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(FORM UPDATED: 08/11/2010)

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

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Transportation, Tourism,
Forestry, and Natural Resources (SC-TTFNR)**

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) (June/2012)

Senate

Record of Committee Proceedings

Committee on Transportation, Tourism, Forestry, and Natural Resources

Senate Bill 47

Relating to: designating portions of the Totogatic River as a wild river.

By Senators Jauch, Lassa, Hansen, Kedzie, Lehman, Risser and Wirch; cosponsored by Representatives Milroy, Berceau, Black, Hubler, Jorgensen, Sherman, Spanbauer, Hraychuck and Soletski.

February 05, 2009 Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

February 19, 2009 **PUBLIC HEARING HELD**

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Absent: (0) None.

Appearances For

- William Schultheis, Dousman
- Lori Grant, Madison — River Alliance of Wisconsin
- Kathy Bartilson, Spooner — Department of Natural Resources
- David Martin, Muscoda — SOFT
- Bob Jauch — 25th Senate District
- Nick Milroy — 73rd Assembly District

Appearances Against

- None.

Appearances for Information Only

- John Alberts, Oconomowoc — Lac du Flambeau

Registrations For

- Eric Uram, Madison — Sierra Club
- George Meyer, Madison — Wisconsin Wildlife Federation
- Tamara Johnson, Madison

Registrations Against

- None.

Registrations for Information Only

- None.

February 26, 2009

EXECUTIVE SESSION HELD

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Absent: (0) None.

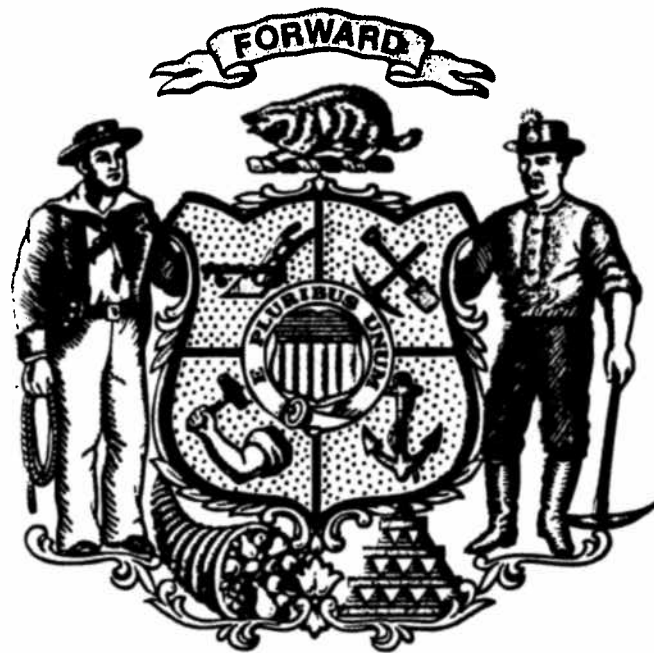
Moved by Senator Kedzie, seconded by Senator Hansen that **Senate Bill 47** be recommended for passage.

Ayes: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Noes: (0) None.

PASSAGE RECOMMENDED, Ayes 7, Noes 0

Elizabeth Novak
Committee Clerk





WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: SENATOR ROBERT JAUCH
FROM: Mark C. Patronsky, Senior Staff Attorney *map*
RE: Designation of Wild Rivers
DATE: December 2, 2005

SB 47
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This memorandum is in response to your request for background information regarding the designation of wild rivers in Wisconsin.

Wild rivers are designated in Wisconsin by statute, pursuant to s. 30.26, Stats. A copy of this statute is attached to this memorandum. Wild rivers may only be designated by an act of the Legislature (i.e., the Department of Natural Resources (DNR) may not designate wild rivers). The statute, s. 30.26 (1), provides that "no river shall be designated as wild without legislative action." The Legislature established the Wild Rivers Program in 1965 with the enactment of s. 30.26, Stats. That legislation designated the Pike, Pine, and Popple Rivers, which are located in northeastern Wisconsin, as wild rivers. The Legislature has not added any wild rivers to this designation since the statute was enacted.

Section 30.26 (1), Stats., expresses the legislative intent of this program, which is to "preserve some rivers in a free flowing condition and to protect them from development." The statute sets forth duties of the DNR in connection with wild rivers. These duties focus on such activities as consultation and collaboration among governmental units, and administering the management program. The statute does not mandate a regulatory program such as a zoning ordinance, and there are no state funds appropriated for the Wild Rivers Program.

The DNR has promulgated administrative rules related to the management of wild rivers in ch. NR 302, Wis. Adm. Code. A copy of ch. NR 302 is attached to this memorandum. The rules place restrictions on the DNR's use of its own lands and provides that the DNR will not issue permits for certain activities in the wild rivers, such as the construction of dams, bulkheads, structures, deposits, piers, or shore protection measures, or the enlargement, dredging, grading, or changing the channel of wild rivers. Some limited activities of this nature are permitted by the rule. The rule also requires DNR to cooperate with state, federal, and local governmental entities with such things as utility corridors and bridges. The rule also places limitations on the construction of private bridges.

In other statutes and rules, the designation as a wild river is relevant for certain regulations. In the Wetlands Compensatory Mitigation Program, the DNR may not consider a mitigation project re-interviewing an application for an activity that adversely affects a wetland in a wild river. [See s. 281.37, Stats.] The wild river designation is part of the water quality standards for surface waters and wetlands in ss. NR 102.10 and 103.04, Wis. Adm. Code.

If I can provide further information on this subject, please feel free to contact me.

MCP:tlu

Attachments





John Muir Chapter

Sierra Club - John Muir Chapter
222 South Hamilton Street, Suite 1, Madison, Wisconsin 53703-3201
Telephone: (608) 256-0565 Fax: (608) 256-4562
shahla.werner@sierraclub.org <http://wisconsin.sierraclub.org>

MEMO

TO: Members of Senate Committee on Environment
Members of Senate Committee on Transportation, Tourism, Forestry, and
Natural Resources

FROM: Eric Uram, Conservation Chair -- John Muir Chapter Sierra Club

SUBJECT: John Muir Chapter Sierra Club testimony SB 6 and SB 47 – Wild Rivers Bills

DATE: February 19, 2009

As the first state to recognize the high value of protecting free-flowing waters, Wisconsin's Wild Rivers provide critical habitat, unique recreational opportunities, and high aesthetic values for residents and visitors to those areas of the state. With only three streams on this list, Wisconsin needs to move forward on identifying and designating additional streams for the benefit of future generations.

The John Muir Chapter Sierra Club supports SB 47 and SB 6 efforts to expand Wisconsin's protections for near-pristine, free-flowing waters. All proposed stream segments would receive special designation and treatment under this bill once passed. This treatment would seek to keep these waters in their current or enhanced conditions. For this, future generations will thank us. Both SB 6 and SB 47 protect additional stream segments along with the already designated Pine and Popple Rivers in Florence and Forest Counties and the Pike River in Marinette County. SB 47 gives segments of the Totogatic River special designation and protections. On top of protecting high-quality stream segments in the Chequamegon and Nicolet National Forest, SB 6 would also designate sections of the Brunsweller River as the Martin Hanson Wild River to honor his legacy as one of Wisconsin's great conservation leaders.

In addition to the Martin Hanson Wild River segment, JMC Sierra Club supports naming additional river stretches throughout the state for the Wisconsin Conservation Hall of Fame members to honor their efforts and give additional recognition to their legacy. The Wild Rivers program should not be put on a shelf and dusted off every forty years. It should be used to ensure stream stretches of special quality are preserved for future generations due to their existence, their contribution to Wisconsin's high-quality wild places, and their ability to provide critical habitat, unique recreational opportunities, and high aesthetic value.





Press Statement
February 19, 2009

SB 47
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Contact: Sen. Bob Jauch
608-266-3510

Designation of Portions of the Totogatic River as a State Wild River

Six years ago the Washburn County Board began to pursue the idea of adding the Totogatic River which flows through Bayfield, Sawyer and Washburn County to the list of state wild rivers. The county was interested in state legislation that recognizes their local practices that protect the Totogatic. In 2005 the DNR, Washburn County officials, UW-Extension, the Washburn County Lakes and Rivers Association, and the Wisconsin River Alliance began working on a joint effort to make this legislation a reality. Also in 2005, Governor Doyle included both the Totogatic and the Upper St Croix as part of his "Conserve Wisconsin" environmental legislative initiative.

This bill reaffirms Wisconsin's legacy of environmental responsibility and represents a community and a State coming together to preserve a truly wild river. There are portions of the Totogatic that are barely navigable. It flows into the Nemakagon, a wild and scenic river that flows into the St. Croix.

The river segments to be designated include the free-flowing reaches and exclude the four flowages and dams. The bill includes provisions to allow maintenance of existing river crossings, protection of wild rice habitat, and it allows maintenance of existing piers in place as of the date of implementation of the designation.

Forty four years ago the State Legislature established the Wisconsin Wild Rivers Act and designated three unique bodies of water: the Pine, the Pike and the Popple as Wisconsin Wild Rivers. The intention was to afford the people of this state an opportunity to enjoy natural streams and preserve some rivers in a free flowing condition and to protect them from development.

To say the least it is disappointing that we have not added additional rivers to this category of protected resources. It is about time.

In Wisconsin water defines our borders but more importantly describes our character. As a people we must remember that we are one with the water that nourishes our bodies and nurtures our souls. We must care for the water and be cautious about land use policies that can spoil these resources.

In the Big Top Chatauqua performance "Under the 30th Star" the concluding song begins with these words: "What shall we give our children to live on? What shall we give our children to dream by? Dig a deep garden, clear waters blue, for their children's children and their children too."

Like the Pine, the Pike and the Popple Rivers, the Totogatic is remote, rugged and wild. Its unique character deserves strong protections. It is not a body of water that should be exploited for personal profit but should be properly sheltered by public policy that affords its public protection and use for generations.

The Totogatic is a gift. We have an obligation to protect it. The wild river legislation assures that we will be responsible stewards to this precious body of water.

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State Wild Rivers Addition: Portions of Totogatic River

Background: The legislature designates rivers as state wild rivers. The Department of Natural Resources administers the program to preserve, protect, and enhance a river's natural beauty and unique recreational value. The Totogatic River would join the three existing state wild rivers: the Pike in Marinette County, and the Pine and Popple in Forest and Florence Counties. The last time a river received this designation was in 1965. The Brunsweler River in Ashland County is currently proposed for this designation under a separate bill.

Proposal: The Totogatic (also spelled "Totagatic") flows for seventy miles through Bayfield, Sawyer, Washburn and portions of Douglas and Burnett Counties. The segments proposed for Wild River designation are the free-flowing stretches of river, and do not include four impoundments and their associated dams. These impoundments are Nelson Lake in Sawyer County, and the Totagatic, Colton, and Minong Flowages in Washburn County.

Why this river? The Totogatic is an excellent candidate for designation. The river has a very wild character with forested banks, waterfalls, rock outcroppings, and relatively few road crossings. Fishing is good, with many cool-water game species present and several tributaries that support trout. There are stretches offering a challenge to whitewater canoeists, as well as quiet water segments.

Key Points:

- The intent of the state wild rivers program is to "preserve some rivers in a free-flowing condition and to protect them from development."
- The goal for the Totogatic designation is for all landowners to work together to preserve the wild character of the river. Ownership is primarily county forest; large, privately-owned forested parcels; and other private holdings. The Department of Natural Resources will work with all of these groups to implement the designation.
- This designation was on the "Superior Days" agenda for several years in the past. It was also one of Governor Doyle's "Conserve Wisconsin" environmental initiatives in 2005.
- Key protections afforded by this wild river designation are:
 - no human activities to change the river channel would be allowed
 - no new dam, pier, or bridge construction (with the exception of new public highway bridges, foot bridges, or bridge access to residential dwellings where no alternatives exist), and
 - no grading on the river bank over 10,000 square feet.
- The proposed legislation would allow property owners to keep existing, modest-sized piers. It also allows existing forestry and recreational trail crossings to be maintained.

Author: Kathy Bartilson, St. Croix Basin Watershed Team Supervisor 715/635-4053

For more information and to view the Totogatic River map, please visit our UW Extension partner's web site: <http://basineducation.uwex.edu/stcroix/Links/WildRiver/Index2.htm>







RIVER ALLIANCE OF WISCONSIN

Senator Jim Holperin, Chair,
Senate Transportation, Tourism, Forestry and Natural Resources
330 Southwest
State Capitol

Date?

Dear Senator Holperin and Members of the Committee

The River Alliance of Wisconsin is strongly supports SB 47, the designation of the Totogatic River as a Wisconsin Wild River.

Over 40 years ago, a bill authored by Representative David Martin (Neenah, 1961-71) and co-sponsored by Robert Haase from Marinette and Paul Alfonsi from Minocqua proposed the creation of the Wisconsin Wild Rivers Program. Its intent was "In order to afford the people of this state an opportunity to enjoy natural streams, to attract out-of-state visitors and assure the well-being of our tourist industry, it is in the interest of this state to preserve some rivers in a free-flowing condition and to protect them from development;" ss 30.26(1). The bill won broad, bipartisan support, passed unanimously in both the Senate and the Assembly, and was signed into law by Governor Warren Knowles in November 1965, making it the first law of its kind in the United States. The Pine and Popple Rivers in Florence and Forest Counties, along with the Pike River in Marinette County were designated as Wisconsin's first three wild rivers concurrent with the creation of the program. Three years later, U.S. Senator Gaylord Nelson took the idea national, leading the effort to create the Federal Wild and Scenic Rivers Act, signed into law by President Lyndon Johnson in 1968.

As a result of their Wild River designations, the Pike, Popple and Pine Rivers have remained pristine, and the communities traversed by the rivers have benefitted greatly from the fishing and recreational opportunities they provide. Unfortunately, the Wild Rivers Program has not been put to use since those first designations in 1965. The idea of resurrecting the program and designating the Totogatic River, a tributary to the Namekagon Wild and Scenic River, was raised by local citizens at Superior Days in 2004. The concept has broad support, and the Totogatic is a worthy river for this recognition and protection.

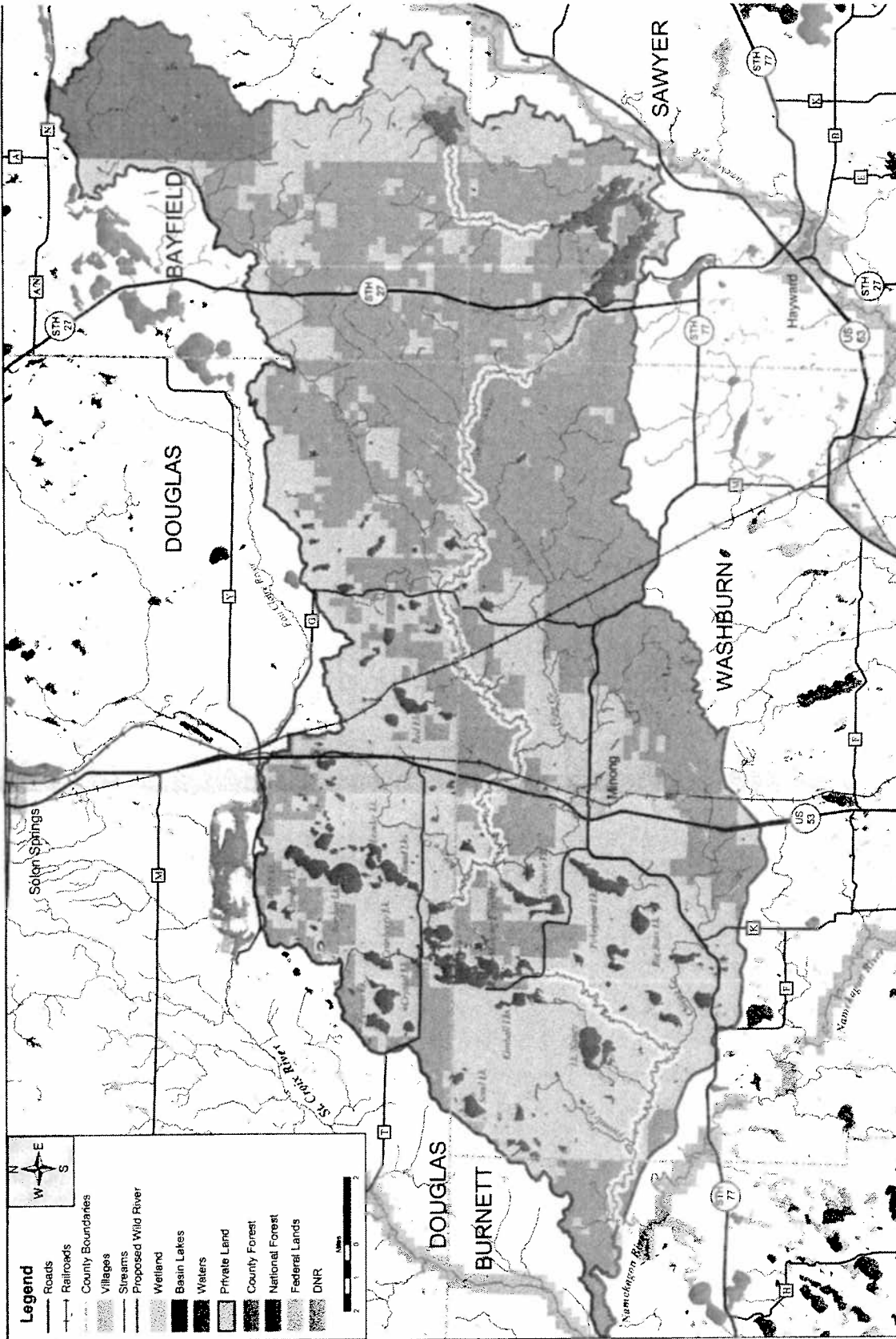
The River Alliance of Wisconsin urges your swift approval of SB 47, and looks forward to working with you toward Wild River designation of many other worthy rivers in coming years.

Sincerely,

Lori Grant
River Protection Program



Totogatic River System: Proposed Wild River 2009



SB 47
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