

Minutes

FIRST MEETING OF THE RECONSTITUTED TECHNICAL ADVISORY
COMMITTEE FOR THE PROTECTION AND MANAGEMENT OF NATURAL
AREAS IN SOUTHEASTERN WISCONSIN

June 30, 2008

Southeastern Wisconsin Regional Planning Commission
W239 N1812 Rockwood Drive
Waukesha, Wisconsin

Members Present

Dr. Susan E. Lewis, Chairperson	Professor of Biology, Carroll College
Dr. Donald M. Reed, Secretary	Chief Biologist, SEWRPC
Fay U. Amerson	Urban Conservation Specialist, Walworth County
Dr. Philip J. Arnholt	Professor of Science, Biology Department, Concordia University
Brian Russert (representing Susan Black)	Natural Areas Coordinator Milwaukee County Parks/UWEX
Dr. Owen Boyle	Regional Ecologist, Wisconsin Department of Natural Resources
Gerald H. Emmerich, Jr.	Member, Board of Directors, Land Trust of Walworth County
Shawn Graff	Executive Director, The Ozaukee Washington Land Trust
Andrew A. Holschbach	Director, Planning, Resources, and Land Management Department, Ozaukee County

Signe L. Holtz

Director,
Bureau of Endangered Resources,
Wisconsin Department of Natural
Resources

Marlin P. Johnson

Associate Professor Emeritus, Field
Station Manager,
Department of Biological Sciences,
University of Wisconsin Waukesha
Center;
Vice President, Waukesha County
Land Conservancy

Paul E. Mueller

Administrator,
Land Use and Parks Department
Washington County

Dr. Patricia Nagai

Horticulture Educator,
UW Extension Service,
Racine County

Dr. Stephen L. Solheim

Associate Professor,
Department of Biological Sciences,
University of Wisconsin—
Whitewater

Dr. Joy J. Wolf

Associate Professor,
Department of Geography,
University of Wisconsin—Parkside

Guests

Jason Dare

Waukesha County Land
Conservancy

Thomas Meyer

Conservation Biologist,
Bureau of Endangered Resources,
Wisconsin Department of Natural
Resources

SEWRPC Staff

Dr. Lawrence A. Leitner

Principal Biologist

The first meeting of the Southeastern Wisconsin Regional Planning Commission's reconstituted Technical Advisory Committee for the Protection and Management of Natural Areas in Southeastern Wisconsin was called to order by Dr. Donald M. Reed, Secretary, at 10:08 a.m., pending the arrival of Dr. Susan E. Lewis, Chairman, at 11:00 a.m. Roll call was accomplished by circulating a sign-in sheet and a quorum was declared present.

Role of the Technical Advisory Committee

Dr. Reed began the meeting with an overview of the original SEWRPC Planning Report No. 42, "A Natural Areas and Critical Species Habitat Protection and Management Plan for Southeastern Wisconsin," and stated that the Commission had received an overwhelmingly positive response from the public for the plan. He noted the numerous changes that have occurred to the Region's natural areas since the original plan was prepared, emphasizing the need to recognize those changes in the form of a ten-year update to that plan. He then addressed the role of the reconstituted Technical Advisory Committee, noting that the original Committee had been directed more toward the science of the planning effort. He noted that the reconstituted Committee is designed to have a stronger role in the implementation of the plan, while at the same time maintaining its science base. Mr. Holschbach asked whether this update would be considered a stand-alone plan, to which Dr. Reed responded that, no, the update would serve as an amendment or supplement to the original planning document.

Status of the Original Natural Areas Plan and the Need for the Amendment

Dr. Leitner then presented an overview of acquisitions of natural areas as recommended in Planning Report No. 42. Mr. Johnson asked whether conservation easements were considered a form of protection along with protective ownership, to which Dr. Leitner replied that, no, up to this point only actual ownership by conservation organizations or government entities was considered protection. Dr. Reed added that this was because some easements were more permanent than others, but that perhaps they should be addressed or recognized in the plan amendment. Ms. Amerson said that it should be a relatively simple effort to obtain a listing of natural area easements for the Region.

Dr. Wolf asked why Campbell's Woods, now much reduced in acreage and quality since the original plan and under private ownership, was still included in the inventory. Dr. Leitner explained that because a State-designated special concern species was still present, the site, according to Commission definition, was still considered a critical species habitat area, even though not meeting the criteria for designation as a natural area. He added that recommendation for protection was a separate process from the inventory itself, and that degradation of the site would be taken into account in that regard.

Mr. Emmerich stated that it would be very useful to provide a list of the land trusts in the Region, since they play an important role in protecting natural areas. Dr. Reed replied that the Commission would compile such a list.

Dr. Reed then discussed the reforestation and grassland elements of the original Plan. He noted the loss of forest interior breeding bird nesting habitat and how this has become a critical factor in the natural landscape. Some degraded woodland areas could be restored with proper management to help alleviate the situation.

Mr. Holschbach asked how buffers around natural areas were to be identified, since they may be very important in maintaining the integrity of the natural area in question. Dr. Reed replied that this was still unclear. However, studies that address buffers have been proposed, but not funded, in the past. Recently, the Commission's Environmental Planning Division submitted a grant application to the U.S. Environmental Protection Agency for the funding of such a study during this coming fiscal year.

Ms. Holtz asked about the criteria used to identify critical species and their habitats, and whether this list includes both plant and animal species. Dr. Leitner replied that the Commission's list was compiled from the list used by the Department of Natural Resources, and that it includes all species, both plant and animal. Dr. Reed added that while we have much information concerning vascular plant and vertebrate animal species, more data on invertebrate animal species in the Region would be very helpful. Ms. Holtz mentioned the importance of Butler's garter snake, and Dr. Reed added that the amended plan is intended to include a section specifically dealing with that critical specie.

Ms. Amerson proposed adding a section that would have county and other local units of government conduct an environmental review addressing natural areas and endangered and threatened species whenever development is proposed, something similar to the "required" wetland review. Dr. Reed responded that since the Commission is only advisory, we cannot state this as a requirement. However, that type of recommendation would be appropriate in the implementation section of the amended report where acquisition and management concerns are addressed. Mr. Johnson asked whether every developer would be required to hire a consultant. Ms. Amerson replied that it might be necessary; other states require it, and developers are expected to do their due diligence. She suggested that the amended plan could provide a model ordinance. Dr. Reed replied that the Commission would look into such a model ordinance for inclusion in the plan amendment.

Mr. Mueller then stated that under the Smart Growth Comprehensive Plans, local units of government will be required to do such evaluations by the year 2010 after which zoning changes must be Plan-compliant. The intended result is less environmental degradation. Since most of the Region's natural areas and critical species habitat areas identified in the plan are located within primary environmental corridors, such review should be automatic under the Smart Growth plans.

Mr. Emmerich noted that the committee had been presented with only three sections. He inquired about the additional sections, and about estimation of when the report would be complete. Dr. Reed replied that the expectation was to have all sections reviewed by the end of 2008.

Ms. Amerson proposed that the amended plan include an educational/recreational element for citizens, especially children and young adults in urban areas where it is critical to promote the concept of biodiversity. Dr. Reed responded that the natural areas plan is but one element of the Regional Park and Open Space Plans and that, accordingly, such an element would be more appropriately included in those plans.

Dr. Boyle, Dr. Wolf, and Mr. Emmerich noted that they each had several minor comments and corrections with respect to the draft copies of Sections 1, 2, and 3, which in the interest of conserving time, they would not raise specifically at the meeting, but that they would instead leave annotated copies of the draft sections with the Commission staff.

Consideration of the draft Amendment to SEWRPC Planning Report No. 42, A Natural Areas and Critical Species Habitat Protection and Management Plan for Southeastern Wisconsin

Section 1, Introduction

Dr. Reed began the discussion of Section 1 by noting that the letter from Gathering Waters Conservancy provided the official request for the Commission to prepare the amendment. He also pointed out that closeness to presettlement conditions was important in site evaluation.

Ms. Amerson noted that Map 1 was confusing, specifically about the urban areas depicted. She suggested that it be replaced by a more suitable reference map of the Region. Dr. Reed agreed that the 2000 census-defined urbanized areas would be removed and that major rivers and watershed boundaries would be depicted. Mr. Graff moved to modify Map 1 accordingly. This motion was seconded by Dr. Wolf, and passed unanimously.

Dr. Solheim then addressed the need for a discussion of long-term protection of natural areas, including the need to increase the total acreage under protection. At Dr. Reed's suggestion, he agreed to submit a short section dealing with these issues which could be inserted in the plan amendment.

[Secretary's Note: Dr. Solheim submitted the following for inclusion in the plan amendment: "Many fundamentally intact remnants of natural habitats in southeastern Wisconsin have been recognized and offered protected status. However, for this protection to be effective over the long term consideration must be given to significantly expanding the network of protected areas. As the science of conservation biology has developed in the last several decades, there has been a greatly increased understanding of the long-term dynamics of natural areas. Areas that are remnants of once much more extensive landscapes face two fundamental issues: Their generally small size means relatively low populations of specialist ("faithful") organisms and also typically little interior habitat less

vulnerable to biotic and biotic edge effects that can lead to serious degradation of protected areas over time.]

Mr. Emmerich stated that the Milwaukee Metropolitan Sewerage District had in recent years acquired much land intended for stormwater management. He asked whether restoration of such natural areas could be incorporated in the plan amendment. Dr. Reed replied that the original plan currently recommends the establishment of large tracts of grassland managed for grassland nesting birds and the expansion of selected woodlots through reforestation to accommodate forest interior nesting birds. So, a restoration concept for other habitat types could be an appropriate consideration for the implementation section.

Referring to item number 4 on page three, Dr. Boyle suggested that it read “various levels and agencies of government and non-government conservation partners . . .”

Referring to item number 5 on page three, Dr. Boyle suggested adding the Milwaukee Metropolitan Sewerage District and land trusts to the list of agencies and individuals.

Referring to item number 1a on page 4, Mr. Emmerich suggested adding “recent severe flooding.”

The Committee members concurred with these suggested additions. Accordingly, Mr. Emmerich then moved to approve Section 1 with the items mentioned being included. This was seconded by Ms. Amerson and passed unanimously.

Section 2, Background

Dr. Reed then began a discussion of Section 2, noting that this includes definitions of terms used in the text of the report that was aimed primarily at lay people. He pointed out that the term “biodiversity,” being such an important concept, was discussed separately on page 10. After some discussion of the use of the site identification numbers, he agreed that the identification numbers given on maps 3, 4, 7, and 8 would be deleted. However, it was also agreed that the site names on Map 9 would be retained.

Dr. Boyle suggested that maps in the amended report be cross-referenced as to where they are presented in the original Planning Report. Dr. Reed replied that the maps in Section 2 are copies of the original plan maps that will now be obsolete with the addition of new knowledge and a changing landscape. They are to be replaced by revised maps in the Recommended Changes to the Regional Natural Areas and Critical Species Habitat Plan Section.

Referring to the definition of Critical Species Habitat on page 7, Dr. Lewis asked whether the term “support” critical species means currently or potentially. Dr. Leitner replied that

critical species are known to occur on the site in question, so that it is not “potential,” but actual.

Dr. Reed noted that Map 5 showing the herptile range areas had not been completed yet. This map will be shown at a future meeting of the Committee.

Mr. Johnson asked whether geological areas are being tracked. He suggested that Mr. Tom Lyons in Madison be contacted for more information. Dr. Reed replied that a few new geological areas were proposed to be added to the inventory, but that additional information from informed individuals such as Mr. Lyons would be helpful. Mr. Graff added that the Ozaukee Washington Land Trust was, at Dr. Reed’s request, in the process of identifying additional important geological features in their two counties for consideration in the plan amendment. Dr. Reed noted that the West Bend Kames was to be included in the plan amendment as a geologic site.

Referring to page 23, Mr. Emmerich asked whether upland areas should be protected by mandate, as wetlands are, and whether the report should make such a recommendation. Dr. Reed answered that wetland and floodplain areas are protected by specific laws that address the public’s welfare, health, and safety. He added that the plan amendment must also recognize private land owner rights. However, it is entirely appropriate for the Committee to recommend stronger legal protection remedies for upland sites. Mr. Meyer added that the Department of Natural Resources has the authority to legally protect natural areas on private lands under dedicated conservation easement. He said that he would provide the Committee with appropriate wording. Dr. Reed replied that this will be added to the first paragraph on page 23.

[Secretary’s Note: The following statement will be added to the first paragraph on page 23: “The Department of Natural Resources has the authority to legally dedicate privately-owned land as a State Natural Area if the State holds a special type of conservation easement on the land known as State Natural Area Articles of Dedication. In fact, all lands purchased with grants provided to land trusts under the Natural Areas component of the Stewardship Program are required to be legally dedicated as State Natural Areas.” These dedicated conservation easements will be included in the “protective status” category.]

Also, a discussion including Mr. Meyer’s text would be added to the Changes to Natural Area-, Critical Species-, and Critical Species Habitat-Related Laws and Policies Section. Mr. Emmerich suggested moving the Federal National Natural Landmark discussion to a more appropriate section as it seems awkward. Dr. Reed replied that the Commission would review that suggestion.

Mr. Graff stated that Section 2 Background starts out awkwardly and suggested that an Introduction be added at the beginning of the Section. Dr. Reed agreed to this addition.

Referring to the section on page 26 dealing with adjustment of Commission-delineated primary corridor boundaries, Mr. Emmerich inquired as to whether this was being done at

this time. Dr. Reed stated that the primary environmental corridors are currently being updated for the 2005, as part of the Section 404 Advanced Identification of Disposal Areas (ADID) in wetlands planning effort. Accordingly, those corridor updates will be included in the plan amendment.

Referring to the last paragraph on page 26, Ms. Amerson proposed adding “such as invasive species control” following “Without proper management.” The Committee concurred with this inclusion.

Dr. Lewis proposed that the final paragraph of the section on page 30 be changed to read “It should be noted that protection of environmental corridor lands has been and continues to be an essential element of the overall viability of the Commission’s regional land use plan. It should provide a mechanism to verify that their protection actually leads to preservation and sound management of the natural resource base as it relates to the Region’s natural areas and critical species habitats.” Dr. Reed explained that this portion points out that it is important to demonstrate that environmental corridors are actually effective. There is no real scientific evidence to verify that the corridors function in such a manner. The “best guess” is that they do, based upon anecdotal observations by the Commission staff and others. But, actual verification data is lacking. Such a study would most appropriately be conducted by a university or the Department of Natural Resources. However, Mr. Emmerich suggested that the entire sentence be eliminated or moved to another section. Dr. Reed responded that the Commission staff will re-examine this concept and amend the paragraph and/or move it as appropriate.

[Secretaries Note: After reviewing this paragraph with the Commission’s Executive Director, it was determined that the concept would remain unchanged under the current plan amendment work effort section]

Mr. Graff then moved to approve Section 2 and to include the items mentioned. This was seconded by Dr. Wolf and passed unanimously.

Section 3, Status of Implementation of Original Regional Plan Recommendations

Dr. Reed next initiated a page by page review of Section 3.

Thomas Meyer noted discrepancies in Table 1, including the total number of State Natural Areas in the Region, combinations of natural areas, and the area names not corresponding to the official names as used by the Department of Natural Resources. Dr. Reed replied that corrections would be made.

[Secretary’s Note: The following paragraph will replace the first paragraph on page 32, following Designation of State Natural Areas: “SEWRPC Planning Report No. 42 identified the 29 sites within the southeastern Wisconsin Region that had been formally designated as State Natural Areas by the Wisconsin Department of Natural Resources. As defined, State Natural Areas contain nearly intact plant and animal communities, or unique and significant geological or

archaeological features. Such designation means that there is an agreement in place to properly manage the natural area. Subsequent to the original plan, ten additional sites have been so designated by the Wisconsin Department of Natural Resources, including two sites only partially within the Region. Also, two formerly separate sites in Kenosha County have been combined under one name, bringing to 38 the total number of such sites in the wholly or partially within Region (see attached Table III-1). These new areas range from upland woods and prairies to fens and lowland forests.”]

Dr. Wolf stated that the title of table 4 on page 37 was somewhat unclear. Upon further discussion with the Commission staff, the intent of the table was clarified, so that no change in the title of the table was necessary.

Mr. Johnson, Ms. Holtz, and Mr. Graff all recommended adding a table detailing natural areas protected through conservation easements. Dr. Reed stated that the Commission staff would prepare such a table and add it to this section.

Referring to table 6 on page 38, Mr. Holschbach stated that, contrary to the table, Lion’s Den Gorge in Ozaukee County was not completely protected. He said that he would provide the actual acreage under protection, and that portions of Beekeeper Bog had also been acquired by the Department of Natural Resources but was not listed. Dr. Reed replied that the Commission staff would make corrections to the table.

Referring to Table 7 on page 39, Mr. Graff questioned whether, in spite of loss of acreage and construction of a paved bike trail, Muth Woods in Washington County should be reduced in status from NA-2 to NA-3. Dr. Leitner replied that he, too, was debating whether to propose a change, but that he was certainly open to other opinions. Mr. Graff said that he would consult with Dr. James Reinartz of the University of Wisconsin—Milwaukee, also familiar with the site, as to his opinion.

[Secretary’s note: At the present, this information, in addition to information concerning the amount of protected acreage of Lions Den Gorge and Beekeeper Bog natural areas, and the preferred name of the geological area currently referred to as the West Bend Kames, has not been received by the Commission staff. The correct information will be included in a future set of meeting minutes.]

Ms. Amerson asked whether the “sensitive areas” on lakes as determined by the Department of Natural Resources should be incorporated in the evaluation of aquatic areas. Dr. Reed stated that this idea would be reviewed by the Commission staff.

Mr. Graff then moved to approve Section 3 to include the items mentioned. This was seconded by Mr. Emmerich and passed unanimously.

Determination of Next Meeting Date

The next meeting was scheduled for 10:00 a.m. on Monday, August 11, at SEWRPC in Waukesha.

Adjournment

There being no further business, the meeting was adjourned at 1:05 p.m. on a motion by Mr. Graff, seconded by Mr. Emmerich, and carried unanimously.

Respectfully submitted,

Dr. Donald M. Reed, Secretary