OF PRESQUE ISLE,  
VILAS COUNTY, WISCONSIN

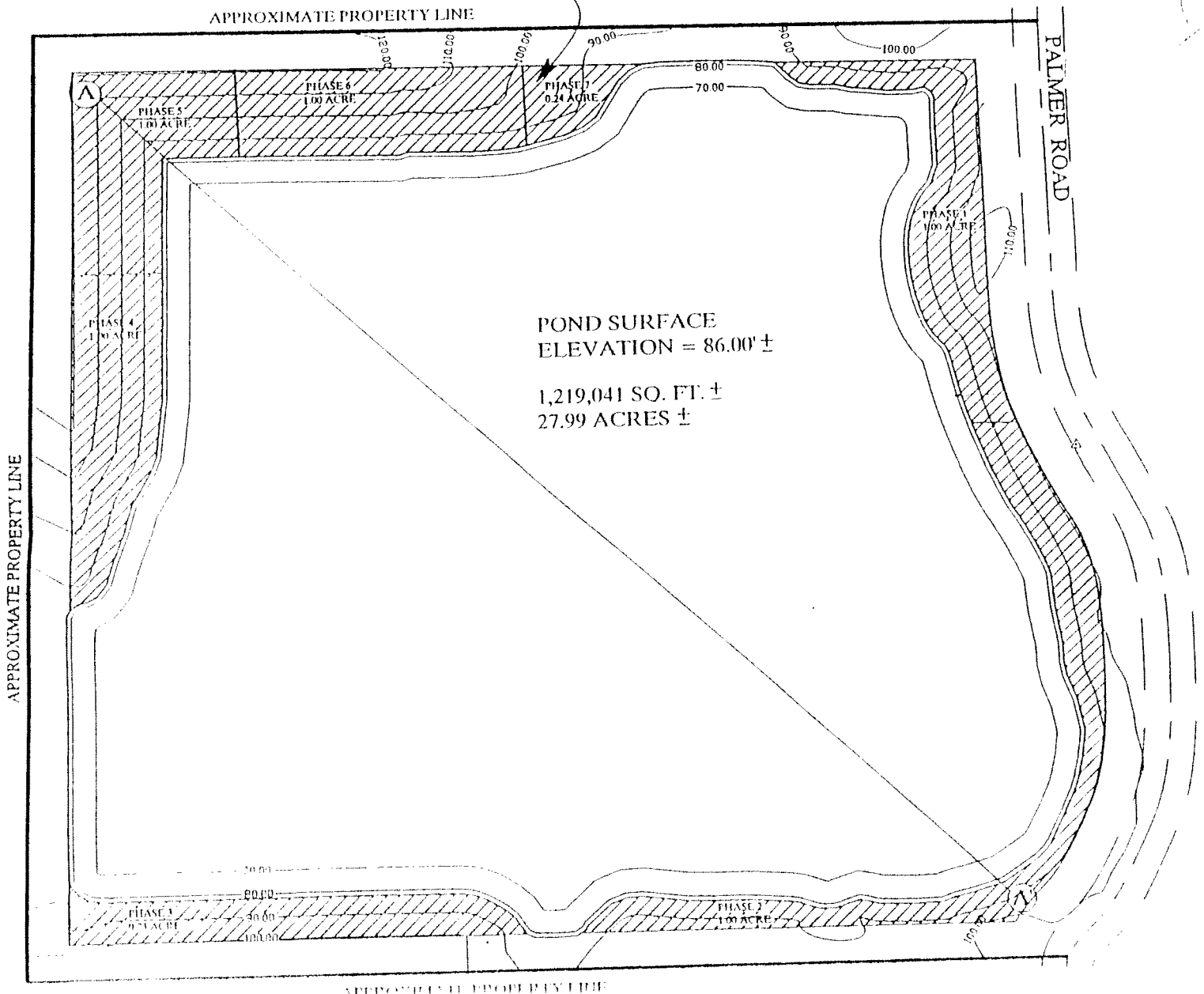
## ANTICIPATED FINAL TOPOGRAPHY

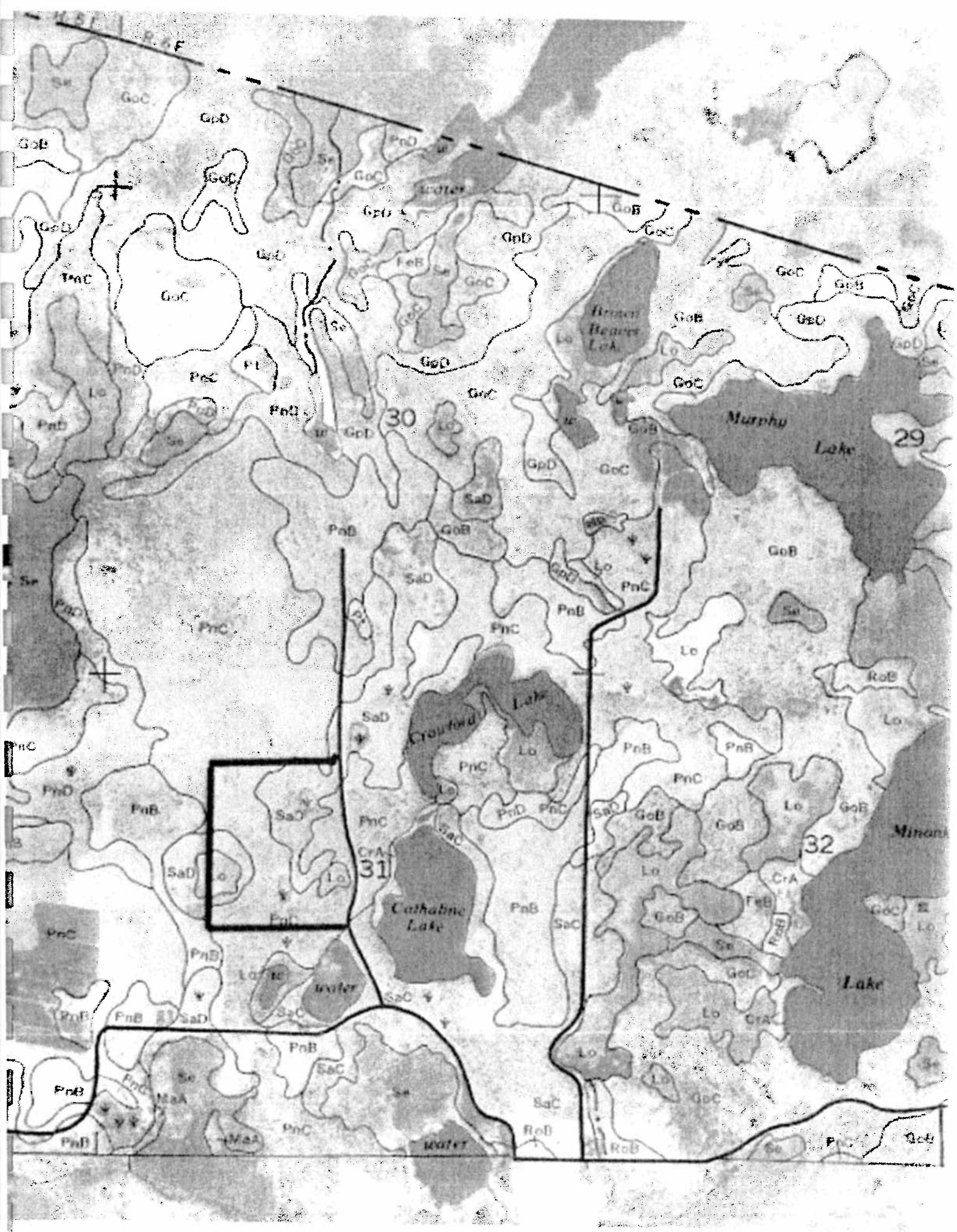
EARTHWORKS EXCAVATING  
TOWN OF PRESQUE ISLE  
VILAS COUNTY, WISCONSIN

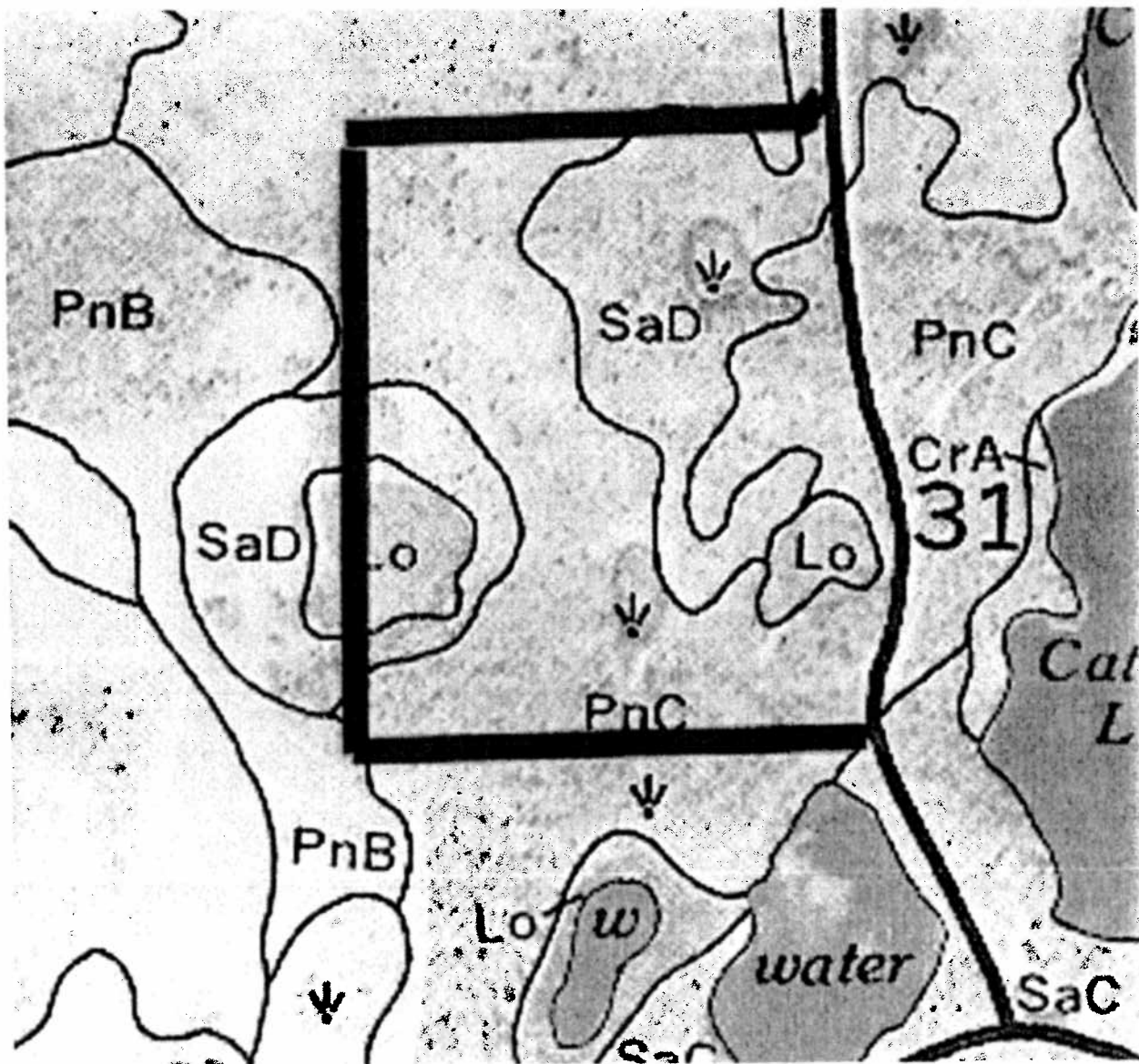
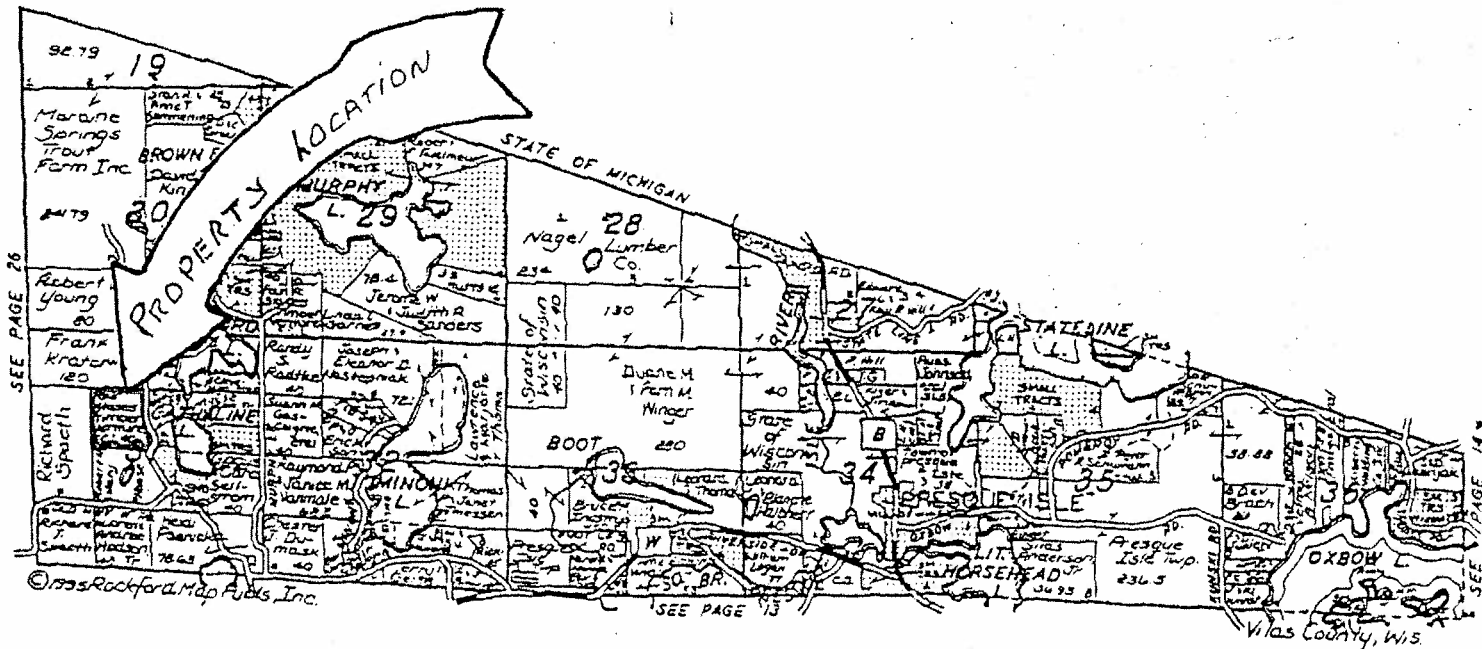
PROJECT NUMBER: EWE04-3300-0802

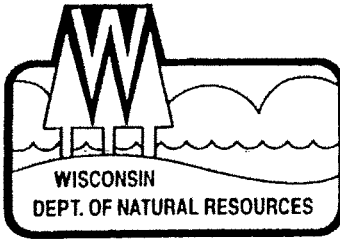
FIGURE 6

RECLAIMED  
PIT AREA  
260,053 SQ. FT. ±  
5.97 ACRES ±  
FINAL FLOOR  
ELEVATION = 86.00' ±









State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Scott Hassett, Secretary  
John Gozdzialski, Regional Director

Woodruff Service Center  
8770 Hwy J  
Woodruff, Wisconsin 54568  
Telephone 715-358-9214  
FAX 715-358-2352

April 12, 2004

John Anderson  
Contractor's Agency  
PO Box 157  
Boulder Junction, WI 54512

Subject: Proposed non-metallic mining, Town of Presque Isle

Dear Mr. Anderson:

This is in response to the reclamation plans you submitted to me regarding the Ben Peck's proposal for a non-metallic mine. Northern Environmental prepared the reclamation plan for you, Mr. Peck's agent. The proposed pit is located in SE 1/4 in the NW 1/4 of Section 31, T44N, R6E, Town of Presque Isle, Vilas County.

The proposed plans show the creation of a 27.99-acre pond and the restoration of 5.97 acres of adjacent upland. The upland areas will have a 3:1 slope extending downward about 50 feet to the bottom of the pit. As a result, Mr. Peck proposes to excavate sand and gravel deposits from 34 of the 40 acres parcel.

You had requested that I review the wetland impacts and asked for any recommendations. I informed you that I would also contact Mike O'Keefe from U.S. Army Corps of Engineers and ask for his review of the reclamation plans. We did a desktop review and the WI Wetland Inventory Maps show there is a total of 8.8 acres of isolated wetlands within this parcel. The wetland systems consist of the following 1) a floating scrub-shrub bog (S6Hm) measuring approximately 4.6 acres 2) a scrub-shrub wetland (S9H) measuring approximately 2.6 acres, and c) the remaining scrub-shrub bog (S6/WφH) containing open water measuring approximately 1.6 acres.

The planned quarry operation will excavate sand and gravel deposits at least 8-feet below (approximately 1740 msl) the lowest level wetland, which is the scrub-shrub bog (approximately 1748 msl) lying in the north central portion of the property. The highest point on the property is 1700 msl. Hence, about 60 vertical feet of material will be removed.

After reviewing the information from Northern Environmental it also showed that the pit would be constructed within 500 feet of (2) navigable waterways. The site is located within approximately 300 to 500 feet west of Cathaline Lake and approximately 300 to

500 feet north of Gibson Lake. Based on this information I determined Mr. Peck would need to apply for a DNR permit. Section 30.19 (1)(a), Wis. Stats. provides that construction of a pond within 500 feet of navigable waters requires a DNR permit (see enclosed application). During the permit process the Department would address the wetland impacts under NR 103.

Since all of these wetland types would be lost as a result of the project, I recommend Mr. Peck have the wetlands be delineated. I also need to know how the pit will be dewatered and where the water will be pumped. At this time the reclamation plan is not detailed enough to make any recommendations on how to preserve the wetlands.

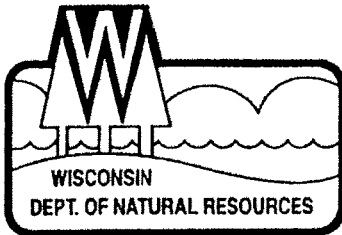
I am copying the Vilas County Zoning and Planning committee on this letter because of the public hearing scheduled for Wednesday, April 14, 2004 regarding the petition to rezone this property from recreation to forestry district.

If you have any questions regarding this matter, please feel free to contact me at 715-358-9214.

Sincerely,

*Jayne Wade*  
Jayne Wade

Cc: Ben Peck, Earthworks Excavating, Inc.  
Ann Michalski, Northern Environmental Technologies, Inc.  
Mike O'Keefe, U.S. Army Corps of Engineers  
Dawn Schmidt, Vilas County Zoning and Planning Committee



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Scott Hassett, Secretary  
John Gozdzialski, Regional Director

Woodruff Service Center  
8770 Hwy J  
Woodruff, Wisconsin 54568  
Telephone 715-358-9214  
FAX 715-358-2352

April 12, 2004

Ben Peck  
Earthworks Excavating, Inc.  
HC2, Box 481B  
Winchester, WI 54457

Subject: Proposed non-metallic mining, Town of Presque Isle

Dear Mr. Peck:

This letter provides you with notification that Patricia Trochlell, DNR Water Resources Management Specialist, will be conducting a wetlands review of your property on May 25, 2004. The property is located in SE 1/4 in the NW 1/4 of Section 31, T44N, R6E, Town of Presque Isle, Vilas County. I will be accompanying Ms. Trochell during her site visit. This site review is regarding your proposal for a non-metallic mine.

If you have any questions regarding this matter, please feel free to contact me at 715-358-9214.

Sincerely,

*Jayne Wade*

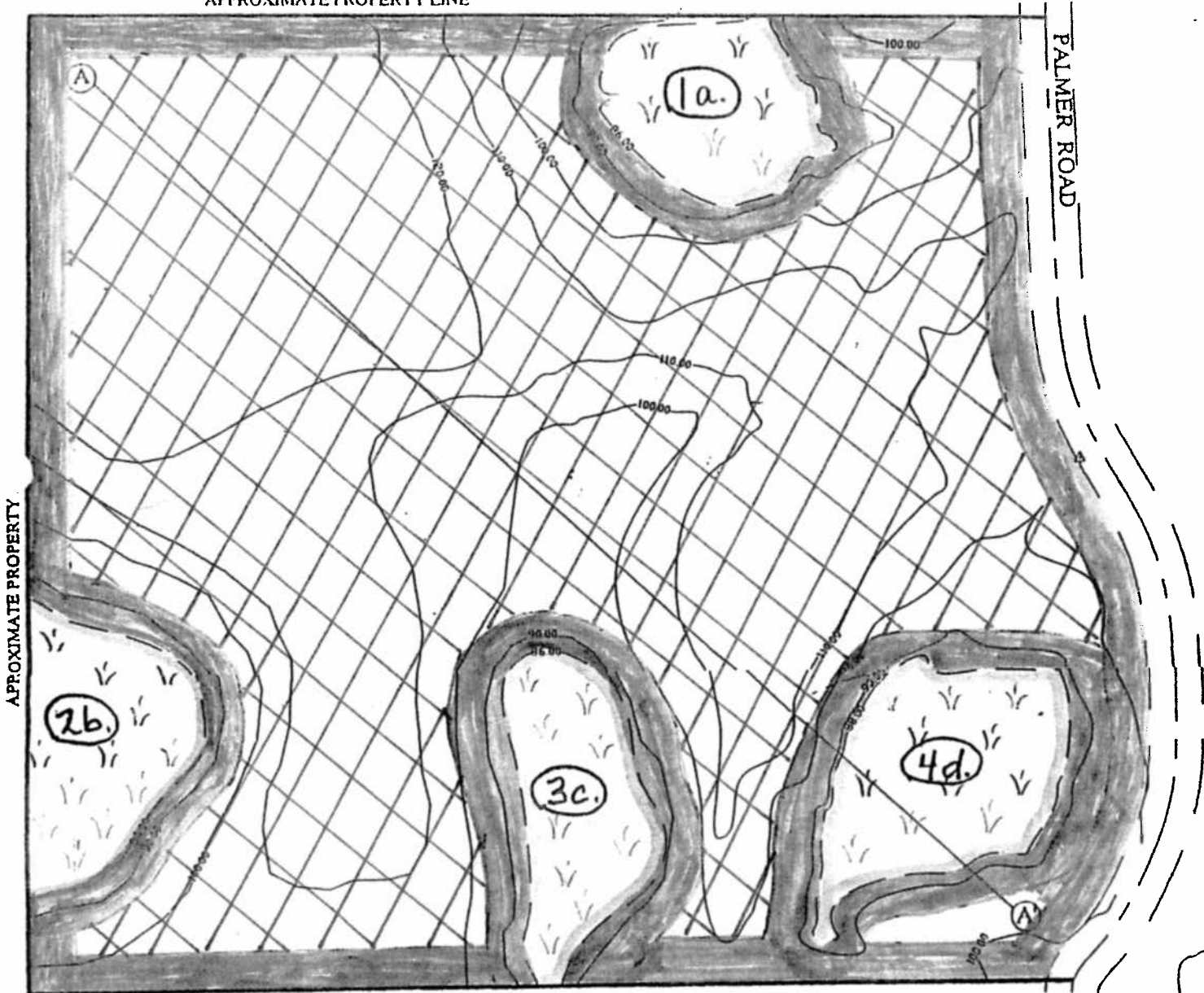
Jayne Wade

cc: Mike O'Keefe, U.S. Army Corps of Engineers  
Dawn Schmidt, Vilas County Zoning and Planning Committee  
John Anderson, Contractor's Agency  
Ann Michalski, Northern Environmental Technologies, Inc.



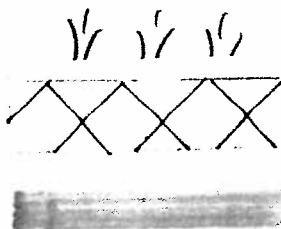
DELINEATED WETLAND WITH 50' BUFFER # 4

APPROXIMATE PROPERTY LINE



APPROXIMATE PROPERTY LINE

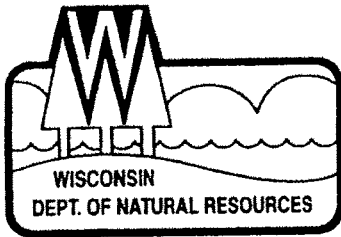
LEGEND.



WETLAND  
POND  
BUFFER 50'



NORTH



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Scott Hassett, Secretary  
John Gozdziwski, Regional Director

Woodruff Service Center  
8770 Hwy J  
Woodruff, Wisconsin 54568  
Telephone 715-358-9214  
FAX 715-358-2352

May 26, 2004

FILE NO. INF-NO-04-64044LS

Ben Peck  
Earthworks Excavating, Inc.  
HC2, Box 481B  
Winchester, WI 54457

Subject: Proposed non-metallic mining, Town of Presque Isle

Dear Mr. Peck:

This letter is a follow-up to my site inspection on May 25, 2004. Patricia Trochlell, DNR Wetland Ecologist, and Dale Lang, Aquatic Habitat Coordinator, accompanied me. John Anderson, your agent and you were also present during the site visit.

The property is a 40-acre parcel. The proposed pit is located in SE 1/4 in the NW 1/4 of Section 31, T44N, R6E, Town of Presque Isle, Vilas County. The soils are Sayner-Rubicon complex and Pence sandy loam on the uplands and Loxley and Dawson peats in the bog lake wetlands. The upland soils are Spodosols developed in glacial sand and gravel.

Upland vegetation had been recently logged, leaving young aspen, some balsam firs, red maples, hazelnut and serviceberry as dominant woody vegetation. Dominant herbaceous plants were spike and club mosses and Canada mayflower.

During our site inspection, you described your plans to gradually excavate sand and gravel from the property over many years. The types of water regulatory permits that often come into play for nonmetallic mining include grading and pond excavation. Section 30.19(1g)(c) of Wis. Stats. specifies that to grade or remove topsoil from the bank of any navigable water where the area exposed by the grading or removal will exceed 10,000 square feet requires a DNR permit. Section 30.19(1g)(am), Wis. Stats. provides that construction of a pond that is located with 500 feet of ordinary high-water mark of an existing navigable waterway would also require a DNR permit.

It was determined that there are three (3) navigable waterways abutting or located on this 40-acre parcel. Enclosed is a copy of a map labeling the three waterways and one isolated wetland on the parcel. Waterway (1a), (3c) and (4d) (described in order that we visited them) were bog lakes. Along the lake edges, open water and shorelines supported some emergent species including Sparganium sp., Glyceria canadensis, Carex spp., Iris versicolor, Comarum palustre (Potentilla palustris), Polygonum

*amphibium* and *Scirpus cyperinus*. A central bog was vegetated with *Chamaedaphne calyculata* (leatherleaf), *Carex* spp. (wiregrass sedges). The isolated wetland (2b) had similar species but did not have open water along the shoreline.

After discussing the permit requirements, you decided to modify your original plans and not construct a pond within 500 feet of any of the waterways. In addition, if you do not grade within 300 feet of these waterways, you would not need to apply for a DNR permit. These two modifications would avoid the need for any Chpt. 30 permits.

*Vilas has  
300 ft.  
for  
lakes*

Patricia Trochell also recommended preserving the wetland habitat by buffering the impacts from the excavations to the greatest extent possible. She stated this is especially important for Spring Peepers, since they are dependent upon high quality upland forested habitat for much of their life cycle. She highly recommends a 300-foot buffer around their wetland breeding sites, which is the minimum buffer required to protect them. Many of the bird species we observed are spring migrants and would lose upland migratory habitat as a result of the project. Impacts to their habitat and the habitat of nesting and resident bird and mammal species will be minimized by retaining a buffer around the wetland/lakes. The buffer will also reduce impacts to wetlands through erosion and sedimentation.

In summary if the pit is self-contained, if a pond is not created within 500 feet of the navigable waterways and if there is not grading within 300 feet of the waterways you will not need to apply for a Chpt. 30 permit.

Non-metallic mining sites are regulated under the Department's Stormwater program. Your site will likely require a stormwater general permit. Please contact William Roberts at our Rhinelander office to discuss this (715-365-8979).

If you have any further questions regarding this matter, please contact me.

Sincerely,

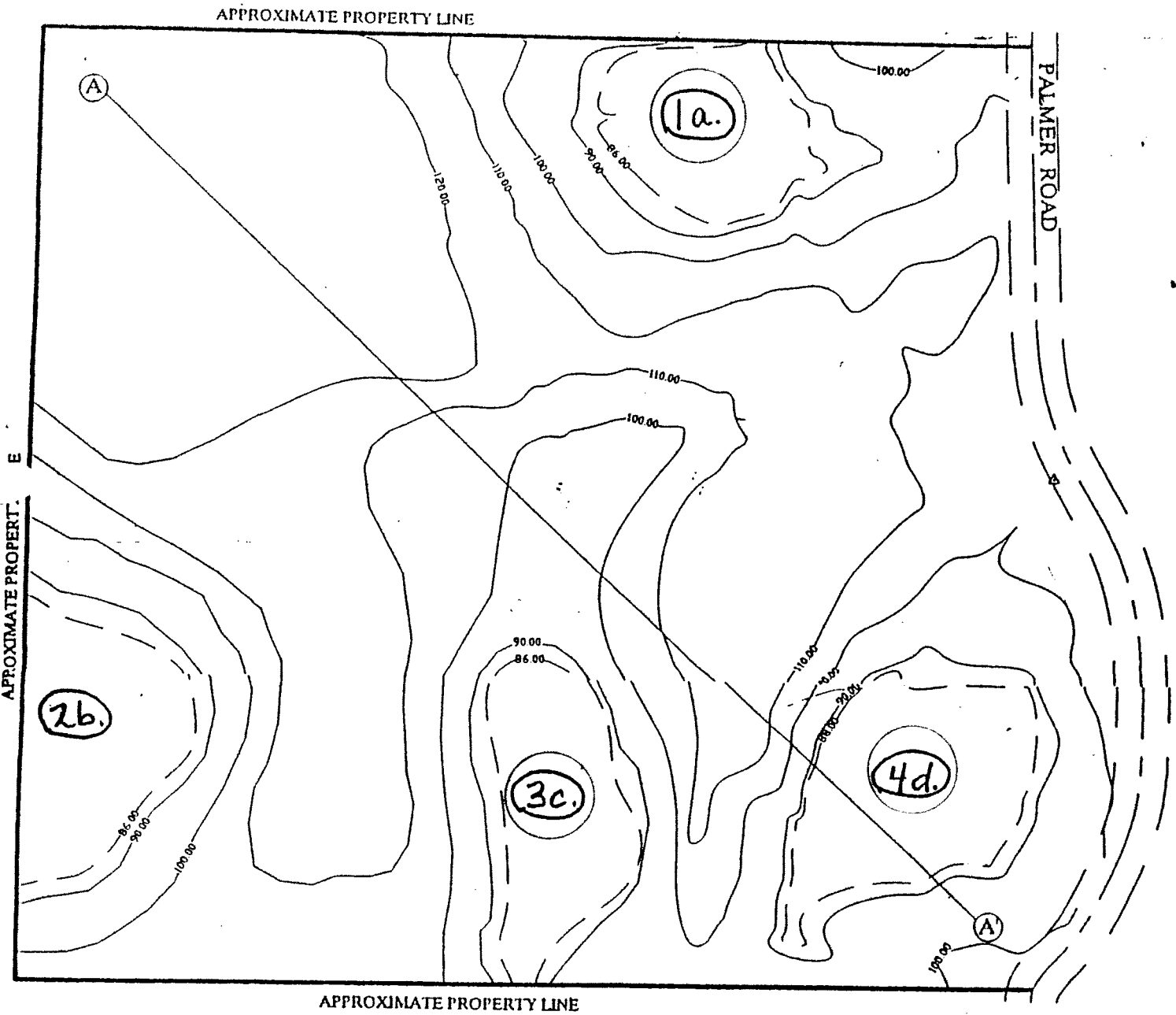
*Jayne Wade*

Jayne Wade

cc: Mike O'Keefe, U.S. Army Corps of Engineers  
Dawn Schmidt, Vilas County Zoning and Planning Committee  
John Anderson, Contractor's Agency  
Ann Michalski, Northern Environmental Technologies, Inc.  
William Roberts, DNR Rhinelander

*DNR says 300 ft. because of declaring  
a navigable lake (vs. it's being a wetland).*

46



○ CIRCLES - BY  
2-27-05

# END RESULT

#

7



## LEGEND

\* DNR declared to be lakes vs wetlands 1a., 2b., 3c., 4d. & that they were navigable thus requiring a 300ft setback.

- WETLAND
- 3-1 SLOPE
- BUFFER
- FLAT PIT AREA

SCALE 1" = 200'



#



John D. Anderson • Box 157 • Boulder Junction, Wisconsin 54512 • (715) 385-2355

220 NOVEMBER 2004

Mr Ben Beck  
H.L. Box 281 B WINCHESTER  
WISCONSIN 54557

GREETINGS BEN,

I WAS BEGINNING TO THINK THIS DAY WOULD NEVER COME I FINALLY RECEIVED THE CPU PERMIT FROM THE TOWN IT'S UNBELIEVABLE WE STARTED THE PROCESS OVER A YEAR AGO ON THE 19 OCTOBER IN 2003. HOWEVER IT'S ALL BEHIND US EXCEPT FOR A FINE NUMBER THAT WILL BE ISSUED TO YOU FOR THE GRAVEL PIT SITE FROM THE TOWN.

PLEASE FIND ENCLOSED AN HOURLY LIST OF MY SERVICES AT \$40" PER HOUR I GENERALLY CHARGE \$45" BUT SINCE MOST OF THE MEETINGS WERE NOT YOUR FAULT I FEEL I SHOULD CHARGE \$40" HOPE YOU AGREE I'VE ALSO ENCLOSED COPIES OF FINES PAID TO THE TOWN AND THE COUNTY AND OTHER RECEIPTS FOR YOUR RECORDS AND TAX DEDUCTIONS ALSO A COPY OF WHAT YOU PAID ME

I ANTICIPATE YOU WILL FIND EVERYTHING IN ORDER AND YOU'VE BEEN SATISFIED WITH MY SERVICE SINCE THE 19TH OCTOBER 2003

SINCERELY

John D. Anderson

LAND USE EVALUATION • BUILDING • SHORELAND ALTERATIONS • PERMITS • CONSULTING  
P.O.W.T.S. SANITARY SYSTEM INSPECTOR CERT. #223493

Editors note:

The following billing information is only a partial cost as it does not include the cost of the engineering study and reclamation plan which almost doubled the bill shown here.

Mr. Anderson estimated that the cost to his client before Act 118 would have been less than \$1000 and the process time line less than sixty days.

# SUMMARY

PAGE 2 OF 3

HOURS

2003

14 Oct	FILED APPLICATION WITH TOWN P.I.	1
20 Nov	MET WITH P.I. TOWN BOARD	2
22 Nov	LETTER TO P.I. ZONING COMMITTEE	1
4 DEC	FORMULATED P.I. REZONING PETITION	5
5 DEC	MET WITH P.I. ZONING COMMITTEE	2

2004

5 JAN	MET WITH P.I. ZONING COMMITTEE	2
7 JAN	FORMULATED COUNTY REZONING PETITION	4
16 FEB	MET WITH COUNTY STAFF @ EAGLE RIVER	4
23 FEB	FORMULATED COUNTY CIU APPLICATION	5
26 FEB	APPLICATIONS DELIVERED TO ZONING OFFICE	2
3 MARCH	MET WITH COUNTY ZONING COMMITTEE @ EAGLE RIVER	3
16 APRIL	COUNTY REZONING PUBLIC HEARING @ EAGLE RIVER	3
22 APRIL	LETTER TO P.I. ZONING COMMITTEE	1
28 APRIL	FORMULATED D.N.R. PETITION	4
25 MAY	ON SITE INSPECTION WITH D.N.R.	4
1 JUNE	LETTER TO COUNTY IN REGARDS TO D.N.R. DECISION	1
25 JUNE	LETTER IN RESPONSE TO P.I. TOWN CHAIRMAN LETTER	1
12 JULY	MET WITH P.I. ZONING COMMITTEE	2
16 JULY	LETTER TO COUNTY ZONING OFFICE	1
31 JULY	LETTER TO P.I. ZONING COMMITTEE	1
3 AUG	MET WITH TOWN P.I. ZONING COMMITTEE	2
7 AUG	FORMULATED NOTICE OF INTENT TO D.N.R.	2
12 AUG	PUBLIC HEARING IN P.I.	2



SUMMARY CONT'D

2004		HOURS
23 NOV	Met With P.I. ZONING COMMITTEE	2
7 SEPT	VILAS COUNTY ZONING COMMITTEE PUBLIC HEARING	4
16 SEPT	REVISED COUNTY C/U APPLICATION + NOTARY SIGNED	2
	TOTAL HOURS	63

TOWN RE ZONING APPLICATION	\$ 300
COUNTY RE ZONING APPLICATION	\$ 400
TOWN CONDITIONAL USE APPLICATION	\$ 300
COUNTY CONDITIONAL USE APPLICATION	\$ 400
COUNTY AERIAL PHOTO MAP	\$ 10
COPIES OF ENVIRONMENTAL STUDY FOR COUNTY	\$ 40
TOWN P.I. FIRE NUMBER	\$ 50
220 PAGES COPIED MATERIAL	\$ 25
63 HOURS @ \$ 40 PER HOUR	\$ 2,520

TOTAL	\$ 4,045
PRE PAID	\$ -1,620
BALANCE DUE	\$ 2,425

YOUR BUSINESS IS VERY MUCH APPRECIATED THANK YOU

John D. Anderson  
11-3-04

# DNR cautions county on new shoreland amendments

## New state rule will require local rewrites, Blake says

By Richard Moore

The Lakeland Times

With an eye toward passing a new and more comprehensive state shoreland administrative rule, the Wisconsin Department of Natural Resources (DNR) has advised Oneida County officials not to pass any additional shoreland ordinance amendments until the revised state regulations are in place.

Zoning staff has been warning for months that a new rule — at least as it exists in current draft form — would require counties to undertake comprehensive revisions of their local ordinances. A Feb. 15 letter from the DNR's Tom Blake to Zoning Director Karl Jennrich confirmed that thinking,

“Upon final passage of NR 115, counties will need to amend shoreland zoning ordinances to conform with the minimum shoreland zoning standards Blake wrote. ‘The Department therefore suggests holding off on the adoption of amendments that may not be consistent with the revised Shoreland Protection Program NR1 15. This will save the county the time and expense associated with an ordinance amendment.’”

Blake was responding to a county request to review draft language for a proposed county code amendment to allow the total replacement of nonconforming principal structures within 75 feet of the ordinary high water mark (OHWM).

His caution about new amendments notwithstanding, Blake said the department would not oppose such an amendment because the latest draft of NR115 would allow replacement, though it establishes certain requirements for doing so.

“Replacement is dependent on certain conditions, including the OHWM setback, the footprint of the existing structure, lot size, the structures foundation and compliance with the county's mitigation system,” Blake wrote.

As the draft now stands, replacement of nonconforming principal structures could occur only on legal lots of at least 7,000 square feet; replacement structures would also be required to have the same footprint as the existing structures and could not extend any closer to the OHWM. Mitigation requirements and regulations concerning building foundations are in the draft as well.

If the county proceeded with its proposed language, Blake urged, it should incorporate those minimum standards, including mitigation.

Blake said the agency's approval of the proposed ordinance also hinged on the existence of other reasonable restrictions on nonconforming structures; the county, he wrote, had met that standard by including limits on the expansion of such structures.

Still, he warned, the NR115 draft was fluid and could change.

"Until ch. NR 115 is revised to specifically allow the 'total replacement' of principal structures, I recommend that the county not adopt a replacement provision," Blake wrote. "... If the county does adopt an ordinance that permits total replacement of nonconforming principal structures, please be aware that those structures could again become nonconforming, depending on what provisions are contained in the final revised version of ch, NR 115"

Finally, Blake said the county needed to clarify that a proposed 200 square-foot maximum expansion of open decks and patios located between 40 and 75 feet of the OHWM would be a combined total of all decks and patios located less than 75 feet from the OHWM, including those located less than 40 feet from the mark:

The last draft is far more detailed than the current shoreland rule. At this week's zoning meeting, Jennrich characterized it as "ordinance language"

The Wisconsin County Code Administrators Association has officially opposed the latest version of the rule.



Re: **NR 326 Permanent Pier Rules**

1           WHEREAS, Vilas County has perhaps the highest concentration of riparian land owners in  
2 the State of Wisconsin with over 1300 lakes and hundreds of streams and rivers; and

3           WHEREAS, resident and absentee riparian property owners unquestionably provide the vast  
4 majority of the real estate tax revenue in Vilas and most northern counties; and

5           WHEREAS, in 1999, Vilas County Board, along with the support of the County's riparian  
6 property owners, adopted an entirely new Shoreland Zoning Ordinance with a lakes classification  
7 system to define new standards to create real and meaningful shoreland protection; and

8           WHEREAS, this statewide model ordinance is now being compromised by initiatives created  
9 within the Department of Natural Resources by the writing or re-writing of administrative rules NR-  
10 115 and the Chapter 30 Pier Rules, which will require county ordinance amendments without the  
11 participation of the riparian property owners and their locally elected government; and

12           WHEREAS, Vilas County, with guidance and full support of the Department of Natural  
13 Resources, crafted this lakes classification ordinance creating 150 foot lake lot minimums, which now  
14 exclude Vilas County property owners from certain property improvement provisions under the new  
15 NR-326; and

16           WHEREAS, the DNR has been systemically drafting and/or amending these and other rules  
17 which continually usurp the County's authority granted under Chapter 59 of the Wisconsin State  
18 statutes; and

19           WHEREAS, a public informational meeting was held on December 9, 2004 in St. Germain,  
20 Wisconsin to discuss the proposed NR326 rules, and 92% of those in attendance expressed opposition  
21 to the continuation of the NR-326 permanent rule and any amendment; and

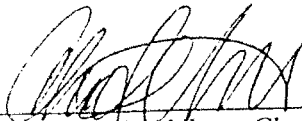
22           WHEREAS, the Vilas County Board has serious concerns of the DNR's ability to administer  
23 these rules with continual budget and field staff cutbacks, potentially shifting future administration and  
24 enforcement upon the counties, similar to the DNR's handling of NR-135.

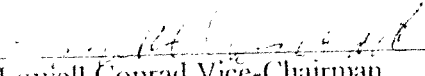
25           **NOW, THEREFORE, BE IT RESOLVED** by the Vilas County Board of Supervisors in  
26 session this 18<sup>th</sup> day of January, 2005 that we join the 92% of those in attendance at the St. Germain  
27 Wisconsin public informational meeting who oppose the continuation of the NR-326 permanent rule  
28 and any amendment thereto.

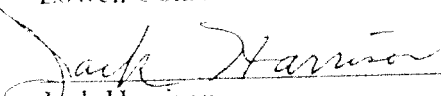
29           **BE IT FURTHER RESOLVED** that a certified copy of this resolution be sent to the  
30 following State officials and agency staff: Governor James Doyle, DNR Secretary Scott Hassett, State  
31 Representative Dan Meyer, Senator Roger Breske, Senate Majority Leader Dale Schultz, Assembly  
32 Majority Leader John Gard, Tom Bashaw North Central District DNR Office Rhinelander, DNR lead  
33 staff member Lisa Lehman and all sitting members of the Natural Resources Board

Respectfully Submitted By:

VILAS COUNTY PLANNING AND ZONING COMMITTEE

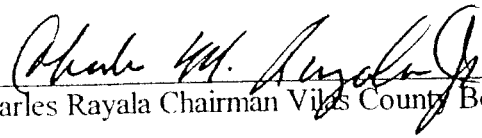
  
\_\_\_\_\_  
Charles W. Ahlborn Chairman

  
\_\_\_\_\_  
Lowell Conrad Vice-Chairman

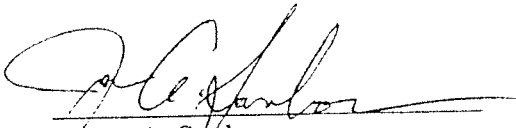
  
\_\_\_\_\_  
Jack Harrison

  
\_\_\_\_\_  
David Alleman

\_\_\_\_\_  
Fred Radke

  
\_\_\_\_\_  
Charles Rayala Chairman Vilas County Board of Supervisors

I, James A. Sanborn, Clerk of Vilas County, Wisconsin, do hereby certify that the attached resolution is a true and correct copy of a resolution which was approved by the Vilas County Board of Supervisors on the 18<sup>th</sup> day of January, 2005.

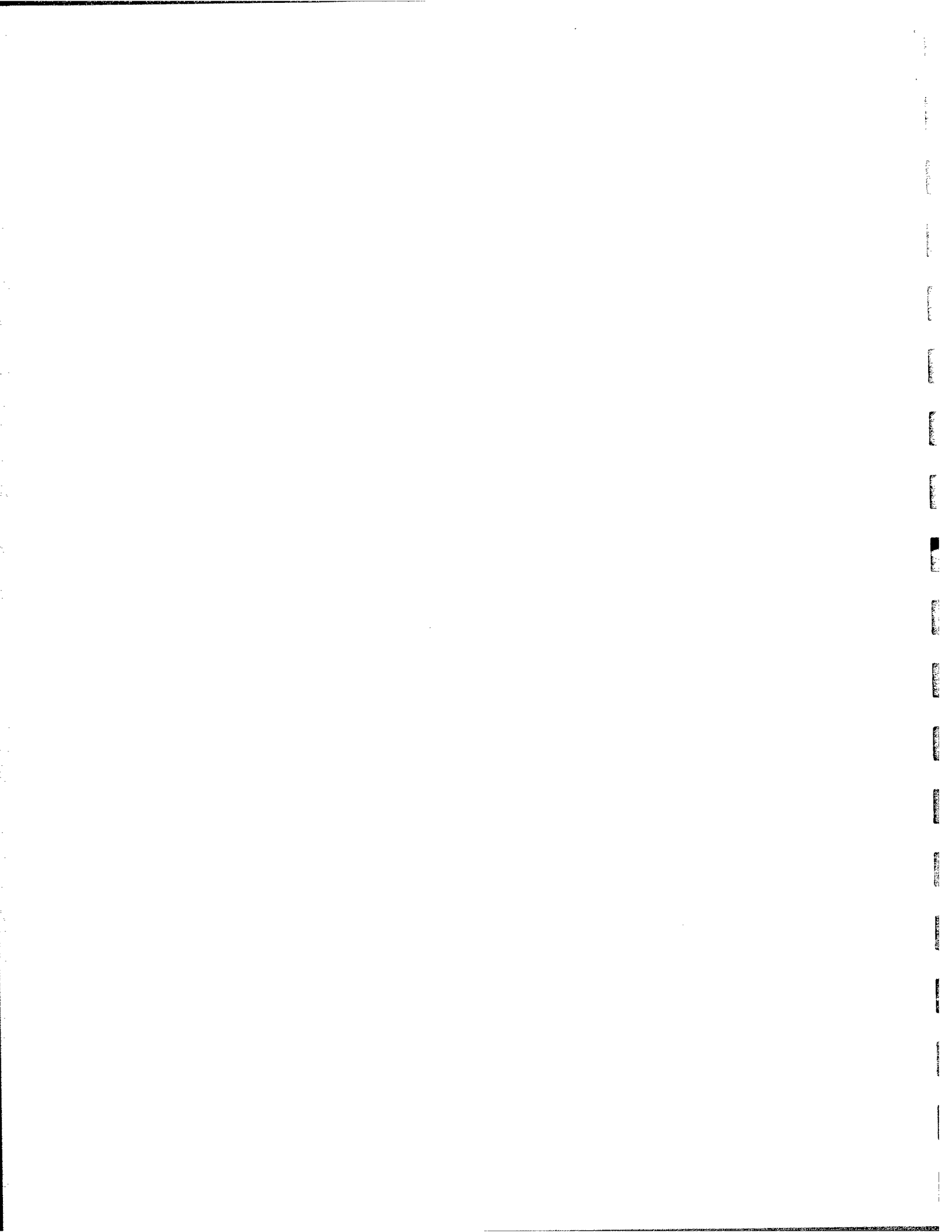
  
\_\_\_\_\_  
James A. Sanborn  
Vilas County Clerk

RESOLUTION NO. 2005-

Re: NR 326 Permanent Pier Rules

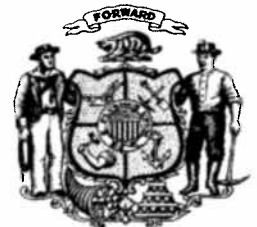
Page 2 - signatures

Jay Verhulst	Jay Verhulst
Linda L. Thorpe	Linda L. Thorpe
Kathleen Ruslow	Kathleen Ruslow
<del>Edward Blumenthal</del> L. RICHARD MOSS	John Kabanick L.R. Ed Moss
<del>Steve</del> Steven H. Deyen	Steve V. Deyen
MAURICE Kadish	Kadish
C. L. Margenau	Margenau
H. B. BAUMAN	H. B. Bauman
Gene Cizek	Gene Cizek
Jack Harrier	Jack Harrier





# WISCONSIN STATE LEGISLATURE





[HOME](#)[PRODUCTS](#)[CLOTHING](#)[TACKLE TIPS](#)[PRO-FILES](#)[SPECIES GUIDE](#)[ABOUT US](#)[DEALER LOCATOR](#)[DEALER LISTINGS](#)

## WHAT'S NEW

(03/14/01)

1 of 110

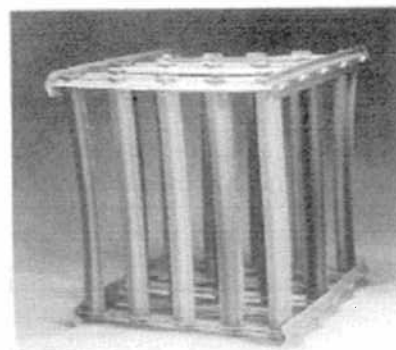
### Berkley® Turning Recycled Line into “Fish Habs”

*Artificial, Underwater Habitat Structures Free With 75 UPC Codes From Berkley Lines*

Spirit Lake, IA. -- What to do with recycled nylon monofilament had become a serious question for Berkley®, the world's leading manufacturer of fishing line and makers of Trilene. In fact, since it began recycling line in 1990, Berkley has collected more than seven million miles of monofilament, enough to wrap around the world over 280 times.

Now that line is going back into the water . . . in the form of Berkley Fish Habs.

The Berkley Fish Hab™ is an artificial, underwater habitat structure made of used and recycled monofilament fishing line and other post-consumer materials like plastic milk jugs and soft drink bottles. Once in the water, the Fish Hab attracts fish and plant growth almost immediately. It's the perfect solution for rejuvenating older reservoirs, ponds and streams devoid of the natural cover essential to the growth and development of a healthy fish population.



The Fish Hab is available to everyone -- clubs, pond owners, anglers, communities or anyone interested in improving the aquatic habitat. The Fish Hab is free with 75 UPC codes from Berkley fishing line packages. Simply cut the UPC codes from line spools and collect them for yourself or local aquatic

rejuvenation projects.

Field research and development of the Fish Hab began in 1993. With the help of fisheries management and recycling professionals, the first prototypes were designed and tested in Spirit Lake, IA. Today, fish are still found near these initial structures.

Berkley has worked with members of the American Fisheries Society and staff from the Bureau of Land Management and U.S. Fish & Wildlife service to determine the optimum color and design of the Fish Hab, which can today be found in lakes across the U.S.

If left in the environment, discarded fishing line can be a potential hazard to wildlife. Berkley has turned it into a real benefit for fish -- and fishing. The used line you drop at your local tackle dealer is recycled and turned into a Fish Hab, a non-degradable structure that is completely safe and stable in the aquatic environment. Since its inception, Berkley's Line Recycling Center has received thousands of pounds of discarded fishing line from environmentally conscious anglers and fishing tackle retailers.

The 4-foot cube-like Fish Hab structure is designed to be assembled in minutes at the placement site. Fish Habs can be attached to each other to make various shapes and accommodate different placement situations. The completed unit is lightweight and easy to anchor under water.

What others say about Berkley's Fish Hab:

*"Reef structures made from recycled fishing line, what a wonderful idea. I will use the Berkley Fish Habs on the Lake Havasu Restoration Project to boost crappie populations."* -- Larry Forbis, Aquatic Systems Advisor, Anglers Unlimited

*"Congratulations to Berkley for inventing Fish Hab, one of the most innovative recycling techniques ever designed. In addition, it creates new fish habitat. The Black Bass Foundation has chosen the Fish Hab as its Restoration project in 1997."* -- Tom Rodgers, President/CEO, Black Bass Foundation

"Lake Rathbun is known as one of the premier crappie fisheries in the Midwest. Habitat protection and development are an important part of our management strategy and we have shifted to a more 'angler-based' practice. The use of the Berkley Fish Habs provides us with an easily-deployable, long-lasting habitat, particularly in portions of the lake where

identifiable structure is lacking.” --Mark Flammang, District Fisheries Management Biologist, Iowa DNR

To order a Fish Hab, simply mail 75 FireLine and/or Trilene UPC codes, or \$75 (includes shipping), to: Berkley Fish Hab, Berkley Environmental Projects, 1900 18th St., Spirit Lake, IA. 51360-1099.

[Back to What's New](#) | [Back to Top](#)

[NEXT](#)

[Home Page](#) | [Products](#) | [Clothing](#) | [Tackle Tips](#) |  
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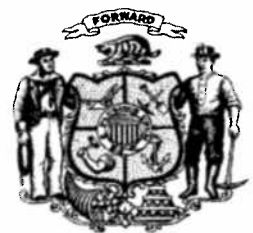
The information presented on this page is primarily intended for residents of the United States of America. The availability of some models, actions and or styles will vary by market, as well as warranty coverage and service procedures. Please contact your local retailer or distributor for more information.

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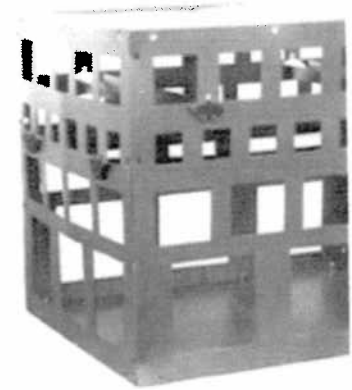
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## Environmental » Fish Habitats » AquaCrib™ Fish Habitat

Encourages fish propagation. The AquaCrib™ is the most functional, convenient and cost-effective means to date for encouraging sport fish propagation. Functions especially well in deep lakes, which often are lacking in protective vegetation. A durable shelter for fish through all life cycles, the AquaCrib™ encourages propagation of most inland-water species of fish. Measures 60"L x 48"W x 48"H (153 cm x 122 cm x 122 cm), weighs 30 lbs. Researched: The AquaCrib™ is the only fish habitat chosen by the Bureau of Fish Management of the Wisconsin Department of Natural Resources after three years of in-depth study. Its innovative design has since been patented (#5,042,424). On-site inspections and underwater photos show that AquaCrib™ attract abundant varieties and sizes of sport fish, with spawning indicated next to the structures. The AquaCrib™ is a convenient, effective and ecologically sound method of fish propagation and an active mechanism to ensure supplies of game fish in shelter-poor waters.



Part No	Name	Shipping Info	Price
AC	AquaCrib™ FishHabitat		\$142.00 3+ \$135.

### Shipping Info

- Restricted
- HazMat
- Factory Direct
- Motor Freight - add'l \$50 for Residential Address
- Oversized 1
- Oversized 2
- Oversized 3
- Chemical

# AquaCrib® Facts



*"Home of the AquaCrib®"*

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## Assembly

## Facts

## Contacts

## Email

## Price List

## Brochure

### Researched

The AquaCrib®, from Great Lakes Products is the only fish habitat chosen by the Bureau of Fish Management of the Wisconsin Department of Natural Resources after three years of in-depth study. Its innovative design has since been patented and registered under # 5,042,424.

### Tested

Hundreds of AquaCribs® have been placed in northern Wisconsin lakes. Installed in the summers of 1990 and 1991, they have since been monitored by fish management scuba divers. Over a dozen Midwestern sports clubs have helped Wisconsin's DNR install AquaCrib®s in lakes with sparse vegetation.

### Proven

On-site inspections and under-water photos show that AquaCrib®s attract abundant varieties and sizes of sport fish, with spawning indicated next to the structures. AquaCrib®'s corrugated surface encourages feeding, and it also supports algae and plant growth while sheltering small marine life.

### Cost Effective/Environmentally Sound

Modern materials and advanced technology keep AquaCrib®s a bargain. Cost-sharing may even be available through government conservation programs. AquaCrib®s are manufactured with post-consumer recyclables to help preserve natural resources.

### Value and Benefits

AquaCrib® -- a convenient, effective, and ecologically-sound method of fish propagation. AquaCrib® -- an active, nurturing biological mechanism to ensure a ready supply of game fish in shelter-poor waters for generations to come.