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☞ **These materials were grouped together.
For January 10, 2006 Green Bay hearing?**

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Senate Select

(Assembly, Senate or Joint)

Committee on ... DNR (SSC-DNRRR)

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**

* Contents organized for archiving by: Mike Barman (LRB) (July/2012)

These items were grouped
together...

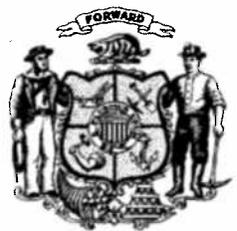
Jan. 10, 2006

heading in Green Bay ?

Part A



WISCONSIN STATE LEGISLATURE



mwmorrow

From: AqResGlclPndFrms@aol.com
Sent: Friday, April 29, 2005 11:42 AM
To: mwmorrow@waupacaonline.net
Subject: Re: (no subject)

Mark, Regarding the Minton Restoration.

To answer your questions as follows: As I stated in the **Description of Site** the 1971 aerial photo (34 years ago) the wetland or pothole wetland was surrounded by a trees with a few large canopy trees being evident. From this photo the large canopy trees were on the west side of the pond. How any filling could take place in this area and have such large trees on it seem to be a mystery to me.

On the other hand, the elevations of the surrounding land from a topo map does not indicate any elevations for drainage to any near by wetland. Soil types inlaid in the soil survey on the same aerial photo show no wetland symbol for this pothole or indicate a soil that would support a wetland - though the area may have been too small to map.

Which brings up the other story. Was this area designated a wetland in the original county wetland inventory? If it was not - then I am not sure there is any jurisdiction. The boundaries of the wetland would be in this case certain types of vegetation. With the steep side slopes this boundary should be easy to indentify - except where the fill was placed. The adjacent slopes and wetland - as I stated in the **Description of Site** - is approximately 1.6 acres: but the wetland itself is probably a half acre or less. Rand

5/2/2005

Views of Others

LAUTENSCHLAGER'S ON THE CASE (The Capital Times, Madison)

Attorney General Peg Lautenschlager has taken the lead in informing Wisconsinites about the threat posed by the U.S. Supreme Court decision to allow local government units to seize property from private landowners in order to clear the way for new corporate developments.

Lautenschlager will hold four statewide informational meetings on the issue this summer in Janesville, Eau Claire, Wausau and Milwaukee, with the goal of providing legal background and allowing citizens to express their concerns or criticisms about the application of the state's eminent domain laws. Lautenschlager plans to use this feedback to request legislation amending Wisconsin's current eminent domain laws.

"Since this ruling, I have talked to many Wisconsinites who have serious concerns about the implications for homeowners," says Lautenschlager. "I share Justice Sandra Day O'Connor's concerns that 'The specter of condemnation hangs over all property. Nothing is to prevent the state from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory.'"

Lautenschlager is in touch with what worries Wisconsinites, and her hearings will provide an important opportunity to respond to a bad ruling by the high court.

Antigo Daily Journal

Marie Berner



Bates SOIL & WATER TESTING SERVICES, LLC.

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August 24, 2005

Mary Minton
E1560 State Highway 54
Waupaca, WI 54981

Re: Wetland Restoration

The purpose of this work plan is to present to you procedures to restore a wetland that was partially filled. The wetland is located on property owned by you located in the NE 1/4 SW 1/4 Section 27, Township of Farmington, Waupaca County. The exact location of the wetland is south of State Highway 54 and west of White Pine Lane. The wetland is not large and the area of influence is small. Nevertheless, this does not discount its need ecologically speaking or its need for restoration.

According to you, this area was once used as a gravel pit. Based on the Soil Survey of Waupaca County, this appears accurate since there are no symbols indicating wetlands, wet spots or hydric soils. It appears the gravel pit was created within the last twenty years, since the Soil Survey (1984) does not illustrate a gravel pit symbol in this location.

Generally speaking, the wetland consists of a pothole with steep banks. The area of impact is small, so it is easy to see how the wetland looked prior to disturbance. Also, since the degree of influence is small, the recommended solutions for restoration are minimal. The goal of the work plan is restore the wetland area back to its original condition.

The recommend steps for restoration are as follows:

1. Remove fill from wetland
2. Re-grade site slopes consistent with slopes adjacent to impacted area
3. Seed slopes
4. Apply a biodegradable fabric to the slopes for erosion control and seed protection.
5. Evaluate progress and plant reestablishment



SOIL & WATER TESTING SERVICES, LLC.

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As the site stabilizes, chances for erosion off the slope into the wetland will diminish. No seeding in the wetland area is recommended due to wetland vegetation already observed emerging and likely unlimited seed base present within the soils. Time and mother nature will dictate if any additional work is required.

Enclosed are photographs of the progress of the project to date. Steps 2 through 4 have been completed. Rye grass was used for Step 3. Step 5 will begin later this fall and continue through the summer of 2006, if required. To complete Step 1, the remaining stones and logs on the wetland side of the silt fence shall be removed to at least the opposite side of the silt fence. The wetland will also be monitored for invasive plant species, if observed, procedures for removal will be provided too you.

If you have any questions or comments or observe something I should be aware of, please do not hesitate to call. I will stop back this fall to evaluate progress and into next spring/summer, if required.

Yours truly,

Bates Soil & Water Testing Services, LLC.

Brian D. Bates, P.S.S.
Licensed Professional Soil Scientist

cc: Scott Koehnke, Wisconsin Department of Natural Resources
Lorraine Stoltzfus, Wisconsin Department of Justice
Bill Sande, US Army Corps of Engineers





STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

PEGGY A. LAUTENSCHLAGER
ATTORNEY GENERAL

Daniel P. Bach
Deputy Attorney General

17 W. Main Street
P.O. Box 7857
Madison, WI 53707-7857
www.doj.state.wi.us

Lorraine C. Stoltzfus
Assistant Attorney General
608/266-9226
FAX 608/266-2250

November 4, 2005

Ms. Mary Rose Minton
E1560 Highway 54
Waupaca, WI 54981

Re: *State of Wisconsin v. Mary Rose Minton*
Waupaca County Case No. 04-V-240

Dear Ms. Minton:

As you know, we are scheduled to participate in mediation on December 2, 2005. However, as we have discussed in the past, we still have the option to settle the case before that time. Also as we have discussed, settlement will need to include payment of forfeitures by you and full restoration of the filled wetland. You have reported that your son-in-law, Glen Steder, has removed the fill from the site and has done some planting on the slopes. You provided a copy of the seed mix that was planted on the slopes. You also provided me with a report from Brian Bates of Bates Soil and Water Testing Services, LLC. The DNR staff and I have reviewed the information you have provided and have reviewed the matter as a whole. If we can settle prior to engaging in mediation, we would be willing to settle on the following terms:

1—Payment of forfeitures and costs in the amount of \$10,000. This figure includes all surcharges and fees. This sum would ordinarily be due within 30 days of the date of the judgment. If you have a problem with being able to pay that soon, we can discuss installment payments spread out over not more than one year.

2—If, however, you will agree to place a deed restriction on the wetland and the area around the wetland to a distance of 50 feet out from the wetland to create a buffer, we will reduce the total payment to \$5,000. The deed restriction must provide that the wetland and buffer zone will remain undisturbed in perpetuity. I can provide copies of similar deed restrictions that have been placed in such situations if you are interested in this avenue.

3—Full restoration of the wetland, including monitoring for and removal of invasive plant species for a period of five years by a qualified consultant, and an annual report by the consultant of these activities. A small amount of fill remains at the toe of the slope in the form of rocks that will need to be removed. We suggest a deadline of August 1, 2006, for the removal of these rocks, which could coincide with the consultant's first inspection for monitoring and removal of invasive species. However, you do not need to do any further seeding of the slope as long as the seeding that was done grows through next summer and does not die, as the seed mix that you planted was acceptable to the DNR.

Ms. Mary Rose Minton
November 4, 2005
Page 2

4—An agreement to pay stipulated penalties of \$10 per day for each day that you fail to comply with any deadline required by the stipulation, increasing to \$25 per day if the noncompliance continues longer than 30 days.

5—If you hired a contractor to do the filling of the wetland that was done in the spring of 2002, we need to know the name of the contractor so that the DNR can treat all contractors fairly.

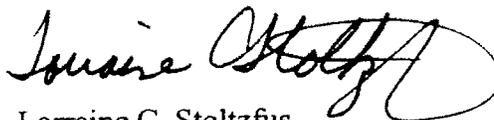
If you are interested in settling the lawsuit on these terms, or if you want to discuss any possible modification of these terms, please contact me as soon as possible so that we may finalize a stipulation well before December 2, 2005. I will not consider the case settled until we have a signed stipulation.

Please note that this offer will no longer be valid after 9 a.m. on Wednesday, November 16, 2005. This is because if we do not settle the case, I will have to put quite a bit of time into writing and filing the state's motion for summary judgment that must be filed by November 27, 2005. If we have not settled the case by November 16, 2005, and we then have to file our summary judgment motion, and have to engage in the mediation that is scheduled for December 2, 2005, this offer is off the table. After November 16, 2005, we will not settle for an amount that is this low.

Please note that if we have to litigate this lawsuit, and assuming that the state's claims are proven, the statutory minimum in forfeitures and surcharges would be well over \$15,000. The Court also has the option to award attorneys fees to the State, which at this point are over \$10,000. We would also intend to compel you to reveal those responsible for the filling and may pursue enforcement actions as appropriate. Accordingly, I request that you seriously consider our settlement offer.

I look forward to hearing from you.

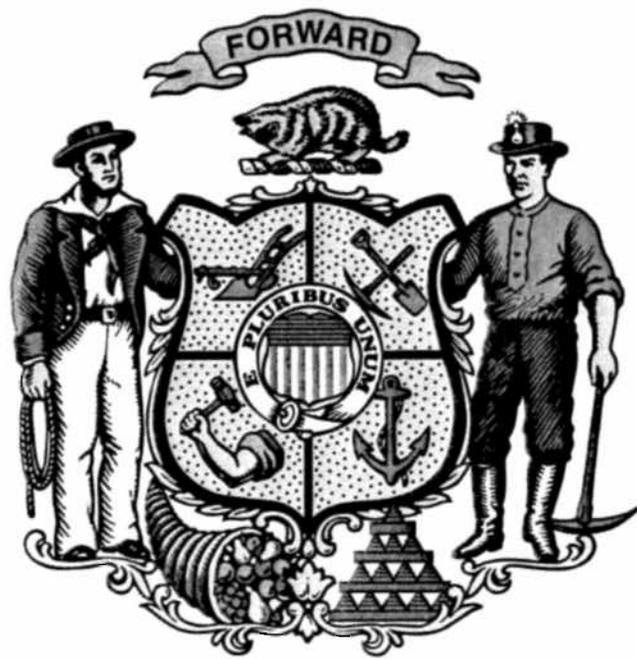
Sincerely,

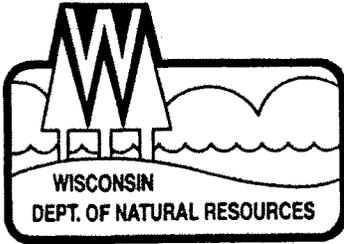


Lorraine C. Stoltzfus
Assistant Attorney General

LCS:msu

c: Karl Roovers
Scott Koehnke
Edwina Kavanaugh





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711

December 15, 2005

Re: H1585

Tom Catlin
Vice President – Long Lake Association
W4511 Shagbark Lane
Waupaca, WI 54981

Dear Mr. Catlin:

Thank you for your recent letter regarding management of the fisheries on Long Lake and your concerns about the rule proposals for spotted musky in the lake.

I understand your concerns and feel that they, as well as concerns or lake objectives others may have, would be best served if we work together to develop a lake specific management plan as soon as possible. Such a planning process will clearly identify priority issues such as short and long term biological assessment, habitat protection and enhancement needs, completion of the spotted musky phase out efforts, fish community and angling goals, and fish stocking needs.

I can assure you that the Department of Natural Resources has been actively managing the fishery of Long Lake (including the phase out of the spotted musky population) over the past year and a half. We are closely following the points and intent from a memo of understanding that was developed following a public meeting conducted by our fisheries staff in Wild Rose in early 2004. We strongly feel that we have lived up to our commitment to conduct additional assessments of the fish community in Long Lake; accelerate the phase out of the spotted musky program on the lake, including removal of musky over the past two sampling seasons; stock suckers to supplement the forage base; and include Long Lake users in our various surveys to improve communication and public involvement.

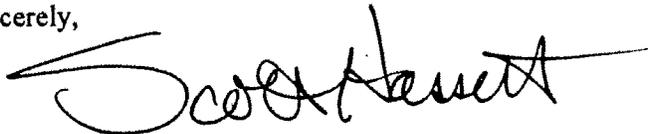
As a Department, our standard procedures and practices allow for public input at various stages of the rule making process. Conversations at a boat landing with specific constituents are not a productive method of conducting business or of getting input from all concerned citizens. We have an agreement that was made in 2004 and are following up on those discussions.

At this point, given where we are in this year's rule making process, we plan on moving forward with our proposal to open the musky fishery using the statewide default minimum size limit of 34." This does not mean that we will not be able to support a different minimum size limit in the future, should the completed lake management plan call for some alternative action. Ron Bruch, Fisheries Supervisor in Oshkosh and Dave Bartz, Waushara County Fisheries Biologist will be leading the planning effort and will be contacting you and the lake association with more details. Ron feels that he and his staff could facilitate such a planning effort following their 2006 spring field work, likely in June. A comprehensive fisheries planning process for Long Lake will provide the in-depth discussion among all interested parties needed to clearly identify priority resource issues and actions necessary to ensure Long Lake provides the best fishery it is capable of providing in both the short and long term.

Again, I appreciate your concerns and am confident that they will be comprehensively addressed as we continue to move forward working together. Our staff is looking forward to initiating the management planning effort and proceeding to the next phase of active management of Long Lake.

If you have any further questions, please contact Dave Bartz at (608) 297-7058 or Ron Bruch at (920)424-3059.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Hassett". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Scott Hassett, Secretary

Cc: Ron Kazmierczak, NER Regional Director
Ron Bruch, NER Oshkosh
Dave Bartz, NER Montello



12/26/05

To: Jim Lee

Thank you for your article which appeared in the Green Bay Press Gazette on Christmas day. As of the writing of this note, to my knowledge, the DNR have not responded to our November letter. Trying to deal with the State of Wisconsin DNR can be very trying to say the least.

I would like to pass on to you a few thoughts and facts.

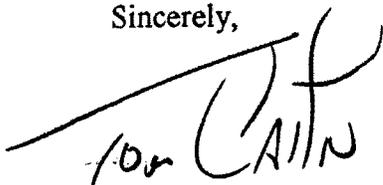
FACT: Yearling [8-14 inch] spotted muskie have been caught repeatedly on Long Lake by very fish knowledgeable citizens. Being that there is no legal way to possess or remove these fish without the potential of being arrested these fish were all put back into the lake. The fact that the DNR has not identified a naturally reproduced muskie in Long Lake does not prove or disprove anything. They have yet to identify a naturally reproduced muskie from the hundreds of thousands of yearling muskie planted in the Bay of Green Bay area over the years this program has been in existence, but if this means there are not any, then the basis for this whole program is a total failure. I am sure the DNR would never admit to this.....they would stand to lose too much Fox River restoration money they need for their Wild Rose hatchery rebuild. On the subject of netting and shocking operations, a 40 plus inch spotted muskie was captured during the November shocking and it was determined that this fish had not been identified since it was stocked in the 1990s [the DNR seemed quite surprised by this revelation]. So much for their position that since no naturally reproduced fish were ever captured that they do not exist. This past summer a resident of the lake's grandson netted some large fingerlings from next to their pier which we took to the Wild Rose hatchery facility. The hatchery confirmed the fingerlings to be spotted muskie. Obviously the muskie are adapting and have pulled off more than one successful hatch. I sincerely like Ron Bruch, but you can see why I have a problem with his "zero", "its premature", and "one more year is not going to cause an explosion of muskie in that lake". I believe he is simply supporting Madison's agenda.

THOUGHTS: If there is a zero chance these fish will reproduce in Long Lake then why should they care about any size limit? What is there to protect since there are not any muskie in Long Lake under 40 inches [most are in the 50 inch and over range]? Secondly, all of the stocked muskie will [if not caught] die of old age. The size limit could just as well be the same as the present 32 inch limit for northern pike....after all they have stated unequivocally that there are not muskie following these stocked fish through the growth chain. The only reason we agreed to their dictated size limit of 26 inch for northern pike is that we know without a doubt that the muskie are reproducing. Without this knowledge we would not have a problem with a 34 inch size limit for the muskie, but would be arguing to retain the 32 inch size limit for northern pike which we were granted by the DNR when we supported their request to be the host lake for their muskie program.

Lastly, you know as well as we do that their position to let the 34" and 26" size limits become law and to look at it again down the road if they deem necessary will never happen.

Once you elect to jump into bed with the DNR hang on, it will be a one way ride for better or for worse, and in our case it has not been good.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Catlin". The signature is stylized with a long horizontal line extending to the left and a large, looped "C" for the first letter of the last name.

Tom Catlin
715/258-5841
tcatlin@execpc.com



December 27, 2005

P. Scott Hassett, Secretary
Wisconsin Department of Natural Resources
101 South Webster Street
P.O. Box 7921
Madison, Wi. 53707-7921

Dear Mr. Hassett:

I appreciate your responding to our Nov. 23rd letter; however, with all due respect I am compelled to take some exceptions to some of its content.

Paragraph II: How can you honestly say you are working to improve communication and public involvement? Case in point is the discussion I had on behalf of the LLA in November of 2004 regarding the DNR's position regarding size limits for northern and muskie for Long Lake. While we both disagreed with each other's positions regarding this subject we did agree to discuss the subject again before any submittals or recommendations were submitted to Madison. We only learned this fall during a phone conversation initiated by the writer on another subject that your local fish manager(s) arbitrarily and unilaterally chose to go forward with their position without prior communication with us. I would hope we qualify as "the public".

Paragraph III: I am not clear here if you are referring to the Nov. 2004 or the Nov. 2005 discussions with Messrs. Bartz and Bruch, but the 2005 discussions were at a meeting held at Mr. Bruch's suggestion at an off lake site suggested by myself and was attended by a number of DNR employees as well as a number of interested citizens. I respectfully disagree that this was "not a productive method of conducting business". You have very obviously elected not to ask for or accept input from those citizens most directly affected by your [the DNR's] decision [the property owners and tax payers of Long Lake].

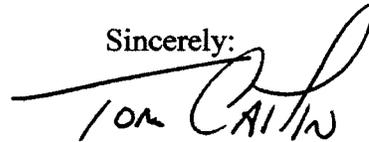
Paragraph III-IV: An "agreement" is defined as "the act or state of agreeing", "a document delineating such an arrangement". I do not recall ever being asked to sign off either in writing or verbally on any "agreement". All I have ever seen is an outline of a DNR program issued after the hearings held in Wild Rose which laid out a four year program effectively stopping the planting of any additional muskie in Long Lake, the plan to remove whatever muskie could be captured via spring fyke netting, and the stocking of adult white suckers to replace said species whose population declined dramatically during the adult muskie years. I might add here the program conspicuously ignored the dramatic decline of the cisco population during this same period. To go back to the subject of size limits there were no size limits mentioned. Attached is a copy of private e-mail that I recently sent to Jim Lee which I believe outlines the absurdity of using "the statewide default minimum size limit" as a viable rationalization.

In my personal opinion you and your people are well aware of the situation on Long Lake and are attempting to create a long term muskie population on Long Lake that goes beyond the life expectancy of the fish your department planted. You have clearly broken your department's 1989 AGREEMENT with the citizen property owners of Long Lake when we accepted your 10 year program together with the assurances that these fish would never reproduce [to paraphrase your Mr. Bruch's recent statement as appeared in Jim Lee's December 25, 2005 article "we put those muskies in that lake because the odds of reproduction were zero".

Please note there is an error in my e-mail to Jim Lee of 12/25/05.....under "FACT: line 6 the correction should read ".....from the hundred thousand plus yearling muskie planted...."

When the DNR gets their act together next spring I for one would be interested in listening, but to be perfectly honest I have been very clearly taught time and time again by the DNR not to trust them, and that partnering and/or actively participating with them in decision making regarding our fishery is a figment of the imagination. I cannot imagine what my grandfather, Mark Catlin Sr. or B.O. Webster (both past officials of what now is the DNR) would think of this mess. I grew up both fishing and planting fish on this lake with these gentlemen. If you want to look at an organization to partner with look no farther than the We Really Kare Fishing Club located out of Wild Rose. These people actually put their money where their mouth is and plant real fish. The name of their club speaks volumes.

Sincerely:

A handwritten signature in black ink that reads "Tom Catlin". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Tom Catlin
W4511 Shagbark Ln.
Waupaca, WI 54981

Cc:

Senator Luther Olsen
Madison

Senator Alan Lasee
Madison

Walter Peterson
Chairman-Town of Saxeville
Waupaca

Ron Kazmierczak
DNR-Green Bay

Ron Bruch
DNR-Oshkosh

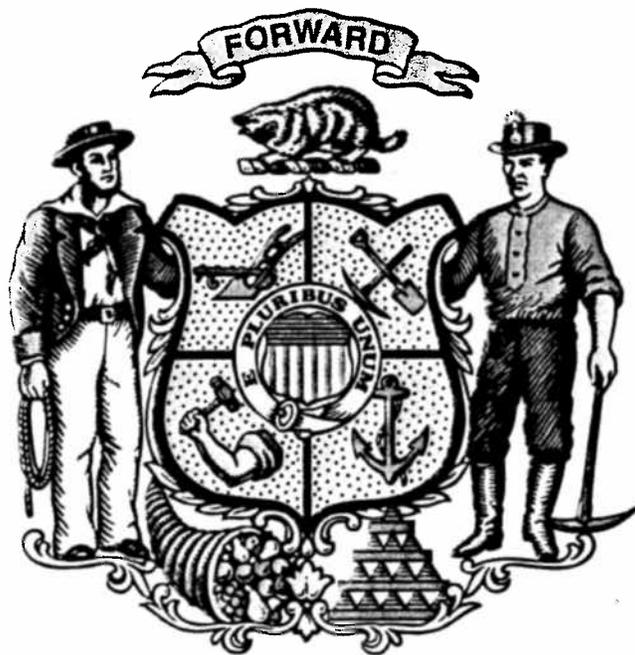
Dave Bartz
DNR-Montello

Steve Fajfer
DNR-Wild Rose

Jim Lee
Wausau Daily Herald

Tex Keenlance
We Really Kare Fishing Club

Gary Wisbrocker
President-LLA
Waupaca



Mary Minton
E1560 Hwy 54 W
Waupaca, Wisconsin 54981
(715) 258-2771

January 6, 2006

Dear Alan Lasee,

I'm writing to you in regarding the gravel pit located on my property that the DNR calls a wetland and are trying to fine me for something that never happened. The DNR are saying that I illegally filled this old gravel pit; there was some old stumps, and dirt in about 3 feet, which we did remove. As per the DNR requests. The rest of the gravel pit remains as it always remains. It is not listed as a wetland on any legal deed we could find. In the court house or at the U. S. Dept of Agricultural Office. This land is zoned agricultural.

My son in law Glenn Steder removed the stumps with his D-8 Caterpillar. Then the DNR wanted a two to one slope and to place erosion mat down and seeded down with the finest grass seed available. And put up a plastic barrier at the top and bottom of the gravel pit, so nothing could get into this gravel pit. Which we did and no more erosion could take place. At this time even with all the fall rain there has not been any water running into the gravel pit with the erosion control that we have placed. The black dirt was originally piled up there when my late husband sold dirt to the DOT and they scraped the top soil up there for the highway. And the stumps were placed in that corner of my land when the tornado of 6/11/ 2001 came through and took down all the trees in my yard.

As a senior citizen I feel that I am being harassed and discriminated against I feel that because:

1. I do not own the whole gravel pit some of it belongs to the DOT and was purchased in 1995 when the DOT purchased enough land for a four lane highway. We lost 10- acres of land at that time I as not notified in person by the DNR. I found out at a family reunion when my relatives said they seen it in the Wisconsin State Farmer newspaper that I was being fined for filling in a wetland. The newspaper was dated June 6, 2004.
2. The soil in this gravel pit is ROSHOLT SANDY LOAM meaning that it will not hold water. I have pictures of before and after any work was started and completed of all DNR requests.
3. On August 8, 2005 Glenn Steder and I and Lorraine Stolfus had a three way telephone conversation and we told her the work she requested was finished.
4. On August 11, 2005 she still was not satisfied and she recommends that a licensed professional soil scientists Brian Bates to come out and look at this gravel pit. Enclosed you will find his letter and results. Dated August 24, 2005.
5. I received another letter from Ms. Stolfus. Glenn Steder and I again had a 3 way telephone conversation to tell her the work was done. And remind her nicely it was completed on August 8. 2005. Enclosed you will find the letter from her dated September 21,2005
6. At no time would Lorraine Stolfus acknowledge there was no wrong doing here or settle without a mediator which I didn't think was needed because the work was done as she requested.
7. On Sept 22, 2005 I received a letter from Judge Huber office. If we were able to agree on a mediator in this matter. I then called his secretary and informed her to let Judge Huber know the work was completed and that Ms. Stolfus knew it was done on August 8, 2005. Judge Huber secretary informed us that we had to wait for Ms Stolfus reply.
8. On October 15, 2005 I sent Ms Stolfus another a letter and photos stating the work was done on August 8, 2005.

Thank you for your time in this mater. If you have any questions please feel free to call.

Mary Minton



McCarthy

From: "McCarthy" <kmcc@netnet.net>
To: <The Senate Select Committee on DNR Regulatory Reform>
Sent: Monday, January 09, 2006 6:13 PM
Subject: DNR Regulatory Authority

To The Members of the Senate Select Committee on Regulatory Reform:

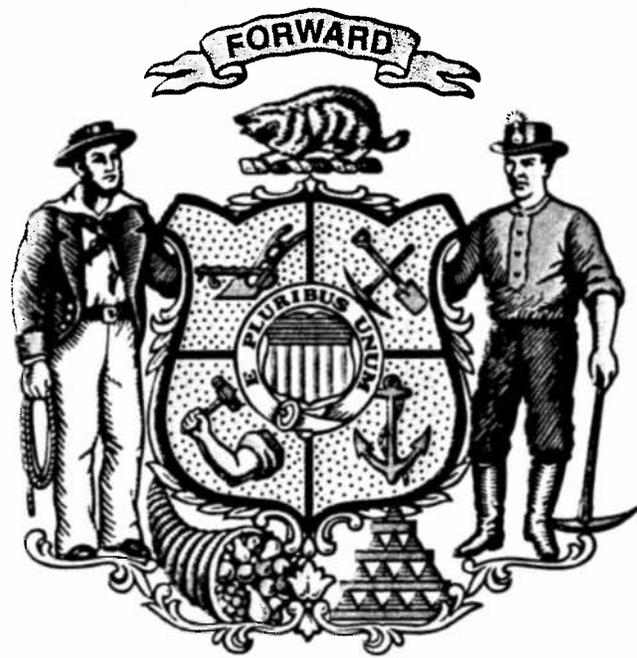
I am opposed to any attempt to remove regulatory authority from the DNR. I feel that protection of natural resources requires non partisan, independent, science based formulation and application of regulations. The DNR is the one and only agency in the state with the scientific expertise to formulate necessary regulations.

If regulatory authority would be removed from the DNR the question arises as to whom would become responsible for that authority. I don't think there are any reasonable alternatives. Putting regulatory authority in the hands of the legislature is not a good idea. Instead of science based, impartial regulation we would run the risk of regulations being formulated by and for special interest groups.

Although the DNR is not appreciated by some in Wisconsin they remain the best and most appropriate agency in the state for formulating the regulations we need to continue protecting our resources.

Thank you for considering my comments.

Kim McCarthy
736 Meadowbrook Ct.
Green Bay, WI 54313





"Dedicated to the Conservation of
Wisconsin's Waterfowl and Wetland Resources"

WISCONSIN WATERFOWL ASSOCIATION, INC.
614 W. Capitol Drive
Hartland, WI 53029
(262) 369-6309
(262) 369-7813 (Fax)
www.wisducks.org

1-9-2006

The Select Committee on DNR Regulatory Reform

Dear Committee Members,

Concern about land use regulation is not a new issue. The available land base in Wisconsin is shrinking, and they aren't making any more. As this occurs, enforcement of any regulations that impact how we can use the remaining land become more and more contentious. The agency responsible for that enforcement and the individual delivering the message often become the target of a great deal of animosity. First we buy the land, then pay taxes year after year. It is a bitter pill for us to swallow when some stranger walks onto our property and tells us what we can or cannot do.

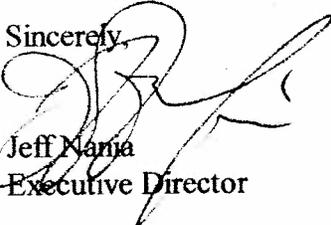
Regulations are passed based on the will of the people. We pass laws and regulations to protect those things we value. The citizens of Wisconsin have reaffirmed time after time that we place an extremely high value on the natural resources of our state. We never want these things to change, but change they will.

To protect these resources and accommodate that change we have a set of rules and laws that govern how land can be used in a manner that protects the integrity of the resource. The key to any successful regulatory program is accountability, consistency, common sense and discretion. When any one of these things is missing the program will falter.

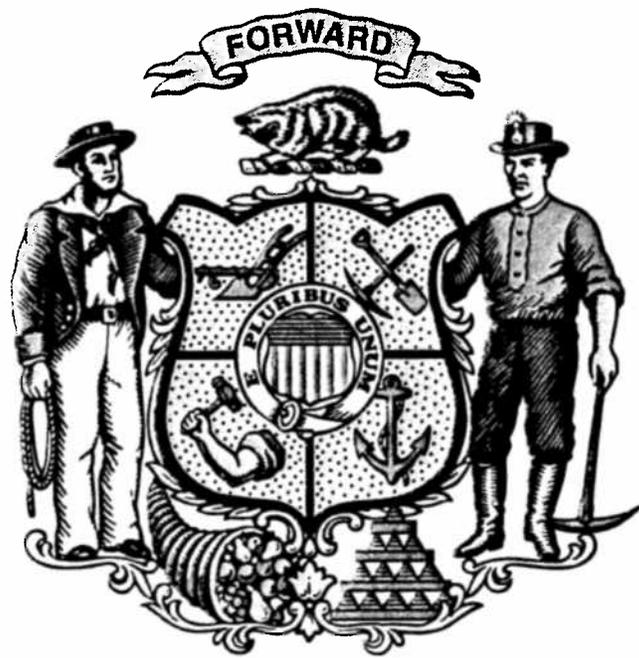
It is my suggestion that the committee consider forming a working group of people *familiar* with existing regulatory programs and their implementation. This group should include department personnel, elected officials and people involved in regulatory issues in practice. It will be the charge of this group to work *quickly* to examine regulatory concerns and determine which are isolated incidents and which are consistent problems.

It is my sincere hope that the Committee will use this opportunity to make lasting positive changes, while protecting our natural resources.

Sincerely,

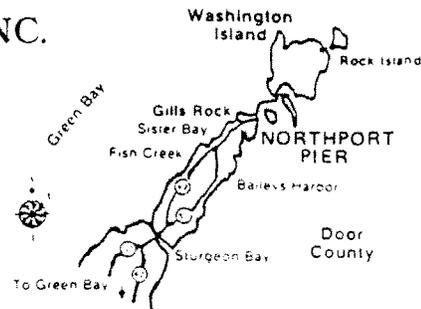
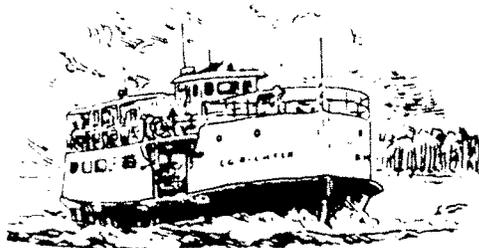


Jeff Nania
Executive Director



WASHINGTON ISLAND FERRY LINE, INC.

DETROIT HARBOR
WASHINGTON ISLAND, WISCONSIN 54246
920-847-2546
1-800-223-2094 (Wis. only)
FAX 920-847-2807



January 9, 2006

Wisconsin Senate Committee
Public Hearing on Department of Natural Resources
Held at the Green Bay Public Library

Subj: **Commercial pier definition and public benefit in commercial pier permit applications**

To Whom It May Concern:

My name is Richard Purinton, and I am President of the Washington Island Ferry Line, Inc., a ferry transportation company that operates five auto / passenger ferries from the end of State Hwy. 42 at Northport, tip of the Door Peninsula, to Washington Island.

I am here to stress the need to include a definition of Commercial Pier in the statutes and in the DNR Pier Rules, and to add the Recognition of Public Benefit in the review of commercial pier permits.

Our position as a private company providing public transportation service in applying for a groin permit was argued against by DNR representatives as being a "project primarily to save money for a private company". And despite the fact we safeguarded commercial navigational use (the original use cited by the Public Trust Doctrine), the ALJ attending our hearing ruled in DNR's favor.

However, we appealed to the Door County Circuit Court, where the Circuit Court Judge stated: "The importance of a commercial ferry pier, a commercial ferry harbor, cannot be overstated, and must be considered in public interest balancing. Those (persons) using the ferry service are often exercising their recreational use of Lake Michigan, a right they would not have without safe harbor, safe pier, safe navigation. This, too, is a public benefit."

As I have noted in letters to you, or to some of your colleagues, my recommendation for additional language would be as follows:

The definition **Commercial pier: a pier, either privately or publicly owned, for safe navigation and transfer of people, vehicles and cargo.**

And the additional statutory language which would require the consideration of public benefit in a commercial pier permit application, in addition to the other considerations of water flow, water quality, etc., already listed in the statutes.

Our ferry company's profile

Our Ferry Line serves the 700-person year around island community, as well as many summer visitors. We also serve a larger business community which enlists our services to carry such commodities as: United Parcel packages; U.S. Mail; food products; hardware; lumber; bulk cement; fuel, gasoline and LP; logs; fish; modular homes and just about any product or type of vehicle you can think of.

Piers – the protection and the safe harbor and the platform they provide for our ferries and our customers is a key essential to our business as you can imagine. We actually have four major piers now from which we can land ferries if weather or other conditions should make it necessary: Northport; Gills Rock; the Island Ferry Dock; and a long but well protected pier on the southwestern tip of Washington Island known as the Potato Dock.

We carry approximately 215,000 passengers and 77,000 cars, trucks and trailers each year, over 6800 bicycles, over 1700 motorcycles, and over 5300 tons of cargo goods (plus thousands of gallons of petroleum or natural gas products).

We do this as a Common Carrier, under certificate to the State of Wisconsin, but as a privately owned business, now in our 66th year of operation.

As you can imagine, docks, piers, breakwalls and structures – and the occasional need to remodel or expand or build new structures – is of utmost importance to our company's profitability.....but likewise they are important to our customers, as their existence translates into better ferry service, greater safety, and the ability to serve our customers - citizens of this state as well as visitors to this state – better.

I was not happy at first to hear about pier rules changes - the DNR's Emergency Pier Rules. But a part of that was my misunderstanding of what was proposed, as well as the public message that this was for small boat piers on the inland lakes. However, I came to believe the debate over DNR's pier rules, and the subsequent Assembly Bill 580 would be an opportunity, I felt, to introduce language currently lacking in the statutes regarding the definition of commercial pier the application for a solid structure permit.

I added up the pier permit and dredging applications we successfully obtained in recent years – 16 of them going back to 1995. And prior to 1995, there were other permits. Some of our Permit Applications (four that I can think of) have placed us in public

hearings before an Administrative Law Judge. In two of those situations we were opposed by private citizens; in the other two instances we were opposed by the Department of Natural Resources. In each case, I believe if **Public Benefit** had been a statutory consideration for granting a permit, our ability to make our case would have been considerably more straight forward, and would have saved our company and the State of Wisconsin many dollars and hours spent arguing the matter.

I ask, therefore, that your committee acknowledge public benefit, and the terms commercial pier, and insist such language is added to the DNR pier rules....and to the Senate's version of AB-850 when that is up for consideration.

There are other commercial ferry operators in the state (Lake Express; Lake Michigan Carferry; Cassville Ferry; Merimac Ferry; Madeline Island Ferry; Rock Island Ferry; and Voight Marine) in addition to numerous commercial ports with piers used to transport cargoes – that might find this improvement useful to future permit applications.

Sincerely,



Richard Purinton

Washington Island Ferry Line, Inc.

WASHINGTON ISLAND FERRY LINE, INC.

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- COPY -



December 12, 2005

Wisconsin Senate Natural Resources
And Transportation Committee

Subject: *Commercial piers and Public Benefit*

Dear

I am writing concerning the recently revised DNR Pier Rules.

I have not found any language which speaks to the type of commercial pier used by ferries in the DNR Rules, and therefore I am asking such language be inserted while the rules are being further reviewed and revised. (There is reference to commercial marinas, but not commercial ferry piers, which are often extensions of state or county highways, or have the same public benefit as highways.) I can name eight commercial ferry operations in our state which might be affected positively by such a change.

I would also ask there be another public hearing after these rules have been further revised.

My request is as follows:

Add to section on definitions:

Commercial ferry pier: A pier, either private or publicly owned, for safe navigation and transfer of people, vehicles or cargo.

And further in the body of the rules.....

- * It is essential to add language which requires the consideration of **public benefit** for a commercial ferry pier, in addition to considerations of location, water flow, littoral drift, etc. already listed for permitted piers.
- * That **solid structures** are permitted for commercial ferry pier construction
- * That **permitted, solid structure, commercial piers** may be repaired without a permit as long as the size of the pier is not changed

Please add these items to the Pier Rules as they are being deliberated, thank you.

Sincerely,

Richard Purinton, President



1/10/06, Tuesday

DNR Testimony, Select Committee

My name is Jessica Garrels; I live at 219 13th Avenue, Green Bay.

When I heard about these hearings, I thought I should come and testify because I believe in the necessity of protecting our natural resources from both an ecological perspective and a recreational perspective; the protection of those resources is the chief purpose of the Department of Natural Resources. Personally, I like to spend time outdoors, swimming and camping and hiking and biking, and I appreciate the opportunity to do that.

However, I personally have not had much interaction with the DNR. My dad, however, grew up and still lives in Wood County on about 100 acres and, along with his dad and cousins, has been a hunter and a fisherman his entire life. We're the kind of family that, on Thanksgiving Day, the person carving the turkey is wearing blaze orange. So last night, I gave him a call to see what he had to say. I was a little nervous because we don't always agree on issues or vote the same way; nevertheless, I really respect his opinion.

I first asked him if he ever had many interactions with the DNR, and he told me he knew some of the wardens. Then I asked him if he thought the DNR was important or served a purpose, and he kind of blew me away with the energy behind his response. He said, "Yeah they serve a purpose. They're the ones that do the air and water testing; they make sure we have clean water and air. If you didn't have the DNR, who would enforce the hunting and fishing regulations? If you didn't have the DNR, people would just be out there all the time, taking as much as they want, and then there'd be nothing left."

We talked for about 5 more minutes, and he basically reiterated the same things. He had heard about a massive fish kill recently, and asked who would deal with that if there was no DNR for enforcement. He was very adamant that the DNR was the sole entity charged with protecting natural resources in Wisconsin.

Thank you for letting me speak. From my perspective of enjoying outdoor recreation, and from my father's perspective as an outdoorsman, I would like to say that we appreciate the important work that the DNR is charged with, and we think this committee should support them in their efforts to protect Wisconsin's natural resources.



01-10-2006

TESTIMONY FOR SENATE SELECT COMMITTEE ON DNR REGULATIONS REFORM HEARING

Chairman Senator Lasee, Senators Zien, Stepp, Jauch and Miller:

Thank you for the opportunity to present my views in regard to DNR regulations. Thank you, too, Senator Lasee for sending me the clipping from the WISCONSIN STATE JOURNAL reports on the "Clean Sweep" of the Capitol. Yes, I knew it was dangerous to wave a ten-dollar bill around all the "money grabbers" in the Capitol building.

The only legislators I saw ere Frank Boyle and Spencer Black. My perception was that some legislators were AWOL because we came to clean the building of corruption. (I had a large barn broom).

Long-time and highly regarded DNR board member, Herb Behnke, who recently retired, hit the target when he said that our natural resources problems were exacerbated by legislative interference. This gives you a clue as my testimony's thrust!

I have been associated with DNR (originally the Conservation Department) since age 12 when I was selected as a 4-H member to assist in hosting the Conservation Department's booth at the Wisconsin State Fair. Since then I served on the Conservation Congress, Governor Nelson's Wisconsin Conservation Council, many other organizations related to the DNR and have had many friends who were DNR staff members.

Sadly, I know more about the goings on in the Capitol building than I want to know.

On a scale of 1-10 (ten is the highest) I rate the DNR'S performance at a 9; I rate the Legislature's performance at a minus one.

This is my rationale for the minus one rating:

1. Instead of a select committee touring the state looking for justification of your DNR vendetta, you should be asking how the legislature could improve.
2. Two polls revealed that 94% of the people contacted do not think they are being represented by their legislative representatives. In addition 88 % said their primary government concern was corruption.

3. The open meetings law is openly and secretly violated.
4. Major issues are not being addressed:
 - a. Campaign finance
 - b. Merging of the Ethics committee and the Elections board into an agency with "teeth"
 - c. Health care
 - d. Legislative redistricting
 - e. 50% unemployment of Afro-American males in Milwaukee
 - f.: Restoring the DNR secretary's post as a DNR Board appointment and restoring the public intervener positions
5. Bills like Act 118, The Job Creations Act (The name is a deceptive misnomer) were fast-tracked with little public input. This act has damaged environmental protection in 28 ways.

If you do not recall how much you received to support this bill:

Senator Lasee-----\$36,000
Senator Stepp-----\$167,000
Senator Zien-----\$157,000
Senator Tauch-----\$18,000
Senator Miller-----\$4,000

Governor Doyle received \$1,666,000. The total contribution from bill proponents was \$8,668,000.

Attached is a document from the internet posted on 1-1-2004 listing the contributions to all legislators and the Governor

6. Without public knowledge, enabling legislation for the formation of the American Transmission Corporation was passed.
At present they are crossing and damaging 499 streams and wetlands with a major transmission line and they also have proposed transmission lines to cross the two Aldo Leopold reserves
7. The Public Trust Doctrine of the Wisconsin Constitution, which mandates that the governor and legislature shall protect and preserve our natural resources is ignored and violated

Thanks again for this opportunity---if you have questions I will be pleased to respond.

Submitted by
Carl Scholz
3955 Glidden Drive
Sturgeon Bay, WI 54235

Phone: (920) 743-3637
E-mail scholz@doorpi.net

January 10, 2006

Attachments: Large Individual and Political Action Committee Contributions

Resolution---Job Creations Act

Resolution---Carl Scholz Speaks Out

7

Resolution Job Creation Act of 2003

WHEREAS, Governor Doyle and the Wisconsin Legislature enacted Wisconsin Act 118 (referred to as Job Creation Act) into law .

WHEREAS, twenty-two provisions of this act eliminate or reduce protection for our environment.

WHEREAS, twenty-eight conservation environmental organizations, by letter, requested that the Department of Natural Resources Board adopt emergency rules to protect our lakes and streams from degradation due to relaxing and eliminating the regulatory standards of Chapter 30 of the Wisconsin Statutes.

WHEREAS, an article in the February 2004 issue of *Wisconsin Natural Resources* magazine, written by David L. Sperling, editor, touted the potential benefits of the Job Creation Act but did not report the numerous deleterious impacts upon Wisconsin's environment.

WHEREAS, provisions of this act, violate the Wisconsin Constitution's Public Trust Doctrine that obligates the governor and legislators to preserve and protect our natural resources.

WHEREAS, Governor Doyle and leaders of the legislature received a request from George Meyer, Executive Director, The Wisconsin Wildlife Federation, et al, to amend the Job Creation Act by eliminating its harmful environmental aspects, prior to passage.

BE IT RESOLVED THEREFORE, that we request Governor Doyle, Legislators and David L. Sperling, Editor, *Wisconsin Natural Resources* prepare a statement of justification and rationale for their actions and activities regarding the potential harmful effects to our natural resources resulting from Wisconsin Act 118 and report such information in Wisconsin media including *Wisconsin Natural Resources*.

BE IT ALSO RESOLVED, that the Governor and all Legislators be invited to a Public Trust Doctrine seminar sponsored by conservation-environmental organizations.

Resolution prepared by
Carl Scholz, member of Conservation Congress
3955 Glidden Drive
Sturgeon Bay, WI 54235
Tel: (920) 743-3637
Dated: March 31, 2004

County vote Yes No

TESTIMONY---NR 115

Presented by Carl Scholz
3955 Glidden Drive
Sturgeon Bay, WI 54235

July 14, 2005

Yesterday at Gaylord Nelson's memorial service, former U.S. vice-president and senate colleague of Gaylord, Walter Mondale, said "Gaylord Nelson has done more to protect wildlife and natural beauty and prevent corruption of our air and water than any other person in history".

Yes, Gaylord, John Muir, Aldo Leopold and Door County's Emma Toft (Wisconsin first lady of conservation) have left us with a priceless legacy of environmental stewardship.

It behooves us today to recognize and appreciate this legacy

In 1958, Governor Nelson created a Wisconsin Resource Conservation Council charged with the task of identifying environmental problems in Wisconsin and recommend remedial measures. Among environmental abuses identified were taconite tailings being dumped into Lake Superior, the Fox River of course and the deterioration of our shorelines.

This is the focus today, almost fifty years after the shorelines were recognized as being in ecological trouble. At that time, the WRCC recommended several actions. Among, them logically, legislation and education. One of the educational efforts was to produce a film, "What is Happening to Our Shorelines". The University of Wisconsin College of Agriculture under the direction of its A-V chief, Fritz Albert did make a very informative film which was widely used.

Here we are today, in 2005, considering regulations that will protect a vital component of the integrity of a lake.

The February, 2005 "Wisconsin Natural Resources" magazine (a great publication) reported on a study of 13 Wisconsin lakes that included 5400 acre, Lake Geneva. This is a replication of a study that was done on these waters 30 years ago. Their findings were alarming. One quote from their report: "Shrinking populations of tiny two to three inch fish warn how shoreline development likely damages the habitat that aquatic life depends on".

There have been dozens of comparable studies in the United States---they all have found a significant decline in the life of the shoreline and littoral zone.

The proceedings of the University of Wisconsin National Academy of Sciences in a June 13, 2005 report headlined, "Phosphorus more harmful than thought".

As I drove down Glidden Drive in Door County on July 10, 2005, the stench from decomposing cladophora was unbearable. How do you think this affects property values?

(over)

Incidentally, the phosphorus in the Door County water did not come from Milwaukee.

Steve Hagler WDNR Fisheries staff member prepared a very comprehensive abstract on a fish assessment that was done on Kangaroo Lake in 2004. In his opening paragraph, I was shocked to read, "Kangaroo Lake has a Trophic State Index rating of eutrophic. In about fifty years, this lake has gone from oligotrophic to eutrophic. The phosphorus in this lake did not come from Peil Creek or the watershed. One of Mr. Hagler's recommendations: "Encourage shoreline residents to reestablish natural shorelines". (There are already signs of undesirable algae growth).

A \$20,000, study of Kangaroo Lake was done by a private firm, NES. One of their recommendations: Restore the natural shoreline—it is critical to the life of the lake".

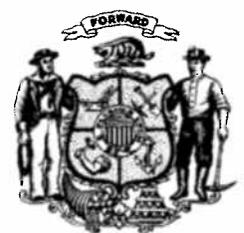
It is obvious that everyone owning shoreline property has an obligation to preserve the lake-----the lake belongs to everyone!

I cite these Door County examples but these situations would apply to many of Wisconsin's 15,000 lakes.

Emma Toft left a great conservation legacy—one of often repeated statements in regard to problems in our environment was: "It is all about greed".



WISCONSIN STATE LEGISLATURE



Date; January 10, 2006

Statement: To: Wisconsin State Legislators
Special Committee on Natural Resources
From: George Howlett, Jr.
Forest Scientist/ Environmental Scientist
"The Landlooker"
422 Keune St.
Seymour, WI 54165
Re: Statement on problems with DNR Forestry

Dear Members of this Legislative Committee on Natural Resources

I speak as a doctoral level trained Forest Scientist and Environmental Scientist with certification as Ecologist (forest ecology, wetland ecology, aquatic ecology) by the Ecological Society of America. I stress the term "Scientist" as I am highly trained in the hard sciences of forestry and environmental subjects. I note that I am NOT an "environmental activist". I have been both forestry and environmental research scientist and teacher and professor of forestry and conservation going back to 1962 as a graduate forest research intern with the US Forest Service.

I have noted a number of problems in dealing with the WDNR Bureau of Forestry, of which I have provided some critical comments to the Green Bay DNR District Office, while working in my private business as "The Landlooker" consulting as forest scientist/forest ecologist to local landowners for forest management operations and in the area of forest diseases and forest insect problem. I am currently listed in the DNR Consulting Foresters Directory. I serve both landowners enrolled in the Managed Forest Law Program and other forest owners not so enrolled.

Problems:

1. Poorly written forest management plans

a. One size fits all management not in accord with what is on the land

1. Aspen management only by clearcutting on sites of mixed communities.

Younger foresters only know one way to manage aspen (Genus *Populus*). They do not know the silvics of aspen including the knowledge that aspen can regenerate from seed as well as from root systems exposed to sunlight, or that one species does not reproduce from root systems. Well established hardwoods are ordered to be cut even when the remaining aspen are well overage and the aspen portion of the stand is breaking down. DNR Game Management may be pressuring DNR Forestry to produce aspen clearcuts in cases where good forestry would note the role of aspen in assisting succession to hardwoods stands of greater monetary value, but allow aspen then to fall out of the succession by harvest of aspen first. I find young foresters resistant to my request to change such plans based on current scientific literature. I note to the committee that I was laying out successful aspen clearcuts before some of them were born. I fully understand that clearcutting is a proper management procedure for aspen under the right circumstances.

2. Management based on 19 forest types for the entire state

There is no understanding of heterogeneity in the forests over the whole state and for local heterogeneity in plant associations even in the same stand. Management is done without regard for actual conditions on the ground. As one company forester noted to me, "the DNR manages by cookbook formulae". In one case, a forest plan identifies a stand as an upland hardwood stand because the most dominant tree is red maple (common to both wetlands and uplands in this area). In reality the stand is a wetland on Seeleyville muck which runs deeper in organic matter than the common 5 foot depth to which soils are measured. This is definitely a wetland soil and the trees

should be managed as a wetland stand.

2. Failure to understand the economics of forestry

There are foresters who do not want trees to be cut until there are so defective that they have no commercial timber value. Then we can cut them because they are "culls". As trees mature they reach pathological rotation age. Defects occur and various fungal pathogens invade causing such defects as brown cube rot. We need some of these trees in a stand because they have wildlife value. I very much understand the need to have trees serve as food and shelter for the piliated woodpecker. I have had many chances to observe this bird in my lifetime in the woods. However, some foresters don't want a veneer grade tree to be marked for harvest at its highest economic value which may be between 22 and 27 inches diameter, "because the DNR is not interested in economic value" as I have heard a DNR forester state. There is no concern for the health of the logging industry. At one time the forests were overharvested. Now there are areas of underharvest due to the false concept that all forests should be managed for "old growth forests" even though the proponents of this concept have no real understanding of what is an old growth forest. I have the distinction of having supervised a managed selective harvest on a virgin hardwood stand in Marinette County with sugar maple up to 39 inches dbh. We ended up with a very large scale in what loggers call "culvert logs". The forest stopped producing timber long, long ago. Opening the stand to reproduction has resulted in a vigorous growth of a productive new crop of trees.

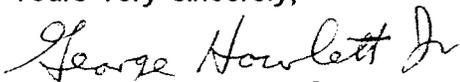
The biggest problem in forestry is not overharvest of mature trees, it is the failure to control the greatest pest in the forest, the deer, which are destroying reproduction. My first term paper in college in 1955 was on the Problem of Forest Growth and the Deer Herd (in freshman college English class where I wrote my first paper in forest ecology based on DNR research of the early 50's). The problem remains. We need a healthy forest, not an over-aged forest. We need to reproduce that forest as it is harvested at economic maturity and before every tree reaches pathological maturity.

3. Poor communication skills with the public, along with arrogance about dealing with landowners and with consultant foresters and loggers.

There are some attitudinal problems. Some foresters do not want to find ways to incorporate the interest of the landowners who want wildlife and aesthetic values in the harvest plans. These foresters are strictly doing "silviculture". I hear the landowners complaining that a forester is abrasive, and acts as a 'Know It All'. I know that some do not really want to listen to the old experienced and highly trained graduate forest scientist that I am. These foresters carry a "badge of authority" of the DNR forester in charge. I also hear experienced loggers with the same complaints.

Please note that the statements are somewhat generic, and there are many foresters working for the DNR who are decent and hard working foresters who are doing a good job. I have run into a batch of problem situations in the year and 1/2 since I returned to private consulting practice after retirement as Tribal Environmental Scientist with 13 & 1/2 years working alongside Tribal forestry on the Menominee Nation forest and lakes. I am a critic because I don't like what I see when DNR forestry does not see the forest as a whole but only sees the trees.

Yours very sincerely,



George Howlett Jr., BS, conservation biology; MAT Sci., forest biology; MS, forest ecology and limnology
Forest Scientist/Retired Environmental Scientist
Certified Ecologist (Ecological Society of America)



WISCONSIN STATE LEGISLATURE





01-10-2006

To:
State Senator Alan Lasee
State Senator Dave Zien
State Senator Cathy Stepp
State Senator Robert Jauch
State Senator Mark Miller

From:
Paul Mongin - President Green Bay Chapter of Trout Unlimited

Re:
DNR Regulatory Reform Hearing

Senator Lasee,

The mission of the Green Bay Chapter of Trout Unlimited and its 250 members is to preserve and enhance the cold water fisheries of Wisconsin. We are one of 22 chapters that are active in our state. To that end we engage in numerous work projects in cooperation with the Wisconsin Department of Natural Resources.

We also contribute significant amounts of money to aid and assist the Wisconsin DNR, and various federal agencies such as the Forest Service and U.S. Fish and Wildlife Service. We do this so these agencies can accomplish their mission(s), especially when they are compatible with ours.

Also, we have contributed numerous man hours of volunteer labor for various work projects dealing with stream improvement.

At the recent meeting of Trout Unlimited for the Northeast region several chapters committed themselves to donations of over \$40,000 to assist these agencies. The Green Bay Chapter has committed donations of over \$12,000. We do so willingly, but also find that these funds are needed due to the continued changes and funding cuts in DNR staffing and programs.

All of this effort and money is dedicated to cold water resources that are public waters. Our efforts benefit the public at large, and lend to a cleaner environment in general and for the betterment of recreation and tourism opportunities throughout Wisconsin.

Therefore: As the hearings proceed we would strongly urge that whatever the testimony the committee keep one thing foremost in mind.

That the membership of the Green Bay Chapter requests and advises that the Senators make certain the following...

"The committee should steer clear of any legislation that facilitates the further degradation or destruction of Wisconsin's cold water fishery resources and the wetlands associated with them."

We have been very satisfied with the service and the employees of the Wisconsin DNR and feel that a good partnership, with which we depend on to carry out our mission, requires the full support of this committee and our state legislature.

Thank you,



**Paul Mongin
President - Green Bay Chapter of Trout Unlimited
1151 Delray Dr.
Green Bay, WI. 54304
January 10, 2006**

cc. Stepp, Zien, Jauch, Miller