



# THE LAKELAND TIMES



## FIRST DAY OF PRACTICE

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### OPEN RECORDS INVESTIGATION

# Bombshell: DNR sat on resolutions opposing Pelican River Forest purchase

## Agency had resolutions in hand but did not inform NRB before approval vote

By Richard Moore  
OF THE LAKELAND TIMES

Wisconsin Department of Natural Resources staff did not inform the Natural Resources Board about resolutions of opposition to the Pelican River Forest easement purchase submitted by two Oneida County towns

prior to the board's vote in October to approve funding for the project, though the agency had received the resolutions in timely fashion and had them in hand almost a week before the board's vote.

The towns of Sugar Camp and Monico passed objecting resolutions. Monico would be most heavily im-

pacted by the easement: The proposed Stewardship acquisition would cast more than 80 percent of the town's land into state ownership or permanent easement.

The agency also failed to properly notify Oneida County of the project, sending a notice to the home of a former county board chairman who

was no longer on the board, according to records obtained by *The Lakeland Times* in an open records request and from interviews with officials.

All of which is problematic because state law requires the department to notify affected local

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## STORY TIME

Minocqua Public Library youth services coordinator Erica Dischinger reads to children during the library's weekly Story-Time on Wednesday, March 22, in Minocqua.

TREVOR GREENE/  
LAKELAND TIMES



## Bangstad disrupts Minocqua town board meeting with 'point of order'

### Jennrich's email never said MBC was on March 21 agenda

By Trevor Greene  
OF THE LAKELAND TIMES

Minocqua Brewing Company (MBC) owner Kirk Bangstad appeared at the Minocqua town board's Tuesday meeting, wasting no time to tell the board what he wants.

As is customary at Minocqua town board meetings, town chairman Mark Hartzheim called the meeting to order and the Pledge of Allegiance was said. Immediately after that, Bangstad claimed a "point of order."

"I've been told it's against the law to put an agenda item on the agenda," he said with town chairman Mark Hartzheim telling him he was out of order.

Bangstad continued, saying he believed "it's against the law for a county board executive to ask you guys to put something on the agenda and you still ..."

He stopped after Minocqua police chief Dave Jaeger said if he didn't he would be escorted out of the meeting by other police officers who were at the meeting.

"Anymore and you're out," Hartzheim said. "And I think you know that."

All town officials and supervi-

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## Minocqua town board to conduct first reading to open additional ATV/UTV routes

### Thompson: 'It's happening everywhere else'

By Trevor Greene  
OF THE LAKELAND TIMES

The Minocqua town board at its Tuesday meeting agreed to have a first reading of a draft ordinance amendment

which would allow for all terrain vehicle (ATV) and utility task vehicle (UTV) use on all town roads except on roads from Country Club Road to County Highway J and other roads residents have expressed they don't want open.

U.S. Highway 51 and State Highway 47 are closed to ATV/UTV use and will remain closed due to state law.

At Tuesday's meeting, after the board agreed to move forward to draft an ordinance amendment, it also adopted an ordinance amendment

"I think people are afraid of the unknown."

Bill Stengl

that allows use of the first 200 feet of Townline Road west of its intersection with Hwy. 51.

Lakeland ATV Club president Corky Shep-

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# Bombshell

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governments of the proposed acquisition and, if the jurisdictions pass timely resolutions supporting or opposing the acquisition, the NRB must consider such resolutions before any funding for Stewardship projects is approved.

“If the department receives the copy within 30 days after the date that the city, village, town, or county received the notification of the proposed acquisition, the department shall take the resolution into consideration before approving or denying the obligation of moneys for the acquisition from the appropriation under [the stewardship program],” the statute states.

At the critical meeting of the Natural Resources Board (NRB) on October 26, in which the board approved spending approximately \$4 million of state money to purchase an easement in perpetuity on about 56,000 acres of land in the Pelican River Forest, DNR staff touted record-breaking public support for the project, but what senior agency staff did not tell the board — and apparently did not know themselves — a DNR real estate specialist in Rhinelander serving as the point person for resolutions coming from local governments had received the two objecting resolutions within a department-set deadline about a week before the NRB meeting.

That was as far as the resolutions ever went, however. The DNR real estate specialist, Nicole Smith, never forwarded the resolutions to Jim Lemke, the real estate section chief of the DNR who was making the project presentation to the NRB, or to any other DNR staff prior to the NRB meeting, and her supervisors apparently never inquired of her about the existence of any such resolutions before their NRB appearance.

Sugar Camp town chairman Scott Holewinski said he repeatedly tried and failed to get the DNR to answer questions about the purchase before his town passed its objecting resolution on October 17.

## The NRB meeting

At the October 26 NRB meeting, Lemke pitched the project enthusiastically to the board, outlining the reasons he said DNR staff were recommending approval for a working forest conservation easement on 56,259 acres in the Pelican River Forest for \$15,512,000. Specifically, Lemke told the board, the acquisition would be financed with a combination of funds including a \$600,000 gift from the National Fish and Wildlife Foundation, a federal forest legacy grant in the amount of \$10,884,000, and the remaining \$4,028,000 from the Warren Knowles-Gaylord Nelson Stewardship Program, with \$3 million of the stewardship funding allocated to fiscal year 2023 and the remaining \$1.028 million to be paid from fiscal year 2024.

During his presentation,

Lemke hailed the broad spectrum of support from the public and said he had never before seen anything like it.

“Never have I had an acquisition with as much public support as this has generated,” Lemke said. “Among the notable support letters are from the Wisconsin Conservation Congress, the National Fish & Wildlife Foundation, statewide ATV and UTV clubs, .... Wisconsin Bear Hunters Association, Ducks Unlimited, and The Nature Conservancy ...”

Lemke never mentioned any opposition. He did say Langlade County had some potential concerns over the easement, but their concerns had been allayed.

“I attended their county board meeting to try and address some of those concerns,” he said. “Langlade is very pro-active, they are very passionate about recreational use of their properties.”

But they had some concerns about what was going on within their county borders and with their tax base, Lemke said, and the board had written a letter of concern to then DNR secretary Preston Cole.

“They did not rule in favor of continuing with that opposition,” he said. “It was 14-3 in favor of not opposing this acquisition in front of the board.”

The biggest concern was the timing the county was afforded to weigh in on the conservation easement, Lemke told NRB members.

“They felt that the 30-day time limit was too small of a time frame,” he said. “I talked with them and assured them I would do better with these large asks in front of Langlade County and I told the county board that I would make a mention of that 30-day notice as a concern on their part to make it a part of the official public record of this meeting.”

As it turns out, Oneida County was having the same concern, and the issue surfaced at the Oneida County board of supervisors meeting in February, as did the fact that Lemke did not mention any opposition by the towns.

Lemke said he did not mention the objecting resolutions at the NRB meeting because he had not received them and was not aware of them.

This past week, in an email sent to Holewinski, the DNR point person for those resolutions, Nicole Smith, acknowledged that she received the resolutions within the 30-day time limit but did not give them to any other DNR staff, despite the rapidly approaching NRB meeting and statutory requirement that they be considered.

“I do not have any emails showing I forwarded the Sugar Camp resolution on to other DNR staff,” she wrote in a March 16 email to Holewinski, and she also acknowledged that, by January of this year, when town and county officials had begun to ask questions about the Monico and Sugar Camp resolutions, Lemke sent Smith an email asking if anyone had received it.

“I responded stating that it had been sent to me ....,” she wrote, adding that she then sent the resolution to Lemke and other more senior DNR staff. But the NRB had approved the funding three months earlier.

In addition to the suppressed resolution, Oneida County, like Langlade County, was also chafing under the tight time period the DNR gave towns and counties to enact resolutions for or against the project.

A 30-day notice is part of the established process, Lemke said at the February county board meeting, but, in this case, with the size and significance of the purchase, he said he should have communicated sooner.

“I miscalculated based on past conservation easements that the state has done and the popularity of those within those counties, and, since Phase 1 (the 12,500 acres) wasn’t objected to, that this too would be received favorably by the county,” he said. “That’s my mistake.”

## The timeline

The timeline begins in September of 2022 — on September 19, to be exact.

That’s the day Lemke sent out notification letters to town, county, and state officials whose constituents would be impacted by the easement purchase, notifying them of the project and of the time-limited ability to pass an opposing or supporting non-binding resolution.

In the letter, Lemke tells the officials the department is required to notice the local government board and to alert the board that it may adopt a resolution. The agency real estate chief also assured officials that the department would consider any resolution passed and forwarded to the department.

“If you decide to adopt a resolution for or against this easement purchase for conservation purposes, it must be adopted within 30 days of receipt of this letter,” Lemke wrote. “While non-binding, the department will consider the resolution. The deadline for sending a resolution to me is October 21, 2022.”

And if local governments did pass a resolution, the letter instructed them to send a copy of the resolution to Nicole Smith, who works out of the agency’s Rhinelander office.

There were other problems with that letter besides the short time period to consider such a significant purchase, Holewinski says, namely, the letter to Oneida County was sent to the wrong person. Instead of sending the letter to Holewinski as county board chairman, the agency sent it to the home address of former county board chairman Dave Hintz, who had stepped down from the board five months earlier.

“Oneida County was never properly notified,” Holewinski said.

Holewinski himself was notified as chairman of the town of Sugar Camp and so, to try and meet the deadline, he says he set about trying to get answers from Smith that he and other supervisors had about the acquisition. That turned out to be a

frustrating process, Holewinski says.

“From September 19 to October 16, I made several calls to Nicole Smith,” he said. “I left two voice messages but never received a call from her during this period of time.”

It should be noted that, in another communication with Holewinski, Smith says she had left him “a few voice-mails.” Her communication suggests it was late in the game, October 18 or after, but the communication does not make that clear.

In any event, Holewinski viewed the agency as unresponsive, and the Sugar Camp town board passed a resolution objecting to the easement on October 17. The next day, Holewinski said the town clerk emailed the resolution to the DNR and also sent the agency a physical copy. That same day, October 18 at 2:51 p.m., Smith responded to the town clerk saying the resolution had arrived.

“Received,” Smith wrote. “I also left a voice mail for Scott Holewinski with my cell number so he can contact me for additional information and/or I can answer any questions he has.”

But Holewinski said it was too late to answer questions. The deadline to respond was only three days away, he said, and the town had already passed and submitted a resolution.

In any event, while Smith had indicated to the town clerk that she had left Holewinski a message, Holewinski said she did not actually leave a message until two days later.

“Hi Scott, Nicole Smith calling with DNR,” Smith began her message on October 20 at 3:32 p.m., Holewinski says his records show. “Trying to get ahold of you regarding the resolution you passed in regards to opposing the conservation easement that the DNR is pursuing around the Monico area. I believe you may have questions about this purchase of this easement so I’ll be happy to answer these questions for you.”

Smith left her phone number. On that day, Holewinski happened to be in another state, so he said he forwarded the voice mail to another town supervisor, Paul Sowinski, and asked him to return Smith’s call. Holewinski said Sowinski placed the call but Smith did not answer, and Holewinski said Sowinski did not leave a message.

## Casually dropping the bomb

In a March 16 email to Holewinski, Smith delivered her own timeline of what happened with communications. She was responding to an email and text from Holewinski, in which Holewinski was seeking answers about what had become of the Monico and Sugar Camp resolutions.

“This is Scott Holewinski, chairman for Sugar Camp,” Holewinski began his text. “You acknowledged to my clerk that you had received our resolution and you left me a visual voice message on October 20th, 2022 affirming you received it. Who did you forward the resolution onto and include the Monico resolution.

Please reply.”

Smith did reply.

“I received the email from the Sugar Camp clerk with the resolution attached on Tuesday October 18, 2022,” Smith wrote. “I replied via email that same day stating I had received it. I also left you a few voicemails which you responded via text message that you were on vacation and one of your supervisors would contact me.”

However, Smith said she had no emails or voicemails from any town supervisors, not surprising since Sowinski had said he did not leave a message.

Then Smith delivered her bombshell: “I do not have any emails showing I forwarded the Sugar Camp resolution on to other DNR staff. My intent had been to discuss the project with you and answer any questions I could prior to sending the resolution on, but we never connected.”

She also apparently did not forward the Monico resolution to anybody until she was asked about it in January.

“I received an email from Robert Briggs with the Town of Monico’s resolution at almost 8pm on Friday October 21, 2022,” Smith wrote to Holewinski. “He followed up with a second email on Saturday October 22, 2022 explaining a typo on the resolution. I cannot find an email where I replied to Mr. Briggs on receiving the resolution. I did however return a phone call to Mr. Briggs on October 20, 2022 and also to his clerk on October 20, 2022. I spoke directly with each of them.”

Then, on January 26, Smith wrote, Lemke sent an email asking if anyone had received the Monico resolution.

“I responded stating that it had been sent to me; my response, which included a copy of the email from Mr. Briggs and his resolution, was sent to Jim Lemke, Peter Wolter, and Ron Gropp, all DNR staff,” she wrote. “Also included in my reply was a summary of the phone conversations I had with Mr. Briggs and Ms. [Monico town clerk Barbara] Henderson.”

Holewinski was incredulous and replied to Smith less than an hour later:

“So to date nobody has asked for a copy of the Sugar Camp resolution?” he asked. “The notice to the town said to submit a resolution by October 21 to be considered. Doesn’t say that you will hold on to it till everything is a done deal. We assumed once a resolution was submitted, for or against, it would be presented to the Natural Resources Board.”

But Holewinski said it was not all Smith’s fault. He directed blame at Lemke, too, saying the DNR real estate chief should have been tracking the resolutions coming in and asking about any that might oppose the purchase.

“He is in charge of easement purchases,” Holewinski told *The Times*. “He sent out the notice. He told us where to send a resolution for or against and gave us a deadline. He never followed up with his department if they received any. Some-



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body should find out when he became aware.”

The Lakeland Times did ask Lemke that question and, more specifically, the newspaper asked when he first became aware that those town resolutions had been passed and sent to the DNR but not forwarded to him or other senior staff, and second, the newspaper asked if there was a reason he did not inquire with staff about the existence of any town and/or county resolutions — both for and against — so they could be part of his report to the NRB, especially since he was citing letters of support

from various groups such as The Nature Conservancy.

In his reply, Lemke again said he was not aware of the objecting resolutions prior to the NRB meeting.

“I did not learn of the objections until well after the NRB meeting, most likely at or near the January 26th date,” Lemke said in an email.

As for inquiring about the existence of local resolutions, Lemke said he usually depends on staff to inform him of important matters.

“I typically rely on staff to bring forward a variety of subjects they feel needs involvement from me, versus resolving questions themselves,” he said. “In this instance, I believe Nicole felt she was appropriately answering the town’s

questions on the conservation easement, and as such was dealing with the resolutions at the local level and didn’t involve me.”

A central issue in the easement deal is the amount of land government already owns in Oneida County. According to the resolution being debated in Oneida County, Oneida County has 791,413 acres of area that consist of 78,091 acres of public lakes and rivers, 11,183 acres of federal land, 129,322 acres of state, DNR and Board of Commissioners of Public Lands, 81,733 acres of county forest, 1,703 acres of other county lands, 10,694 acres of towns, churches and school exempt lands, 124,502 acres of Managed Forest Land

(MFL) open lands and 78,643 acres of MFL closed lands for a total of 515,911 acres.

Cost is another big issue. According to figures calculated by state Sen. Mary Felzkowski’s office, the state’s Stewardship fund has accumulated significant debt, almost \$453 million, which would cost taxpayers \$579 million with interest if carried to maturity.

In 2022-23, according to those figures, the state will pay a total of \$63,975,932 in stewardship-related debt service, including \$44.1 million in principal and \$19.8 million in interest. That includes \$26.4 million in principal and interest that had been paid as of December, 2022, and an additional \$37.6 million that is sched-

uled to be paid in May 2023.

The state typically makes two debt service payments each year, in May and November. Averaging the \$64 million debt service payment the state is scheduled to make in 2022-23 over 52 weeks, the state will pay \$1,230,306 in debt service, including \$848,379 in principal and \$381,927 in interest weekly, the figures show.

The proposed Pelican River Forest easement purchase would not be funded through bonding but critics say it’s still tax dollars used to squeeze local tax bases and kill the long-term potential for economic growth in northern Wisconsin.

Richard Moore is the author of “Dark State” and may be reached at richardd3d.substack.com.

## Routes

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pard said the two letters addressed to the town board which propose ATV/UTV ordinance amendments are “still on the table.”

“The first letter originally came in as opening all adjoining roads that connect (to already approved roads),” he said. “Then we came back with a second letter that said ‘Well, why don’t we just open everything’ so it’s easy to control, it’s easy to take care of.”

Sheppard said the club’s “ultimate goal is to open everything up except from Country Club (Road) to County (Hwy.) J.”

This “especially excludes” the island portion of the town for use, he noted.

“As a club we looked at that,” club member Larry Stenz said. “We want to stay away from the island. We want to stay away from (ATVs and UTVs) being on this property. We don’t want (riders) using the bridge. We’re talking about just the outlining roads. We have quite a few open already, just to put the rest of

them in perspective would be a good start.”

Town chairman Mark Hartzheim said the proposal was discussed at the March 7 meeting and it had been suggested the matter be brought back for discussion at Tuesday’s meeting to allow more time for town residents to let their voices be heard, whether they’re in favor of the club’s proposals or not.

He said he hasn’t received any concerns or correspondence about the topic since the March 7 meeting and town supervisor Brian Fricke, who made the suggestion to bring the matter back, said he hasn’t either.

“But obviously with the way we do these there’s a mechanism in (the ordinance) if there are issues, they can be addressed and routes can be closed,” Hartzheim said. “Up to this point we haven’t had a need to do that.”

Roads with no other outlet for use other than Hwy. 51 and Hwy. 70 were mentioned by Sheppard and Stenz, and though riders cannot ride on Hwy. 51 and Hwy. 70, the two said they would still want those roads open not to alienate those

riders “in case they want to plow their driveways or visit neighbors.”

“So I guess basically if you want to request I can go back to the second letter where we just are requesting to open everything,” Sheppard said to the town board. “I did talk to (wardens with the Department of Natural Resources) and they thought that was the best idea yet because now they know. They know where they can write tickets ... it would just make everything so simple.”

Some roads in town are closed due to residents on those roads wanting them that way, Sheppard said, and those roads will remain closed with the club not planning to pursue opening them.

Referencing a map outlining roads in the process of being approved for use, already approved for use and not approved for use, Sheppard said the club is not asking the town board to open the island, roads within the Timber Ridge neighborhood, roads behind Savemore Marketplace and “two or three roads down Blue Lake Road,” among others.

“So what you’re saying by opening them all up is you’re talking about everything, all town roads, except for Country Club up to Hwy. J?” Hartzheim asked.

“Correct,” Sheppard said, adding the club would add signs on roads 200 feet back of where they connect to Hwy. 51 and Hwy. J.

There’s more roads open than closed in the town, he said.

“Anything that already is closed, we (can) keep closed because the people didn’t want it,” Sheppard said. “But if someone else on that road wants to jump on the bandwagon then they gotta come in.”

Minocqua director of public works Mark Pertile said the draft ordinance amendment to be brought back for a first reading could be “relatively simple” by listing roads which will remain closed.

An annual review of the town’s ATV/UTV routes would remain in place, Hartzheim said, in case problems arise and the board has options to mitigate any concerns.

“I think it’s a good idea,” town supervisor Sue Heil said.

“It’s happening everywhere else,” town supervisor John Thompson added.

Sheppard said he can ride down the town’s current ATV/UTV route system and write down the roads he knows haven’t been opened yet, also listing the ones residents want to keep closed for the reading.

“Since that (March 7 article in *The Lakeland Times*) we got a lot of ‘Oh, you can do that? Oh, we’re gonna join the club,’” he said. “We got a lot of support.”

“That’s what we wanted to do at the time, not necessarily supporting the club, but shed light on it so people know what’s going on,” Fricke said.

The more routes are spread out across the area, former town supervisor Bill Stengl said, the less noticeable ATV and UTV riders are.

“I think people are afraid of the unknown,” he said. “But once these roads are open, there’s been very little, if any, issues that I was aware of during my time on the board.”

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## Disrupt

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sors, besides Hartzheim, had alcoholic beverages placed by their seats by Bangstad before the meeting began. Town supervisor Brian Fricke appeared to have moved the beverage out of his view to a window shelf behind where he was sitting.

Towards the end of the meeting, in the public comment portion of the meeting where the town board can’t respond to comments made outside of the agenda, Bangstad said he wanted two things from the town: A conditional use permit

(CUP) to have a beer garden at MBC and parking requirements included in the business’s currently filed administrative review permit (ARP) waived.

He also claimed Oneida County planning and zoning director Karl Jennrich told him he requested MBC to be on the town board’s agenda for Tuesday’s meeting.

That wasn’t the case, however, ac-

cording to emails exchanged between the two earlier in the day.

Bangstad said to Jennrich in an email he was the only one who has gotten back to him with regard to MBC’s CUP request being placed on the town board’s meeting agenda.

“I can’t see why a request made by the county to put this on the town agenda 11 days ago wouldn’t be honored,” he concluded.

Jennrich, though, emailed Bangstad back indicating the town would follow normal CUP procedure and it was his understanding MBC’s request for a CUP would first be on a town plan commission agenda. He said he was scheduled to attend the town’s March 28 plan commission meeting.

“Furthermore I was informed that the Town of Minocqua will not have a Town Board meeting on April 4th due to elections and the Town Board of Minocqua may be taking action on your conditional use permit on April 5,” Jennrich said. “I have tentatively scheduled the public hearing for your Conditional Use Permit on April 19th. You will have to confirm the dates, times and places for the

“Anymore and you’re out.”

Mark Hartzheim

Minocqua town chairman



TREVOR GREENE/LAKELAND TIMES

Minocqua Brewing Company owner Kirk Bangstad speaks during a town board meeting on Tuesday, March 21, in Minocqua.

Minocqua Planning Commission and the Town Board with the Town of Minocqua.”

Town clerk Roben Haggart confirmed MBC’s CUP will be on the plan commission’s March 28 agenda and it would follow the normal pro-

cedure typical of every other CUP and ARP application. She said the CUP, if approved by the county, would replace the ARP.

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