



ON THE WATERFRONT

The newsletter of the
WASHBURN COUNTY LAKES & RIVERS ASSOCIATION, INC.
**PROMOTING THE ENVIRONMENTAL PROTECTION AND RESPONSIBLE USE OF
WASHBURN COUNTY WATERS, SHORELAND AND WILDLIFE RESOURCES.**

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WCLRA provides copies of its *On The Waterfront* newsletter to individual members and to association and board members. If your association has recently had elections, please make us aware of the address changes. Contact Fred Blake at 715-469-3228 or blakelake@centurytel.net

President's Comments

Another summer is passing quickly, and it's almost time for WCLRA's Annual General Meeting (AGM). **It will be Saturday, August 27 at Hunt Hill Audubon Sanctuary near Sarona. We'll begin at 8:00 a.m. with the pancake breakfast and registration. The meeting will start at 9:00 a.m.** The agenda is enclosed with this newsletter.

Once again, we have an interesting topic and an excellent speaker lined up. The speaker is **Matt Berg**, a Grantsburg high school biology teacher who spends his summers working on area lakes. Since doing his first lake plant survey in 2006, Matt has worked on over 50 lakes and rivers throughout northern Wisconsin. The subject of Matt's talk will be **Aquatic Plants**. Matt will explain what aquatic plants can tell us about human usage of a lake, why they are so important to aquatic ecosystems, and what their loss can mean for a lake. He'll also talk about some of the work he's done in Washburn County dealing with Eurasian water milfoil prevention and control.

Amendments to WCLRA's Bylaws are being proposed by the Board for ratification by the members at the AGM. The effect of these amendments is to change WCLRA's election procedures so that Directors are elected by the members present at the AGM, and Officers are then elected by the Board of Directors. The proposed amendments are designed to provide flexibility for the Board in identifying and recruiting qualified officers while responding to changing circumstances. This approach is similar to that used by Wisconsin Lakes and some of our member lake organizations. The full text of the current Bylaws is available on WCLRA's web site. The full text of the proposed amended Bylaws will be available at the AGM. If you wish to see a copy of the proposed Bylaws before the AGM, contact me and I will be happy to send it to you.

Our **Annual Election** will also be held at the AGM. The candidates nominated for reelection are listed on the enclosed agenda. While the Board is very pleased that these Directors are willing to continue their service, we recognize the importance bringing in new people with new ideas, and nominations from the floor will, as always, be welcome. If you think that you might want to become more involved but don't want to run for the Board, attending a monthly Board meeting or volunteering for a committee or project would be a good way to learn more about WCLRA.

Another popular part of WCLRA's AGM is the **Roundtable Discussion**. This is your opportunity to tell us what your concerns are and what solutions you have found. You can learn what has worked for people on other Washburn County lakes and where to seek help in addressing your lake's issues.

WCLRA is the only county-wide citizen voice speaking on behalf of all the lakes and streams that make our Washburn County area so special. We need your support and participation and look forward to having you join us at **Hunt Hill on August 27**.

Cathie Erickson
WCLRA President

WHAT WE DO AND HOW WE DO IT

By Barb Robinson

Washburn County Lakes and Rivers Association (WCLRA) is a voluntary, non-profit association of individual citizens and local lake groups. Their purpose is *"to promote the environmental protection and responsible use of Washburn County surface waters, watersheds and ground waters and their attendant wetlands, shorelands and wildlife resources through education and participation in projects for the benefit of individual property owners, lake and rivers districts and associations, local government, the general public, future generations and the waters themselves"*. To accomplish this ambitious undertaking, WCLRA brings together various individuals and groups that, by themselves, would likely be unable to accomplish what a county-wide organization like WCLRA can. Group and individual members bring their individual and collective talents and strengths to bear on problems relating to the protection and preservation of our water resources.

How does WCLRA function? We have a number of working committees which oversee the various functions within the organization.

The **Communication Committee**, headed by Fred Blake, is responsible for the sharing of information through the newsletter, the website (www.wclra.org), the media, emails and special mailings.

The **Membership Committee**, headed by Barb Robinson, is responsible for recruiting new members and the retention of current members.

Although the membership dues provide a financial base for the various WCLRA activities and projects, there are times when it is necessary to raise additional funding. The **Finance/Fund Raising Committee** is responsible for the oversight of the monies collected through the membership drives, donations and grants. It recommends fund raising activities and then, after board approval, organizes these activities. This committee is headed by Ed Fischer.

One of the major thrusts of the WCLRA organization is education. The **Education Committee**, headed by Craig Walkey, is responsible for the planning and implementation of education programs for associations, local government and the general public. Currently WCLRA is working with Long Lake Protection Association and Hunt Hill on the Youth Environmental Stewardship program (YES) for elementary students. It is now in its third year and proving to be very successful.

The **Government/Environmental Committee** is crucial to providing us with information about state, county and local issues. This is accomplished on the county level by participation at county Zoning Committee and Board of Adjustment meetings. We are a respected local citizen voice advocating lake and river protection and preservation. At the state level the committee follows legislative activity that may impact Washburn County through a close relationship with Wisconsin Lakes (WL). This committee is headed by Earl Cook and Fred Blake.

WCLRA attempts to represent the ideas and concerns of its individual and groups members, but to do this, we need input from you. Article ideas for the newsletter, fund raising for various projects or just letting us know what is important to you helps keep the effort of the organization fresh, timely and focused on critical issues. WCLRA is not just a group of eleven directors (listed on page three of this newsletter). It is the voice of individuals and organizations like you and yours. You do not have to physically attend meetings in order to participate on a committee. Much of our work can be done through phone calls and email. If you want to give us an idea but are unable to be active in any committee, that's very much appreciated too. Just as your paid membership is important, so is your input.

If you are interested in becoming more involved in the organization, contact any of directors listed on page three of this newsletter.

WCLRA ANNUAL MEETING AUGUST 27, 2011, HUNT HILL AUDUBON SANCTUARY. SEE ENCLOSED AGENDA.



KEYMASTERS NEEDED!

The Wisconsin Canoe Heritage Museum is in need of additional keymasters. These are folks who dedicate three or four hours per week during the summer to open the museum to visitors. You don't need to have any special knowledge or skills. It is easy to do and a pleasant place to spend your time while helping keep this Spooner institution open. Are you interested in learning more? Contact Jed at 715-835-2479 or jed.malischke@wisconsincanoeheritagemuseum.com.

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Zoning Administration

Web Macomber

LEGISLATIVE UPDATE

By Fred Blake

Since our last issue, the actions of the Governor and the legislature have provided a clearer picture of this administration's direction with respect to the environment.

BUDGET ITEMS:

Some important items in the governor's original budget proposal were modified by the Joint Finance Committee before the budget was finally adopted in late June. There is some cause for optimism here.

Knowles-Nelson Stewardship Program:

This Stewardship Fund provides funds for DNR land purchases as well as matching grant funds (generally 50%) for the acquisition and protection of lands with significant resource value by local government and non-profit groups. It provided most of the funds for the recent purchase of over 2000 acres along the Totogatic River, one of five Wisconsin wild Rivers.

The previously authorized \$86 million in bonded funds for the next ten years was reduced to \$60 million before the budget was passed. This is disappointing, but not fatal to the program. The funding reduction will affect only direct purchases by the DNR.

The Governor's initial budget proposal would have removed aids to local government in lieu of taxes lost when lands are removed from the local tax rolls. This represented a serious threat to the viability of the program. Local governments would have been required to pass a non-binding resolution supporting or opposing the proposed acquisition. Support for an acquisition would have been unlikely because it would have meant the loss of local tax revenue. Fortunately, reason prevailed and the Joint Finance Committee restored these local government aids.

Phosphorus Standards:

The Governor's initial budget recommended prohibiting enforcement of the already promulgated phosphorus administrative rule. This was not a fiscal item, but putting it in the budget bill essentially prevented public comment on the issue. Fortunately, after much controversy, and very effective efforts on the part of Wisconsin Lakes, other lake organizations and large numbers of citizens, the Joint Finance Committee voted to remove this item from the budget. Unfortunately, indications that this item will be introduced later in separate legislation are cause for concern. We are not yet out of the woods on this issue.

OTHER ITEMS:

The Regulatory Reform Bill (AB 8/SB 8): This bill passed by both houses in the early special session in January, but was then referred to committee where it still resided at the time of our spring issue.

The bill proposed radical changes in the administrative rule process, giving the Governor power to veto (pre-veto) an administrative rule before it was even developed. Under then current law, the Governor had no role in the generation and promulgation of administrative rules, but the proposed bill would give the Governor essentially absolute authority on all new administrative rules. Wisconsin Lakes expressed its concern that the bill would concentrate too much power in a single branch of state government, the Governor's office. The WCLRA Board of Directors strongly concurs with this judgment.

Continued on page 4.

LEGISLATIVE UPDATE:continued from page 3

After awaiting action by the legislative rules committee for some time, the bill was signed into law on May 24, 2011. Only time will tell how the Governor will use this extraordinary degree of power, but the administration's track record to date suggests that the direction will not be favorable to environmental protection.

Display of lawn fertilizers containing phosphorous:

Two years ago, legislation was adopted prohibiting phosphorus in lawn fertilizers except when putting in a new lawn or where soil tests showed a phosphorus deficiency (very unlikely in Wisconsin). That law made it illegal to display fertilizer containing phosphorus on the sales floor. Assembly Bill (AB) 165 has recently been introduced to allow display of the illegal fertilizers. This would have the effect of making it easier to intentionally or unintentionally violate the law.

Presumptive Permitting:

A bill has been introduced in both the House and the Senate that would put WDNR on tightened deadlines for granting permits for structures, deposits and other activities in or near navigable waters. If the department fails to issue a ruling within the required time frame, the permit would automatically be granted.

If there is opposition, a "contested case hearing" may be requested. However, in such a hearing, this presumptive permitting bill would shift the burden of proof from applicant to the party requesting the hearing. This seemingly small difference is a very important one. Wisconsin Lakes is strongly opposed to this bill as is the WCLRA Board of Directors because the reality today is that the "department" is so lightly staffed that the result of this law would likely be a glut of presumptive permits because of the inability of DNR to meet the tighter time lines.

Proposed Iron Mine in Ashland County:

Legislation is currently being drafted to speed the permit process for an iron mine in Ashland County. Gogebic Taconite proposes to mine a large area between Mellen and Upson. The legislative language is preliminary at this time, but the bill would require the DNR to "fast track" the permits and would reduce environmental safeguards and all but eliminate most citizen options to oppose the permit.

Granted, this taconite mine does not directly affect Washburn County, but other mining pressures are also building closer to home. Many are aware of great demand for "frac" sand used in petroleum recovery. Several mining projects are active or being proposed not far to our south. Big money is also driving these mining projects at the expense of the environment.

Aside from destroying surface features and polluting surface lakes and streams, mining has the potential to cause serious impacts that are initially invisible by polluting

groundwater. These operations would mean big bucks to the mining operations today, but our children will pay the price for years to come.

NR 115 – Here we go again

Just before we finalized this issue, the legislature's Joint Committee for Review of Administrative Rules held a hearing (July 26) in Minoqua on **NR 115** (Shoreland Zoning Rules) and **NR 151** (Runoff Management). The Governor had previously indicated an intention to revisit these regulations and it appears that the process is getting underway. Although we cannot know where this will lead, we can be fairly certain, based on the Governor's actions to date, that the intention will likely be to weaken these rules.

THE BEETLES ARE SUCCESSFUL!

By Lisa Burns
AIS Coordinator, Washburn County

The nasty invader, purple loosestrife, is once again in full force taking over wetlands, roadsides and shorelines. It is of major concern because it shades out native wetland species, degrades wildlife habitat, and degrades recreation by choking out waterways. By law, purple loosestrife is classified as a nuisance species in Wisconsin. It is illegal to sell, distribute, or cultivate the plants or seeds

Since 2007, I've been raising and releasing loosestrife-feeding beetles. The beetles feed exclusively on purple loosestrife and will die if it's not available. Areas of beetle release have varied year to year in Washburn County. However, the most abundant amount of purple loosestrife is found along the Yellow River. Since the project began, Craig Walkey and Fred Blake from Washburn County Lakes and Rivers Association (WCLRA), have been a huge help in getting the beetles out onto the river. They take a canoe full of netted beetles and a map down with them to mark release sites.



Fred Blake releasing beetles

THE BEETLES ARE SUCCESSFUL!continued

In 2010, Fred and Craig released beetles between Hector Dam and Swan Bridge. Unfortunately, they ran out of beetles and couldn't finish the stretch. However, this July proved to be a very successful year with the beetles! When Craig and Fred did the same stretch they began noticing a lot of beetle damage, including in areas where they had not released them previously. Loosestrife plants were noticeably chewed up and brown, and would likely not last much longer or have the ability to flower and spread seed.



Fred Blake documenting dying purple loosestrife

This shows that the beetles not only survived the winter, but that they also expanded their range looking for more food. This is very encouraging to see because it has taken a lot of effort to make these results happen! Based on the observations, it appears we can be optimistic about being able to significantly reduce the purple loosestrife population in the Yellow River System over time.

As a side note, a few other sites besides the Yellow River are also beginning to show signs of success. A couple areas of purple loosestrife were almost completely wiped out from the beetles feeding on them.

Many thanks to Fred, Craig and all the other volunteers who have helped me make this project a success over the years.

WHO ARE THESE PEOPLE?

By Barb Robinson

You've heard these names in the past, but who are they?

Kathy Bartilson: Kathy comes from the Eau Claire area. She received a Bachelor of Science degree from the University of Wisconsin – Eau Claire. Her first job with the DNR was as Water Supply Specialist.

Kathy is our DNR advisor and has helped us on many issues from what's happening in the DNR to the status of programs concerning our lakes and rivers in Washburn County. She worked closely with us on our push for Wild River Status for the Totogatic. We owe her a huge debt of gratitude for the time and energy that she has given us.

Beverly Stencil: Beverly is a Professor in the Department of Community Resource Development at the University-Cooperative Extension. She holds a Master of Science in Natural Resources from the University of Wisconsin - Stevens Point and a Bachelor's of Business Administration in Personnel and in Marketing from the University of Wisconsin – Milwaukee.

Beverly specializes in community, organizational and leadership development. In this capacity she has developed numerous teachings in organizational leadership, management, and communication during her twenty years with UW-Extension. Prior to her work at the Extension she worked in the field of Human Resources for several private-sector firms.

Beverly's enthusiasm and energy are hard to beat. Whenever there is a need for help Beverly is always there to assist.

Jamison Wendel: Jamison is a new face in our area. He is replacing DNR Fisheries Biologist Larry Damman, who recently retired. He is originally from a small town in North Dakota. He received a Bachelor of Science degree in Zoology from North Dakota State University and a Master of Science in Biology from the University of North Dakota.

After graduate school, he worked for the Wyoming Fish and Game Department as a contract Fisheries Biologist (in Wisconsin it's referred to as a "project" Fisheries Biologist). Jamison worked on warmwater streams in the Bighorn river Basin. In May 2000 he started working for the Wisconsin DNR as the Treaty Fisheries Assessment Biologist in Spooner and in January of this year transferred to the Fisheries Biologist position for Burnett and Washburn counties.

PRIVATE SHORELAND RENTALS

By Fred Blake

During a discussion at the 2010 WCLRA Annual General Meeting late last summer, a comment was raised about what appeared to be the increasing number of private lakeshore cabin and home rentals. Other similar comments followed and the topic dominated the remainder of the meeting's discussions. Several people expressed their concerns that rentals put more pressure on the area's lakes because they tend to be used more frequently and by more people than other lake homes. Another concern was that renters seem less likely to be informed about lake protection practices such as the No Transport, Slow-No-Wake Laws and AIS.

PRIVATE SHORELAND RENTALScontinued

Persisting member concerns prompted our WCLRA Government/Environment Committee to undertake a study of the topic early in 2011. That study involved review of Washburn County's Shoreland Ordinances, examination of a number of websites offering private lakeshore rentals and telephone conversations with zoning staff in six surrounding counties. The last of these was to determine a) if those counties were experiencing this problem and, if so, b) what action, if any, they had taken.

The counties contacted (Douglas, Bayfield, Burnett, Sawyer, Polk and Barron) all seemed to recognize private shoreland rentals as either a present or a potential problem. Where they have tried to deal with it, the majority of these counties have used Conditional Use Permits (CUPs) in some fashion. There does seem to be basic agreement that short-term or "transient" rentals should be the area of focus.

We learned that there are numerous private shoreland homes offered for rent in Washburn County. At the time, 68 were listed on the Vacation Rental by Owner website (vrbo.com) alone, many listed for several thousand dollars a week. According to the Washburn County ordinances and an unpublished Wisconsin appeals court decision, these types of rentals qualify as "resorts". In general, short-term rentals that are available to the general public fit that definition. (This does not include letting Uncle Harvey and Aunt Maude use the cabin for a couple of weeks during the summer or longer term rentals.) It appears that it is the short-term, open-to-the-public nature of these rentals that makes them commercial ventures in residential zones and creates the potential for conflict.

In early March, our WCLRA committee suggested that I go before the Zoning Committee and pass on what we had learned. I presented that factual information to the Zoning Committee at meetings in March and April of this year and there was a good discussion. During that discussion, Web Macomber, Washburn County Zoning Administrator, noted that he received very few comments or complaints on private shoreland rentals. The committee concluded that there was not enough evidence of a serious problem to pursue it at that time, but the door was left open to subsequent consideration. It would be useful for those who have comments or concerns on this issue to send a letter to the Zoning Office to help in determining the extent of the problem within the county.

At the next monthly Zoning Committee meeting in May, independent of any WCLRA involvement, residents of the Little Bear subdivision on Long Lake raised a

specific issue relative to a new private rental facility within their subdivision. The residents addressed an apparent conflict with the ordinances in that "resorts" are not a conditional use in the Residential (R) zoning district (Little Bear subdivision is zoned R). They also noted that a deed restriction exists stating that "...no business of any kind..." is to be allowed on lots in the subdivision. The matter remains under study by the County, the Little Bear residents and their respective attorneys.

By way of clarification, the Washburn County ordinances do not prohibit private rentals (Several concerned citizens at the April hearing seemed to fear that this was the case). The Washburn County ordinances indicate instead that, since private shoreland rentals are effectively "resorts", the rental property owners should be subject to the same requirements as those who operate conventional resorts. The latter must have a state permit and obtain a CUP to protect the renters, the surrounding property owners and the lake resources (the RRI and RR2 Zoning Districts allow this). In addition, resort owners pay sales taxes as does any business. The informal private rentals have generally done none of these and have been, therefore, effectively exempted from the regulations governing conventional resorts.

As this newsletter issue was being assembled, an extensive discussion of the topic was undertaken with citizen input at the scheduled Zoning Committee meeting on July 26, 2011. At its conclusion, the Zoning Committee voted to undertake enforcement of the existing ordinances with the stipulation that a window of time be allowed during which those wishing to rent their shoreland homes would have the opportunity to come into compliance with the ordinances.

It needs to be noted that undertaking regulation of these rental activities will not be a simple matter. The Zoning Division lost an employee with the last budget and I know from time spent in the Zoning Office that demands on that office have not stopped despite the current "down" economy. As regulation is undertaken, there will be a significant increase in workload in an office which is already understaffed.

As with most contentious issues, there have been broadly differing views expressed with valid points on both sides. The focus should now to be fixed on achieving a result that is consistent with the ordinances and fair and equitable for all concerned. This is seldom easy in these difficult cases, but is always worth the effort.

THE MILFOIL MARAUDER

By Russ Robinson

For more than five years, Burt King and I have been doing aquatic plant surveys on Gilmore Lake looking for Aquatic Invasive Species (AIS) and in particular Eurasian water milfoil (EWM). With the discovery of EWM two years ago in Gilmore Lake it became necessary to mark the small infested area with large warning buoys which require heavy anchors. We had been using Burt's boat to place the buoys in spring and pull the buoys in fall which started to take it's toll on Burt's boat.

Initially we surveyed the lake's shallow areas using a double-headed rake and the Wisconsin Department of Natural Resources (WDNR) sampling protocol, once again using Burt's boat. Surveys were generally conducted monthly from May to September.

A few years ago we became more comfortable in identifying EWM below the surface of the water on clear days and modified our survey technique using a meandering survey method instead of the rake survey method. The meandering survey as it's name suggests is traveling along the lake entire shoreline viewing plants that are visible in the littoral zone. If a suspected plant is found the rake is used to retrieve it for closer examination. The primary advantages in doing the meandering survey are 1) the ability to cover much larger areas and 2) the meandering survey is less destructive to plants and therefore less likely to tear plants that could cause the spread of AIS through fragmentation. The disadvantage of doing a meandering survey is that it requires near-perfect conditions - both clear and calm water with a high overhead sun to be fully effective. Unfortunately, ideal conditions such as those are a rarity on northern Wisconsin lakes in the summertime.

Out of necessity, the idea for the Milfoil Marauder was born. We needed a craft that was stable, a great work platform for setting and retrieving buoys and had the ability to do effective meandering surveys even when the lake had a substantial chop. We also wanted a vessel that could take a beating without worrying about its aesthetic appeal.

On an eventful day in June, Burt discovered our future research vessel lying along a remote road in Barron County. After an exhaustive search for its owner (apparently no one was anxious to claim ownership) we paid a handsome price of \$350 to seal the deal. The owner wanted \$500 and we knew the scrap value was \$250. The funds for the boat came from contributions

made by Gilmore Lake Association members to their EWM fund. The vessel got her name in a contest held at our Annual Meeting.

We (mostly Burt) proceeded to strip the boat down to its pontoons and reassemble it with new materials. We added a borrowed outboard, a boom hoist for buoy handling and the magic black box. When people ask me about the black box I tell them it is the electronic nerve center of the ship. I say it contains our Global Positioning System (GPS), sonar, radar and the Worldwide Telecommunications equipment needed for the research conducted on board.

Actually the black box is more like an upside down periscope that allows us to have a 16" X 24" view of the lake bottom and the plants it contains. We can raise the periscope when we are tearing across the water (about 6 knots with the 6hp engine) and set it below the surface when we are viewing the sample sites at a more leisurely pace. The best thing is that the pontoons act as breakwaters, calming the surface so our view is unaffected in breezes up to 10-12 knots. So far we are pleased with the performance of this state-of-the-art vessel and believe it was well worth its extravagant cost.



Milfoil Marauder prior to launching

Beginning in 2012, we hope to be able to use our ship as a teaching platform for children and interested adults on the lake. It could be an exceptional educational tool, allowing first hand field experience in environmental education.

Of course if all this should not work out, we could always sell it for scrap, say \$250?

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Photo by Russ Robinson, from a lake in Washburn County

Contacts to protect lakes and rivers

“We need more than ever to provide what help we can to protect our lakes and rivers from environmentally damaging activities. Keep your eyes open! We are the last line of defense! **Do not trespass** to obtain further information. Let those in authority check it out.”

DNR Water Regulation Violations and Information:

Dan Harrington (Water Management Specialist, Spooner Office).....715-635-4097

Jon Hagen (Conservation Warden for Southern Washburn County).....715-635-4099

Dave Swanson (Conservation Warden for Northern Washburn County).....715-466-5428

If wardens are in the field, messages can be relayed to them through the Washburn County Sheriff's Department at 715-468-4720 or at the DNR's toll-free tip line.....1-800-TIP-WDNR (847-9367)

County Shoreland Zoning Questions or Violations:

Web Macomber (Zoning Administrator).....715-468-4690

County Planning, Land/Water Resource Management Department:

Brad Robole (Director).....715-468-4654