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Details:

(FORM UPDATED: 08/11/2010)

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

**2009-10**

(session year)

**Assembly**

(Assembly, Senate or Joint)

**Committee on ... Natural Resources  
(AC-NR)**

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions  
(**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) (Sept/2010)

Assembly

Record of Committee Proceedings

**Committee on Natural Resources**

**Assembly Bill 43**

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

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

February 17, 2009      Referred to Committee on Natural Resources.

March 11, 2009      **PUBLIC HEARING HELD**

Present:    (15)    Representatives Black, Danou, Molepske Jr., Steinbrink, Hraychuck, Hebl, Mason, Milroy, Clark, J. Ott, Gunderson, Huebsch, LeMahieu, Mursau and Nerison.

Absent:    (0)    None.

Appearances For

- Senator Bob Jauch, Poplar
- Representative Nick Milroy, Superior
- Lori Grant, Madison — River Alliance of Wisconsin
- Lindsay Wood Davis, Monona — Self
- Kathy Bartilson, Spooner — DNR

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Jim Brakken, Cable — Northwest Waters Consortium
- Sybil Brakken, Cable — Self
- George Meyer, Madison — Wisconsin Wildlife Federation
- Amber Meyer Smith, Madison — Clean Wisconsin

Registrations Against

- None.

Registrations for Information Only

- None.

March 18, 2009

**EXECUTIVE SESSION HELD**

Present: (14) Representatives Black, Danou, Molepske Jr., Steinbrink, Hraychuck, Hebl, Mason, Milroy, Clark, Gunderson, Huebsch, LeMahieu, Mursau and Nerison.  
Absent: (1) Representative J. Ott.

Moved by Representative Milroy, seconded by Representative Hebl that **Assembly Bill 43** be recommended for passage.

Ayes: (14) Representatives Black, Danou, Molepske Jr., Steinbrink, Hraychuck, Hebl, Mason, Milroy, Clark, Gunderson, Huebsch, LeMahieu, Mursau and Nerison.

Noes: (0) None.

Absent: (1) Representative J. Ott (excused).

PASSAGE RECOMMENDED, Ayes 14, Noes 0

John Maycroft  
Committee Clerk



AB 43 ?



**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

Jim Doyle, Governor  
Matthew J. Frank, Secretary  
John Gozdzialski, Regional Director

Northern Region Headquarters  
810 W. Maple Street  
Spooner, Wisconsin 54801  
Telephone 715-635-2101  
FAX 715-635-4105  
TTY Access via relay - 711

January 20, 2009

To: Everyone interested in the proposal to name the Totogatic as a State "Wild River"

Greetings:

In the past four years, Department staff, partner agencies, and interested groups and individuals have been researching the possibility of designating the Totogatic River as a State Wild River under Chapter 30 of the statutes. Some of you receiving this letter have contributed to this effort, and we extend very hearty thanks for your work and input. For others, this may be the first opportunity to hear of the proposal.

***The latest information on the project is that Senator Bob Jauch is presently sponsoring a bill to add a section of the Brunsweler River in Ashland County to the list of State Wild Rivers. This will be the first river added to the list since 1965. Senator Jauch and Representative Nick Milroy are also willing to introduce a bill this spring to add most of the length of the Totogatic to the list.***

Also, in a separate effort, NR 102 of the Wisconsin Administrative Code was changed to provide additional protection to several streams in northern Wisconsin (effective November, 2006). Both the Brunsweler and the non-impounded reaches of the Totogatic were included, and are now officially state Outstanding Resource Waters. This classification is not the same as the Wild River designation, but will provide more water quality protection than in the past.

Based on input from public meetings in 2005 and 2006, along with recommendations from the Department resource managers, we have drafted suggested statute changes that we feel address the concerns and suggestions we received. Here is a summary of the proposed changes for the Totogatic designation:

Sections to be included in the designation:

The proposal establishes 4 designated reaches, but does not include the 4 flowages and dams:

- o *First Reach:* From the outlet of Totogatic Lake located in Bayfield County to the upstream end of Nelson Lake (at the southern edge of the walleye spawning refuge) located in Sawyer County.
- o *Second Reach:* From a point 500 feet below the dam in the Totogatic Wildlife Area located in Washburn County to the upstream end of the Colton Flowage located in Washburn County.
- o *Third Reach:* From a point 500 feet below the dam that forms the Colton Flowage located in Washburn County to the point where the river crosses the Washburn-Douglas County line immediately above the upstream end of the Minong Flowage.
- o *Fourth Reach:* From the bridge on CTH "I" that crosses the river located in Washburn County to the confluence of the river with the Namekagon River located in Burnett County.

Rationale: Since the flowages are impoundments (more like lakes than rivers), and Nelson Lake, the Colton Flowage, and the Minong Flowage have significant shoreline development, they would not fit the expectation of a "wild river" experience. Also, starting the designated segments 500 feet below an existing dam will allow a zone for future work on the banks and in the stream (for dam maintenance, repair, and possibly replacement).

Provisions for maintaining existing river crossings:

The proposal also calls for continued use of existing river crossings:

*Any bridge or water crossing that is used for recreational or forestry purposes and that is in place on the river on the date the designation takes effect may be maintained, modified, or replaced to the extent necessary to ensure public safety. Any such maintenance, modification, or replacement shall be performed in a manner that results in the least impact on the beauty and the natural condition of the river.*

Rationale: Significant concerns were raised over the fate of existing bridges and culverts that serve recreational trails and forestry activities. It is the Department's recommendation that existing water crossings be allowed to remain in place, and be upgraded as needed. The proposal would not allow for additional crossings to be added, so that contiguous sections of the rivers without crossings could be preserved. Public road bridges can currently be upgraded and replaced on Wild Rivers under Wisconsin Administrative Code NR 302.

Provisions for protecting wild rice habitat:

*The department may authorize the removal of natural obstructions from the portion of the river between Totogatic Lake and Nelson Lake if needed for the protection or growth of wild rice.*

Rationale: Totogatic Lake is located just above the beginning of the proposed designation on the Totogatic. This is a high-quality wild rice lake. Wild rice is vulnerable to water level changes, particularly in the early stages of growth. Beaver dams and log snags, etc., on the river channels can raise the upstream water level and adversely affect rice production. For this reason, the Department and partner agencies that help manage wild rice need authorization to remove natural obstructions.

Provisions to keep existing docks that comply with statutory size standards:

*Any pier that is in place on the river on the date the designation takes effect may be maintained or replaced. A replacement pier may have no more boat slips than did the original pier, and may not have a loading platform. A replacement pier shall either be limited to the dimensions of the original pier or the dimension requirements specified for piers in s. 30.12 (1g) (f), whichever dimensions result in a smaller square area for the pier.*

Rationale: Not allowing additional docks will (in the long term) help preserve the wild character of the river. The proposal also allows a fair option for people who presently have docks by allowing them to keep them, if the docks comply with the permit exemption size standards in Chapter 30. So, the proposal would allow existing, compliant docks to be retained, repaired, and replaced at their existing dimensions. If they are roll-in docks, they can be taken in and out each season. The law will not allow for new or additional docks to be placed on parcels where they did not exist before the designation.

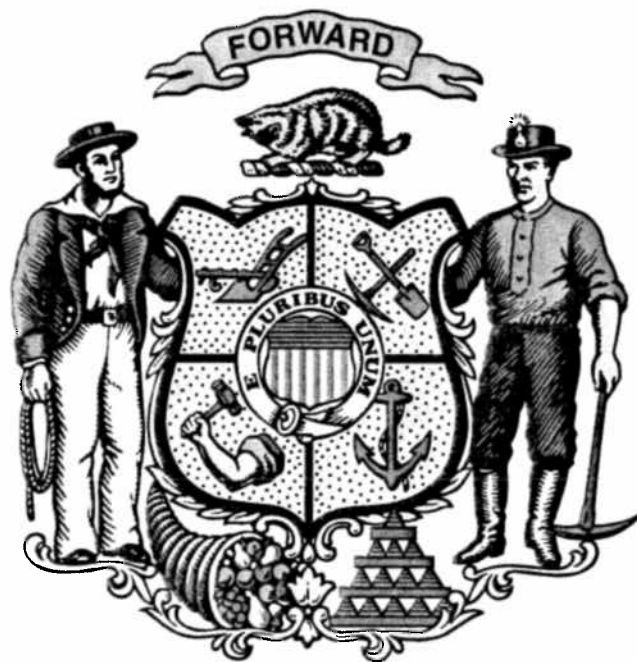
These were the major issues raised that we felt could be addressed by revising the statute. Other concerns related to activities on private land are already regulated by NR 302. We do not envision making any changes to these requirements, as they would affect protection measures already in place on the three existing Wild Rivers (the Pine, Pike, and Popple in northeastern Wisconsin).

If you are interested in hearing more about the proposal, there are several background documents available that provide more information on the Totogatic and the details of the Wild River designation. These can be viewed on the UW-Extension St. Croix Basin Education website:

<http://basineducation.uwex.edu/stcroix/Links/WildRiver/Index2.htm>.

We are also available at the Spooner DNR Service Center and at UW-Extension in Spooner (at the phone numbers listed below) to discuss the proposal and answer questions.

Kathy Bartilson	715/635-4053
Ed Slaminski	715/635-4130
John Haack (UW-Extension)	715/635-7406



# Friends of the St. Croix Headwaters



## Board of Directors

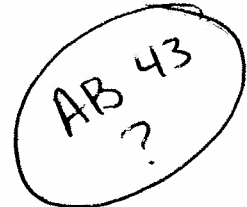
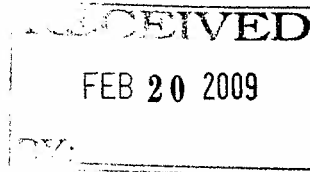
Judy Aspling  
Bob Gile  
James Heim  
John Kudlas  
Susan Peterson  
Lynn Zimek  
Joanne Zosel

## Executive Director

Scott Peterson

February 18, 2009

Senator Robert Jauch  
Room 118 South  
State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882



Re: Strong support for Wild Rivers Designation for Totogatic River (SB47)

Dear Senator Jauch,

On behalf of the Board and membership of the Friends of the St. Croix Headwaters, we strongly support the Wild Rivers designation for the Totogatic River, and urge legislative approval.

This river has excellent water quality, has great recreational potential for paddling and fishing, and is ranked highly in the Department of Natural Resource's Northern Rivers Initiative. This is an important natural resource that helps to support the economy of northwestern Wisconsin.

We feel that Wild Rivers designation for the Totogatic will help provide long-term, cohesive protection along the length of the river.

Substantial portions of the land along the Totogatic are largely undeveloped and publicly owned forestlands. It is a resource deserving Wild Rivers protection so that it will stay wild into the future.

Sincerely,

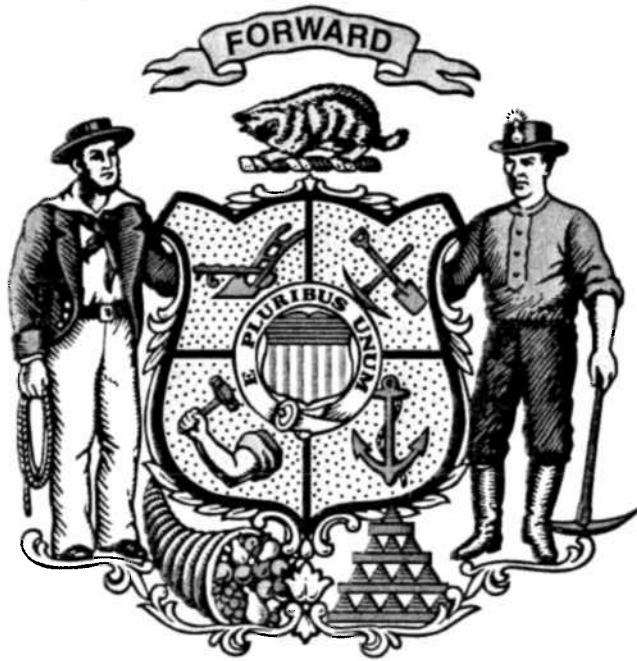
Scott Peterson  
(715) 520-7732  
scott@fotsch.org

Friends of the St. Croix Headwaters, Inc.  
P.O. Box 276, Gordon, WI 54838

**2007 River Champion Award** recipient for excellence in river stewardship

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







**Washburn County Lakes and Rivers Association, Inc.**  
**A Public Benefit Corporation**  
[www.wclra.org](http://www.wclra.org)

850 W. Beaverbrook Avenue, Suite 1  
Spooner, WI 54801

February 25, 2009

Rep. Nick Milroy, Assembly Dist. 73  
Sen. Robert Jauch Senate District 25

AB 43  
?

Dear Senator Jauch and Representative Milroy,

As you know, the Washburn County Lakes and Rivers Association, Inc. (WCLRA) was one of the first proponents of designating undeveloped portions of the Totogatic River as a Wisconsin wild river. I am writing to thank you for authoring the legislation to make that designation a reality and to reaffirm our organization's enthusiastic support.

WCLRA is a county-wide association of lake organizations and individual members. Currently, our membership consists of 25 lake organizations and 140 individual members. Washburn County has 964 lakes and approximately 700 miles of streams.

We are very excited to see the effort to protect the Totogatic moving forward through the legislative process. As the Totogatic flows across the top of Washburn County, it is a real gem with very high water quality and tremendous recreational potential for paddling and fishing. Substantial portions of the land along the Totogatic are scenic and largely undeveloped; much of this land is publicly-owned. It is our goal to keep it that way.

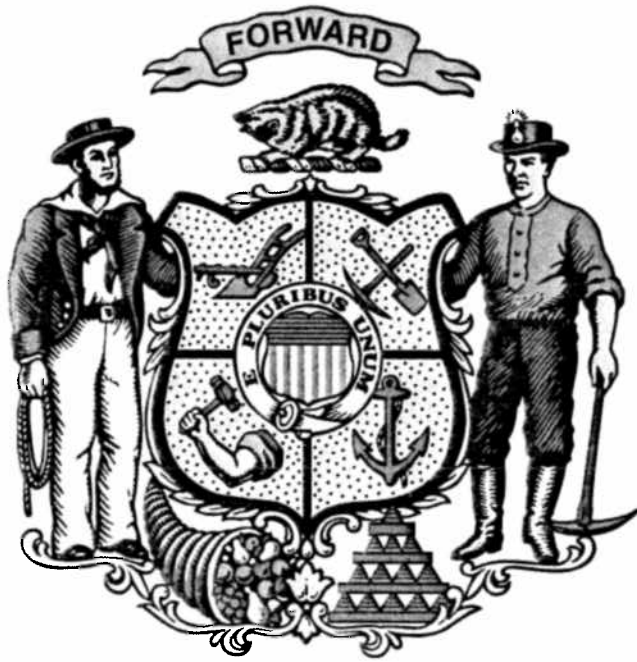
Thank you again for working to preserve the Totogatic for future generations.

Sincerely,

*Cathie Erickson*

Cathie Erickson, President  
Washburn County Lakes and Rivers Association, Inc. (WCLRA)

cc: Rep. Spencer Black, Chair, Assembly Natural Resources Committee





## St. Croix Basin Water Resources Planning Team

Protecting Water Quality Through Interagency Collaboration

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March 9, 2009

Senator Robert Jauch  
Room 118 South, State Capitol  
P.O. Box 7882  
Madison, Wi 53707-7882

AB 43  
?

Dear Senator Jauch,

On behalf of the St. Croix Basin Water Resources Planning Team, I want to voice strong support for designating the Totogatic River a State Wild River.

The St. Croix Basin Team is an interagency group that has been cooperating for more than a decade to study water quality in the St. Croix River as well as the relationship between river condition and land use in the watershed. Team members represent the Wisconsin and Minnesota Departments of Natural Resources, the Minnesota Pollution Control Agency, National Park Service, St. Croix Watershed Research Station, U.S. Geological Survey, and other regional and county agencies.

Research conducted through the Basin Team has indicated that water quality in the lower 25 miles of the St. Croix River is impaired by excessive nutrients and sediment entering the river from tributaries throughout the watershed. Considering this, it becomes increasingly important to protect the streams that have good water quality (such as the Totogatic) while addressing water quality problems in other streams.

The State Wild River designation of a portion of the Totogatic will afford protections to downstream waters of the Namekagon and St. Croix Rivers, as well as the Totogatic itself. We appreciate your work to secure this designation for one of northwest Wisconsin's premier waters and wish you success when this comes to a vote.

Sincerely,

Kate Hanson  
Chair, St. Croix Basin Water Resources Planning Team  
Chief of Resource Management, St. Croix National Scenic Riverway

Founding Member Agencies:

Minnesota Pollution Control Agency ♦ Minnesota Department of Natural Resources ♦ National Park Service  
Wisconsin Department of Natural Resources ♦ and the former Minnesota-Wisconsin Boundary Area Commission

With support by other cooperating members including the U.S. Geological Survey, Metropolitan Council-Environmental Services, St. Croix Watershed Research Station, University of Wisconsin-Extension, U.S. Army Corps of Engineers, St. Croix River Association, Washington Conservation District, and St. Croix, Chisago, and Isanti Counties



OFFICIAL CORRESPONDENCE SENT VIA ELECTRONIC MAIL  
No hard copy to follow

NATIONAL PARK SERVICE  
ST. CROIX NATIONAL SCENIC RIVERWAY  
401 N.HAMILTON STREET  
ST. CROIX FALLS, WISCONSIN 54024

March 9, 2009

A3815(SACN)

The Honorable Robert Jauch  
Room 118, S. State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882

AB 43  
?

Dear Senator,

I am writing to thank you for introducing legislation in the Wisconsin Senate to designate a section of the Totogatic River a State Wild River. We have heard from our associates at the Wisconsin Department of Natural Resources that there will soon be a vote on this bill.

As you may know, the St. Croix River and one of its tributaries, the Namekagon, are federally-designated wild and scenic rivers, managed jointly as the St. Croix National Scenic Riverway. The National Park Service has river management responsibility. We work closely with the Wisconsin Department of Natural Resources on a wide variety of river-related matters of mutual interest, such as water quality protection, hunting and fishing regulation, and control of invasive species and forest pests.

The Totogatic is a beautiful stream of a quality that merits the state recognition. Furthermore, as a tributary of the Namekagon, the Totogatic's protection will in turn benefit the St. Croix National Scenic Riverway for many years to come.

We wish you a resounding success in the upcoming vote and appreciate your work to preserve this outstanding resource for the people of Wisconsin.

Sincerely,

Christopher E. Stein  
Superintendent

cc: John Gozdziwski, Regional Director, Wisconsin Department of Natural Resources





## 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>

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### MEMO

**TO:** Members of Assembly Committee on Natural Resources  
**FROM:** Eric Uram, Conservation Chair -- John Muir Chapter Sierra Club  
**SUBJECT:** SUPPORT AB 43 – Designate Totogatic River as a Wild Rivers Bill  
**DATE:** March 11, 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 AB 43, an effort to expand Wisconsin's protections for near-pristine, free-flowing waters by designating the Totogatic River as a Wild River. 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. The Totogatic River will join the already designated Pine and Popple Rivers in Florence and Forest Counties and the Pike River in Marinette County. We also support SB 6. On top of protecting high-quality stream segments in the Chequamegon and Nicolet National Forest, SB 6 would also designate sections of the Brunsweler River as the Martin Hanson Wild River to honor his legacy as one of Wisconsin's great conservation leaders.

The Sierra Club supports adding additional river stretches throughout the state in the names of 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.

We urge your support for AB 43. Thank you for considering our comments.







# RIVER ALLIANCE of Wisconsin

Representative Spencer Black, Chair,  
Assembly Natural Resources Committee  
417 North  
State Capitol

Date?

Dear Representative Black and Members of the Committee

The River Alliance of Wisconsin is strongly supports AB 43, 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 AB 43, 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



AB 43  
?  
Date  
?

## What about docks?

One of the main areas of concern has been over docks on the sections of the river in private ownership. In addition to the Wild Rivers language in Chapter 30 of the Wisconsin Statutes, there is an Administrative Code that provides the details on regulation of activities on Wild Rivers and along their banks. This rule specifies that *“to protect and preserve public rights in the maintenance of the natural condition and beauty, no piers shall be constructed in the wild rivers.”*

**The language the Department has proposed to Senator Jauch’s office WILL allow existing docks to remain, but will NOT allow new docks to be placed in the designated reaches. The specific language is:**

*“Any pier that is in place on the river [on the effective date of the designation] may be maintained or replaced. A replacement pier may have no more boat slips than did the original pier and may not have a loading platform. A replacement pier shall either be limited to the dimensions of the original pier or the dimension requirements specified for piers in s. 30.12 (1g) (f), whichever dimensions result in a smaller square area for the pier.”*

This means that docks that presently exist, and comply with the size standards in Chapter 30 of the statutes, can be kept, repaired, and replaced at their existing dimensions. If they are roll-in docks, they can be taken in and out each season. The law will not allow for new or additional docks to be placed on parcels where they did not exist before the designation.

*We realize this is a change from what we proposed at a listening session in 2006, where we thought new docks would be allowed. We apologize for this change,* but based on advice from Department legal counsel, and opinions from supporters of the proposal, not allowing additional docks will (in the long term) help preserve the wild character of the river. It also allows a fair option to people who presently have compliant docks to be able to keep them.

On the three existing Wild Rivers (the Pike, Pine, and Pople in northeastern Wisconsin), docks have not been an issue of concern. Most of the land along the banks is in public ownership on these rivers. However, it has been a concern throughout the discussions on designating the Totogatic, as there are many private parcels, particularly in Washburn County.



## State Wild Rivers Addition: Portions of the Totogatic River

AB43  
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**Background:** The legislature designates rivers as state wild rivers. The Department of Natural Resources administers the system 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.

**Issue:** 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 reaches, and do not include four impoundments and their associated dams. These impoundments include Nelson Lake in Sawyer County, and the Totagatic, Colton, and Minong Flowages in Washburn County.

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 private forest 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 dams, piers, or bridges (with the exception of new public highway bridges, foot bridges, or bridge access to residential dwellings where no alternatives exist)
  - 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 Basin Education web site:

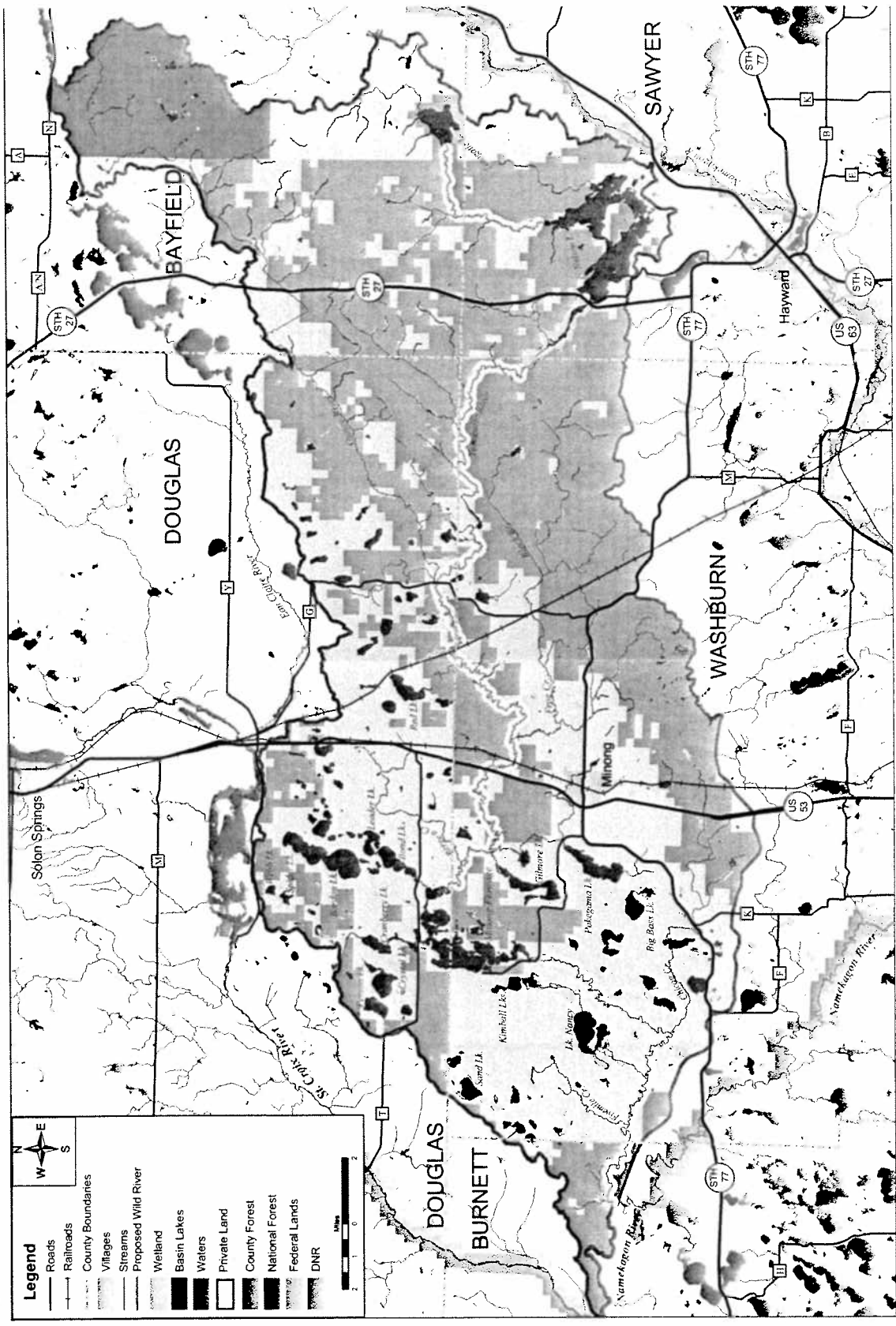
<http://basineducation.uwex.edu/stcroix/Links/WildRiver/Index2.htm>





AB 43 ?

# Totogatic River System: Proposed Wild River 2009







## The Totagatic ~ Proposed for Designation as a State Wild River

AB 43  
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“Totagatic” – however you spell or pronounce it – brings to mind canoeing, hunting or fishing on a clean and wild river for many people in Northern Wisconsin.

Will this river stay wild in the future? At the 2004 “Superior Days” event at the state capitol, Washburn County representatives presented the idea of designating all (or portions of) the river as an official state Wild River.

### The River’s Path:

The Totagatic flows approximately 70 miles through portions of five counties in northwest Wisconsin. It begins in southern Bayfield County, just upstream of Totagatic Lake. From the lake, it flows westerly through Sawyer, Washburn, and a small portion of Douglas County, crossing back into Washburn and eventually emptying into the Namekagon River in Burnett County. It is impounded by four dams forming Nelson Lake in Sawyer County, and the Totagatic, Colton, and Minong Flowages in Washburn County. The shoreline is relatively wild for much of the river’s length. A substantial portion of the land along the river is in public ownership as state, county, or federal land. There are also tracts of industrial forest land.

### Why Seek the State “Wild River” designation?

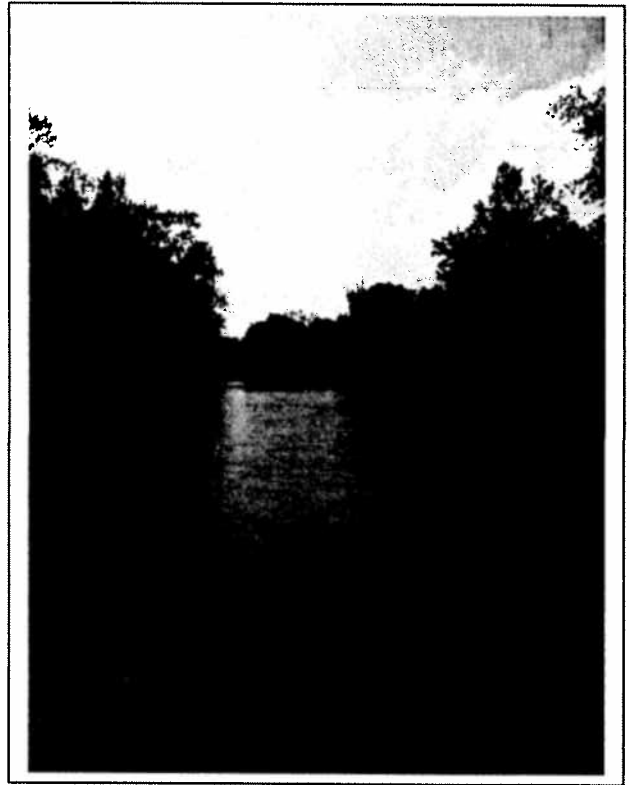
In the 1977 edition of Canoeing the Wild Rivers of Northwest Wisconsin (published by Northwest Canoe Trails Inc.) the Totagatic was described as:

*“...one of the few remaining near-wilderness streams in Wisconsin. The river and surrounding country are little changed since the last log drives in the early 1900s. Rough rock outcrops, rolling terrain, open marsh, and dense woodland provide constantly changing scenery for the canoeist. Most of the native species of wildlife can be seen on this trip...”*

### What’s in a name?

The name “Totagatic” comes from the Ojibwa word “Totogan” meaning “place of floating logs” or “boggy river” (according to Romance of Wisconsin Place Names, Heartland Press, 1988). Plat books, maps and tour books show a couple of spellings for the river and its namesake flowages.

“Totagatic” and “Totogatic” are used interchangeably in these reference materials (sometimes both are used on the same page!). Pronunciation is varied between “Tuh-TO-ga-tec”, To-TO-ga-tec”, “To-to-GAT-ic,” “To-BA-tec” and just “TO-ga-tec” according to long-time local residents. Each of these spellings and pronunciations seems to have a strongly-defended local following, and devotees of one will consider use of the others as incorrect.



*The Totagatic, looking downstream at the Washburn-Burnett County line.*

Because of extensive public ownership, this decades-old description is mostly accurate yet today. 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 through forestland and one area known as the “Dismal Swamp.” There are presently no municipal, industrial, or commercial wastewater discharges to the river.

In 2000, the Department of Natural Resources’ Northern Rivers Initiative ranked the best streams in 20 northern counties for their wild nature based on habitat, wild shoreline, fisheries, and other resource and cultural values. The lower section of the Totagatic in Washburn County ranked in the top 2% (22nd out of 1494 stream and river segments), recognizing it as one of the state’s best. Some of the main threats to keeping the river in this natural and wild condition are clearing and development on either public or private land, and poor land use practices in the river’s watershed. Retaining the river’s wild character and habitat is dependent on all five counties and the state keeping their

present holdings in public ownership, and/or on responsible use and development of both public and private shoreline and forestland. The Wild River designation would provide further protection measures from these threats under uniform state law and guidelines.

Although the Totogatic is a major tributary of the Namekagon, it was not included in the St. Croix National Wild and Scenic Riverway. *However, it was recently designated an "Outstanding Resource Water under Wisconsin Administrative Code NR 102 (through a code revision effective in November, 2006).* This designation offers further protection from the effects of development and new wastewater point-source discharges. Also, the Washburn County shoreland zoning ordinance does include "resource conservancy" protection on some parcels along the river. This zoning category requires a 300-foot setback for building along the banks. Washburn County has also designated the Totogatic as a "County Wild River" under its Comprehensive Forest Management Plan.

Protection offered under a "Wild River" designation:  
Chapter 30.26 of the state statutes declares the legislative intent of designating a "Wild River" as a way to "afford the people of the state an opportunity to enjoy natural streams." It further states that "it is in the interest of the state to preserve some rivers in a free flowing condition and to protect them from development." This statute goes on to name the Pike River in Marinette County, and the Pine and the Popple in Florence and Forest Counties as Wild Rivers.

To protect these rivers, State Administrative Code NR 302.04 places restrictions on certain activities and structures along Wild Rivers. Once again, the intent is to protect and preserve public rights features, including maintenance of a natural condition, scenic beauty and rights incident to navigation. Further, NR 102 lists all state Wild Rivers as Outstanding Resource Waters, providing a further level of protection.

No new Wild Rivers have been added to the State's list since 1965, when the Pike, Pine, and Popple Rivers were the first rivers so designated. The Totogatic is a resource well deserving this level of protection so that it will stay wild in the future. This designation would provide long-term, cohesive protection along the length of the river, rather than relying on county-by-county public ownership and zoning for protection.

#### Local Interest in Protection Measures:

The Washburn County Forestry Committee authorized the County Administrator to promote this proposal at the Superior Days legislative lobbying effort at the Capitol for the past few years. The Rivers Committee of the Washburn County Lake and Rivers Association has also expressed interest, as has a counterpart group in Burnett County. Northern Region DNR staff has been researching the statute and rule changes that would be needed to designate any additional waterbodies beyond the ones already listed, as well as potential public and private riparian implications. In 2006, the Washburn and Burnett County Boards passed official resolutions in favor of the designation.

#### How much of the River should be Designated "Wild"?

Since so much of the land along the river is still wild and in public ownership, the entire length could potentially be designated. It is proposed that the flowages not be included, because of the dams forming them, and because much of the surrounding land is privately-held and already developed.

#### What is Needed to Gain this Designation?

Discussion is needed with the public, local river groups and county administration in each of the five counties the river passes through. Garnering further local support through county boards, county forestry and zoning committees, lake and river organizations, outdoor groups, and quiet sports enthusiasts should lead to resolutions supporting the measure. Discussions are needed with local legislators requesting their sponsorship. To officially gain this designation, Chapter 30 of the state statutes needs to be changed (by the state Legislature) to add the Totogatic to the list.

This document and more information on the Wild Rivers proposal are available at:

<http://basineducation.uwex.edu/stcroix/Links/WildRiver/Index2.htm>