



Siskiwit River Estuary Protection Project Questions and Answers

January 22, 2017

For more information and more answers to your questions, visit <https://www.facebook.com/siskiwitriverproject/> OR *The Town of Bell's website

Benefit of Land Protection w/ Public Access

1. Question: We have been enjoying Siskiwit Falls for years so why is this project important?

Answer: The Swenson family wanted residents and visitors to enjoy the Falls/River and did not restrict access (allowed trespassing). A new private landowner would most likely stop this opportunity and access would be limited to walking in the river below Ordinary High Water Mark which is the public's right on a navigable waterway. A private landowner would not have to allow any additional access.

2. Question: What are the other benefits of this project?

Answer: These are outlined in sections below. They include public access to the entire property for non-motorized recreational activities such as hiking, fishing, etc.

Town of Bell's Legal Commitment

1. Question: Is the Town of Bell committed to proceed with any portion of this project at this time?

Answer: There is no commitment other than a signed expression of support through a letter and a resolution from the Town of Bell Town Board that accompanied the Bayfield Regional Conservancy's (BRC) grant to the Wisconsin DNR in August 2016. The Town Board also submitted a grant application to the Wisconsin Coastal Management Program in hopes of raising the other ½ of the funds for the project. Wisconsin Coastal Management Program then applied to NOAA's CELCP program for funding consideration.

2. Question: What is currently being asked of the Town of Bell?

Answer: As mentioned on the 2-page summary that was recently shared with residents, the Wisconsin DNR has asked the Town of Bell Town Board if they would like to submit a non-binding resolution in support of BRC's proposal - land protection with public access.

3. Question: When will the Town of Bell be committed?

Answer: Once grants are awarded to BRC and the Town of Bell, the electors will have an opportunity to vote on whether or not they support Town ownership of the protected lands. If the Town of Bell does agree to own the land, at the closing of the property transaction, the Town would be required to sign the deeds to the land, the 2 grant contracts, and the conservation easement. At this time, the land management plan would also need to be finalized.

4. Question: What is a conservation easement?

Answer: A conservation easement is a legal agreement between a landowner and a land trust or government agency that permanently limits uses of the land in order to protect its conservation values. In essence, certain rights are forfeited (in this case development rights) and no longer exist. Like the grant contracts, the easement will run with the title of the land. The landowners wish to place the conservation easement on the property to further protect the conservation values of the property forever. The Bayfield Regional Conservancy has agreed to hold those rights and will ensure enforcement of the promise not to exercise those rights through annual monitoring.

5. Question: What happens if the grants are awarded and the Town of Bell does not agree to own the land?

Answer: Bayfield County would be allowed to own the land as a local government entity. If it does not accept, the federal funding from NOAA would be returned to be used elsewhere. At that point, BRC could make a decision with the Landowners to try and fundraise for the other ½ of the funds to match the DNR grant that would result in the purchase of the land under BRC ownership with it still being open to public access. If the necessary funds needed for the acquisition



cannot be raised/found, the Landowners would sell the land with a conservation easement on it, which would limit any future development.

Land Acquisition – Financial Cost

1. Question: Do the existing grant requests cover 100% of land acquisition costs?

Answer: Yes, the combined Grants will cover the full purchase price of the property. The grants do not pay for BRC staff to work on this project – that is being funded by the organization itself.

2. Question: How was the land value established?

Answer: As required by both grantors (DNR & NOAA), appraisals were conducted and then reviewed by the grant programs. Appraisals for the entire 100 acres were completed by a firm that met the proper requirements.

3. Question: Why is this amount confidential?

Answer: At this time, this is a pending real estate transaction with a private party.

4. Question: Do the Grants cover costs of Survey and other Closing Expenses such as title search, legal fees, pro-rated property taxes, etc.?

Answer: Yes. The Grants cover these costs as well as \$3750 for land surveys (as needed), some signage for the property, and some initial trail work (should that be desired – see below). A title investigation for the 4 parcels was completed and affirms that none of the parcels are subject to litigation, liens, or other situations. Additionally, none of the parcels have contamination or other environmental hazards. The Grantors review title work carefully.

5. Question: Are the amounts in #4 above sufficient to cover the anticipated costs of completing the survey and any other closing including related legal costs?

Answer: Yes.

Goals of Project

1. Question: What are the goals of this project?

Answer: The overarching goals of this project are to ensure that the conservation values of the 100 acres are preserved and the property remains open to the public for nature-based outdoor recreation. Per grant contracts, uses include hunting, trapping, hiking, fishing, and cross-country skiing (this includes snowshoeing).

2. Question: What are other benefits of protecting these lands?

Answer: According to the draft land management plan, this project will also help a. Preserve quality stopover habitat for migratory birds; b. Protect the coastal estuary wetlands to provide wildlife habitat and water quality benefits to the Siskiwit River and Lake Superior; c. Maintain water quality of the Siskiwit River, its estuary, and associated wetlands by preserving shoreline habitat and ameliorating stream bank erosion; d. Protect and increase the amount of un-fragmented forestland in the Siskiwit Watershed; and e. Provide a public recreation area for nature-based outdoor activities.

3. Question: Can you be more specific about the goals of the project?

Answer: More information can be found in the DRAFT land management plan that was prepared by the Bayfield Regional Conservancy for the DNR grant proposal. This draft plan lists potential activities. At this time, nothing is set in stone except that the protection of the natural resource values of the property must remain a priority. The plan lists possible activities that the Future Owner could implement.

4. Question: Does this protection project conflict with future river mitigation projects to deal with the on-going build-up of sediment in the river?

Answer: No. The DNR's response to Chairman Lazorik stated "the Clerk shared the Town's application to FEMA for re-routing the river and shared several questions about whether or not a Stewardship grant contract would prevent that from happening. From some information gathering and discussion with colleagues here, I think no. Assuming any approved/funded river re-route would mean restoration of areas disturbed by the re-route to natural conditions, I think a Stewardship grant contract is not necessarily a barrier to re-routing the river."



If the Future Owner, what is the Town of Bell required to do?

1. Question: What kind of public recreation and nature based activities are planned?

Answer: Per grant requirements, uses have to include non-motorized activities including hunting, trapping, hiking, fishing, and cross-country skiing at minimum.

2. Question: Does hunting have to be allowed?

Answer: A project funded by DNR normally means that the property has to be open for hunting. Due to its proximity near Town, the Future Owner can work with DNR to further define this use to possibly bow hunting with a permit. For those who knew the Swenson family, they did permit hunting on the property through the years.

3. Question: What about trails?

Answer: While the grantors do not require trails to be built and/or maintained, delineating trails that will be likely used by visitors will help protect the resource rather than allowing people to make their own trails and potentially harm natural resources, especially near the river and on sensitive slopes. The BRC and landowners are strongly recommending that the Future Owner take the step of improving existing riverside trails with simple railings and some steps/boardwalks to further protect sensitive soils and vegetation. Whether or not trails are built in the future depends on the Future Owner, what is allowed as outlined in a Land Management Plan and Conservation Easement, and input from community residents.

4. Question: What isn't allowed?

Answer: NOT allowed per grant and/or conservation easement guidelines include:

- Active agriculture, including timber or aquaculture production. Timbering on a limited scale may be allowed for habitat restoration or to create more suitable habitat for rare, threatened or endangered species.
- Campground or campground facilities
- Camping
- Motorized use

5. Question: What will BRC's role be in working with the Future Owner?

Answer: The Bayfield Regional Conservancy has partnered with several local governments on these types of projects. Once the property is in public ownership, BRC holds the conservation easement on the property (see above). The Conservancy has often helped the property owner in finding grants for various activities and helping to recruit volunteers to assist with these activities.

Boundaries – Trespassing & Access

1. Question: How will the boundaries of the area be delineated?

Answer: The boundaries between the protected land and adjacent private land will be delineated as needed through a professional survey. The boundaries can then be marked with flagging and signage depending on what is needed.

2. Question: Where will access points be?

Answer: This is still to be determined with resident input. Most likely, designated and signed access will be off of Siskiwit Falls Road on the Swenson property – location To Be Determined. Additionally, because the property was purchased with public funds, the Future Owner can't install something on the property that prevents it being available to the public. A small parking area on the Swenson property is strongly recommended by BRC and the landowners to provide safe parking access and to help get people off of the road.

3. Question: What happened to the initial plan of a small parking area at the corner of Elm and Huron Streets?

Answer: That idea has been abandoned. However, the Future Owner can't install something on the property that prevents it being available to the public (see above).

4. Question: The grant comments on views of the falls from the bridge – would this prevent the Town of Bell from posting no parking on Siskiwit Falls Road at the river? **Answer:** No.



Future Costs

1. Question: What will future costs be to build things like trails or parking areas should they be desired? What about invasive plants control for the buckthorn and honeysuckle that is on the property?

Answer: If the Future Owner chooses to build trails and it receives permission from the grantors and BRC, most trail building work can be done by hand with volunteers. The Future Owner can seek grants or ask for donations to help cover costs. The Bayfield Regional Conservancy has often assisted local government owners with these activities. The following costs have been estimated:

- Small parking area: Fall 2017 or Spring 2018
 - \$250 for Bayfield County trailhead permit
 - \$10,000 for materials such as gravel, posts, fencing, etc.
- Trail work – minimum activities: Fall 2017 or Spring 2018
 - \$250 for a Bayfield County shoreland zoning permit for trail improvements near the river
 - \$4000 for materials such as lumber for railings, boardwalks, stairs, etc. (this is an estimate; reconnaissance is still needed.)
 - \$1500 or more for additional interpretive signage if this is of interest to Future Owner
- Invasive weed work: Fall 2017 onward
 - \$2,000 for contract work. Once controlled, volunteers can help. The Swenson family has invested in this activity already for the past two years.
- Maintenance costs: These would be ongoing costs for snow plowing the parking area, repairing parking area as needed, replacing signage as needed, etc. Costs would vary year to year.

2. Question: What about insurance if the Town is the Future Owner?

Answer: Public use of this property is covered under Wisconsin's Recreational Statute.

3. Question: What about the yellow cabin? What is its fate?

Answer: The grantors will first determine if it can be part of the protection project. If it can't, the Landowners will determine its fate. If it can be included in the project and the Future Owner does not want it, the Landowners will either need to remove the cabin or not include this small area in the project area.

Town of Bayview's Experience with the Houghton Falls Nature Preserve

1. Question: What can we learn from the Houghton Falls experience?

Answer: Charly Ray, a resident of the Town of Bayview, has submitted a letter to the Town of Bell. It can be found on the Siskiwit project's Facebook page. Additionally, the Bayfield Regional Conservancy helps to steward the property through a conservation easement that it holds. It offers a couple additional reflections: a. Related to publicity, the Future Owner of the Siskiwit property doesn't need to do a lot and may not want to; b. A Friends group can be very helpful in implementing future stewardship activities and helping to fundraise; c. Frequent monitoring can be helpful to identify any concerns early; and d. Informative and positive signage is very helpful in strategic locations.