

Appendixes / Bibliography / Preparers

## APPENDIX A: LAND USE REGULATION GUIDELINES

The purpose of this appendix is to provide suggested zoning guidelines for lands within the riverway boundary (as published in the *Federal Register*), between the dam at St. Croix Falls / Taylors Falls and the confluence with the Mississippi River.

**Rationale:** Local governments adopt zoning ordinances based on state rules. Special zoning guidelines are needed in the riverway to protect the river's outstanding values as discussed in the cooperative management plan. Lot development standards are needed to protect steep slopes to minimize erosion, prevent water quality degradation, and prevent negative visual impacts. River setback standards are needed for structures to minimize erosion, prevent water quality degradation, and prevent negative visual impacts. Minimum lot width and lot size standards are needed to ensure that development in certain areas does not change the character of the setting and to prevent additional impacts as seen from the river. Structure height standards are needed to help limit visual impacts. Limits on types of uses are needed to ensure that additional development does not change the character of the setting and to help prevent additional impacts. Vegetative management standards are needed to protect scenic character, reduce erosion potential, maintain and restore historically significant plant communities, and enhance diversity. Standards for nonconforming or substandard structures are needed to minimize visual and natural resource impacts.

Ordinances will have a general policy statement based on the following: "In order to reduce the effects of overcrowding and poorly planned shoreland development, to provide sufficient space on lots for sanitary facilities, to minimize flood damage, to maintain property values, and to preserve and maintain the exceptional scenic, natural and cultural characteristics of the waters and related lands of the Lower St. Croix River Valley in a manner consistent with the National Wild and Scenic

Rivers Act (PL 90-542), the Lower St. Croix Act (PL 92-560), the Minnesota Lower St. Croix Act (M.S. 103F.351 and the Wisconsin Lower St. Croix Act W.S. 30.27), the (local government) hereby adopts the following provisions to be applicable to the St. Croix River District of the (local government) as herein designated, and as a section of the (local government) zoning code."

All codes will include the following definitions:

*Bluffline* is the top of a slope preservation zone.

*Net project area* means developable land area minus slope preservation zones, floodplains, road rights-of-way, required setbacks, and wetlands.

*St. Croix River District* includes all lands within the riverway boundary (as published in the *Federal Register*) between the dam at St. Croix Falls / Taylors Falls and the confluence of the Mississippi River.

*Slope preservation zone* means areas with slopes greater than 12%, with the horizontal interval of measurement not exceeding 50 feet.

*Visually inconspicuous* means difficult to see or not readily noticeable in summer months as viewed from the river.

All codes will include the following standards:

In **slope preservation zones**, there will be no structures and no grading or filling, and vegetation management will follow standards described elsewhere. Structures will be set back at least 40 feet from all blufflines.

**Bluffline setback:** On blufflines visible from the river (without vegetation), structures will meet the following setback requirements: 40 feet in river town, small town-historic, and small town districts; 100 feet in the rural resi-

dential district; 200 feet in the conservation district.

**Structure color:** In all districts, structures designated as historic or in designated historic districts may use earthtone colors, or may use colors appropriate to the period in history for which they were designated. Other new or expanded structures will conform to the following standards: Earthtone color will be used for all new or expanded structures in all districts except the river town district. In the river town district, structure color requirements will be determined by local ordinance.

**Minimum lot width:** In the rivertown zoning district, minimum lot width will be determined by the community's underlying zoning ordinance. In other districts, the following minimum lot width standards will apply (at building line and at side nearest and parallel to the river): 100 feet in the small town-historic and small town districts, 200 feet in the rural residential district, 250 feet in the conservation district.

**Minimum lot size:** In the river town, small town, and small town historic districts, minimum lot size will be determined by the community's underlying zoning ordinance. In the rural residential and conservation districts, all lots will be a minimum of 2.5 acres and contain at least 1 acre of net project area. Where city sewer services are not available, each lot will have adequate land area for one principal dwelling structure and two onsite sewage treatment systems.

**River setback:** Structures will meet the following setback requirements from the river's edge: 100 feet in the rivertown, small town-historic, and small town districts and 200 feet in the rural residential and conservation districts.

**Structure height:** New or expanded structures will meet the following maximum height requirements: 45 feet in the rivertown district; 35 feet in the small town-historic, small town, and rural residential districts; and 25 feet in the

conservation district. Structure height will be measured between the lowest exposed surface of the structure on the side facing the river and the uppermost point of the structure.

**Vegetation management:** All districts will require a restriction on disturbing vegetation in slope preservation zones within 200 feet of the rivers edge and within 40 feet of blufflines to protect scenic character and reduce the potential for erosion. Vegetative management standards will not prevent the removal of diseased or hazard trees, designated noxious weeds, or exotic species. These standards will also allow management practices to restore and promote preferred plant communities, such as successional climax forest and presettlement disturbed oak savanna ecotypes. Vegetative screening of structures will be emphasized over maintenance of preferred plant communities. Management actions will encourage, but not require, maintenance and restoration of preferred plant communities on private lands.

Codes will include appropriate sections of the following concerning permitted uses: In the rivertown district, permitted uses will be those allowed by the community's underlying zoning ordinance. In the small town-historic and small town districts, permitted uses include single-family structures; other uses permitted by the community's underlying zoning ordinance may be allowed as conditional uses. In the rural residential and conservation districts, permitted uses include single-family structures and agriculture. In the rivertown and small town-historic districts, there will be historic preservation ordinances and historic-theme architectural standards for new development. In the small town-historic and small town districts, new commercial and multifamily uses will not be allowed, but commercial and multifamily uses will become conditionally permitted uses and not be "nonconforming." Permitted uses in the rural residential and conservation districts include waysides, rest areas and overlooks, government resource management, and public and quasi-public natural resource educational facilities.

**TABLE A-1: PROPOSED LAND USE REGULATIONS  
BETWEEN EXISTING STATE RULES AND PROPOSED RULES  
WITH RATIONALE FOR CHANGE**

<b>Topic</b>	<b>MN Rules</b>	<b>WI Rules</b>	<b>Proposal</b>	<b>Rationale</b>
Bluffline setback- river town, small town, small town historic	40'	40'	40'	Existing standards adequately protect resources in developed areas
Bluffline setback- rural	100'	100'	100'	Existing standards adequately protect resources
Bluffline setback – conservation	100'	100'	200'	Greater level of protection needed for these very natural areas
Structure color- river town	Earthtone	Earthtone	Local standards*	Structure color standards determined by local ordinance to meet riverway character.
Structure color – rural, conservation, small town, small town historic	Earthtone	Earthtone	Earthtone*	Existing standards adequately protect resources
Minimum lot width – river town	100/150'***	100'	Determined by underlying local zoning code	Local zoning is adequate to protect lot width in developed urban areas
Minimum lot width – small town, small town historic	100/150'***	100'	100'	Existing standards adequately protect resources; uniformity between states desirable
Minimum lot width rural	200	200	200	Existing standards adequately protect resources
Minimum lot width – conservation	200	200	250	Greater level of protection needed for these very natural areas
Minimum lot size – river town, small town, small town historic	20,000 sq.ft./1 acre**	Local zoning in effect 1/1/76	Local zoning***	Local zoning is adequate to protect lot size in developed urban areas, provided there is adequate area for on-site sewage treatment
Minimum lot size – rural conservation	2.5 acres	1 acre of net project area****	2.5 acres and contain at least 1 acre of net project area, whichever is greater ***	To protect density, character, and resource values of those these areas, a minimum lot size is applicable
River setback in river town, small town, small town historic	100'	100'	100'	Existing standards adequately protect resources
River setback in rural, conservation	200'	200'	200'	Existing standards adequately protect resources
Structure height- river town	35'	35'	45'	Greater flexibility appropriate for developed urban areas

<b>Topic</b>	<b>MN Rules</b>	<b>WI Rules</b>	<b>Proposal</b>	<b>Rationale</b>
Structure height-small town, small town historic, rural	35'	35'	35'	Existing standards adequately protect resources
Structure height – conservation	35'	35'	25'	Increased level of protection needed
Vegetation management (all districts)	Vegetative cutting restricted within 100 of river in river town, small town, small town historic; 200 feet of river in rural, park, natural, minimally disturbed; on steep slopes	Vegetative cutting restricted within 200 feet of river; within 40 feet of bluffline; on steep slopes; exemption provided for woodland tax law, forest crop law	Vegetative cutting restricted within 200 feet of river-edge; within 40 feet of bluffline; on steep slopes; exemption for restoration of preferred plant communities in areas where no impact on screening of structures	Interstate standardization needed to protect visual character; flexibility valuable for restoration of native species
Permitted uses – river town	Conservancy, agriculture, single-family residential, parks; other uses permitted by local zoning would be conditionally permitted	Conservancy, agriculture, single-family residential, parks; other uses permitted by local zoning	All uses permitted by local zoning	Increased flexibility appropriate in developed urban areas
Permitted uses – small town, small town historic	Conservancy, agriculture, single-family residential, parks; other uses permitted by local zoning would be conditionally permitted	Conservancy, agriculture, single-family residential, parks; other uses permitted by local zoning	Conservancy, agriculture, single-family residential, parks; other uses permitted by local zoning would be conditionally permitted.	Some increase in flexibility, especially for existing structures, appropriate in these largely developed areas
Permitted uses – rural, conservation	Conservancy, agriculture, single-family residential, parks	Conservancy, agriculture, single-family residential, parks	Conservancy, agriculture, single-family residential, parks	Existing standards adequately protect resources

\*A structure designated as historic or located in a designated historic district may use colors appropriate to the period in history for which it was designated.

\*\*Difference in standard based on whether lot is sewered or unsewered.

\*\*\*Where city sewer services are not available, each lot must have adequate land area for one principal dwelling structure and two on-site sewage treatment systems.

\*\*\*-Net project area means developable land area minus slope preservation zones, floodplains, roads right-of-way, required setbacks and wetlands.

## APPENDIX B: WATER SURFACE USE GUIDELINES

Watercraft speed regulations were first established on the lower St. Croix River in the mid-1960s in the form of limited slow-no-wake zones in the Hudson, Kinnickinnic, and Prescott narrows. Those limits were established by order of the Washington County Sheriff. As boating activity on the river grew rapidly in the 1960s and 1970s, there were increasing concerns that the river was becoming unsafe and that additional speed regulations would need to be imposed. The *Scenic River Study* of the Lower St. Croix, prepared in 1971 as directed by Congress (*National Wild and Scenic Rivers Act, 1968*), concluded boating use of the river was by then unacceptably overcrowded and action was needed to reduce the perceived hazards associated with speeding boats in close proximity to one another, to enhance safety and to reduce the impacts of boat wakes.

Following designation of the Lower St. Croix (*Lower St. Croix Act, 1972*) the interagency planning team undertook development of a management approach for regulating boating. The result was appendix B of the *Master Plan (1976)*, which contained a framework for state and federal boating regulations. Based on that framework, the states and the National Park Service in 1977 imposed water surface use regulations on the riverway.

In 1978 the Lower St. Croix Management Commission developed a *Riverway Management Policy Resolution* that provided guidance for future changes in those regulations. Based on that guidance, the state-federal regulations were amended in 1978, 1981, 1984, 1987, 1991 and 1996.

The purpose of this appendix is to provide a framework for future changes in the regulations. It is based on the following four water management districts:

### WATER MANAGEMENT DISTRICTS

#### Active Social Recreation

In this district are found large numbers of both people and watercraft. The types of boats found in this area would vary widely: while most would be motorized, nonmotorized watercraft may be present. Boat speeds would also vary significantly; they would be strictly controlled in some limited areas (such as narrows areas), but the highest boat speeds allowed on the river would be in this district.

#### Moderate Recreation

This district may contain large numbers of watercraft at times, but use in this area would tend to be more moderate in terms of numbers of people and watercraft on the water, and in terms of the intensity of activity. A variety of boat types, primarily motorized watercraft, may be present. Boats may travel at different speeds, but tend toward slower speeds than the Active Social Recreation District, although faster than the Quiet Waters and Natural Waters districts. Boat speeds may be very strictly controlled in some limited areas (such as narrows areas); there would be an overall limit on boat speeds.

#### Quiet Waters

This district would provide for low-impact boating activities, but during peak use periods large numbers of watercraft could be encountered. Management would be directed toward recreational uses that leave the surface of the river largely undisturbed. Both motorized and nonmotorized watercraft would be able to use these areas. Watercraft speeds would be kept low to preserve the river's tranquil quality.

## Natural Waters

This district would provide an experience emphasizing a sense of peace and quiet, with some opportunities for solitude. Watercraft numbers would usually be very low. Most watercraft would be human-powered. Watercraft speeds would be kept low.

## BOATING MANAGEMENT

The following regulatory approach to managing boating is recommended:

### Speed Limits

Speed limits should be imposed on the St. Croix as follows, based on management area classification in the plan:

*Active Social Recreation:* 40 mph between sunrise and sunset, and 20 mph between sunset and sunrise

*Moderate Recreation:* 20 mph

*Quiet Waters:* slow speed, but in no case greater than 15 mph

*Natural:* slow-no-wake

### Shore Activity Zone

A shore activity zone is needed to reduce boat speeds near shore to ensure the safety of swimmers and moored and beached boats and to prevent erosion. Boat speeds should be restricted to slow-no-wake within 100 feet of all shore, including islands, within 100 feet of swimmers, and within 100 feet of nonmotorized craft.

### Slow-No-Wake Zones in Narrows Areas

Slow-no-wake zones have reduced boat speed (to increase safety, reduce resource damage and preserve diverse experiences) in narrows

areas of parts of the Lower St. Croix since the 1960s. They exist to increase safety, reduce resource damage and preserve diverse experiences. Slow-no-wake speed limits have historically been established in areas that exceed density standards.

### High-Water No-Wake

During periods of high water, the river contacts the shore in areas that are highly susceptible to erosion. Watercraft traveling at speeds above a slow-no-wake speed produce wakes that accelerate erosion on these unstable shore areas, so speeds need to be restricted during these high-water events. All boating should be limited to a slow-no-wake speed whenever river levels reach or exceed 683 feet as measured at the Stillwater gauge.

### Density Policy

The potential need for speed regulations should be studied when density exceeds 15 acres of water per moving boat, and speed regulations need to be imposed when density exceeds 10 acres of water per moving boat.

### Craft Type Restrictions

Amphibious craft should not be permitted to drive onto publicly owned shore areas except at boat ramps. Personal watercraft are required to operate at no-wake speeds near all shore, including islands and swimmers. This distance is set by state law and is 150 feet in Minnesota and 200 feet in Wisconsin.

### Boat Noise

Watercraft noise limits are established by state law in each state.

## ACCESS

Large numbers of watercraft use the Lower St. Croix on summer weekends. Management issues associated with high use include potential safety problems, potential resource damage and strong management interest in preserving the existing diversity of recreational uses. In addition to water surface use controls aimed at managing existing use, access controls are justified to prevent significant growth in boating activity. Access to the river comes through private property, unlimited access from the Mississippi River at the mouth of the St. Croix, and public and quasi-public access from boat ramps and marinas.

### Private Property

Residential riparian owners have a right to access the water through their property, but the exercise of that right is limited to their personal needs. Unless limited by other requirements, a dock may extend waterward the greater distance of: 1) a boat length, 2) the distance to the 4-foot water depth contour (at normal low water, which is 675 feet elevation from Stillwater south), or 3) the distance to a deeper contour if required by the draft of the craft using the dock but in no case should the dock extend beyond the 100-foot shore activity zone. The states should establish standards for allowable dock size.

Mooring buoys must be the minimum size and number necessary (in combination with berthage) to meet the owner's personal needs and must be placed within the 100-foot shore activity zone adjacent to the owner's property.

Single riparian parcels in common ownership may be allowed a combination of berthage and moorage that total one watercraft per buildable frontage lot equivalent to what would be allowed if the property was developed for single-family homes. The total number of watercraft must be served by one common dock or pier.

Resource limitations of the site and river cannot be exceeded.

### Mississippi River

The states should work with other agencies to improve the recreational appeal of this portion of the Mississippi as a way to encourage boaters to stay on that river.

### Boat Ramps

There should be no new or expanded boat ramps or car-trailer parking on the Lower St. Croix, except for completion of the Minnesota public water access planned in the stretch of river near the A.S. King Generating Plant. State and local units of government are strongly encouraged to restrict parking adjacent to all launch ramps, public and private, on lands under their jurisdiction.

### Marinas

New marinas should not be allowed on the riverway, and existing marinas should not be permitted to expand in any way, including dry storage. Marina capacity should not be transferred from one marina to another.



## **APPENDIX C: LEGISLATION (pp. 438-444)**

### **Includes:**

- Federal Wild & Scenic Rivers Legislation (Public Law, 1972-1975)
- Minnesota Statute 103F.351 (Original page substituted with comparable text)
- Wisconsin Statutes 30.25-30.275 (Original page substituted with comparable text)

**NOTE:** Appendix C (Legislation) has been omitted from this electronic document because it did not scan in a legible manner. Comparable text substitutions have been made for Minnesota and Wisconsin Statutes. For questions regarding Appendix C topics, contact:

Superintendent, Lower St. Croix National Scenic Riverway  
P.O. Box 728  
St. Croix Falls, WI 52024-0708  
Phone: (715) 483-3284 email: [SACN\\_Superintendent@nps.gov](mailto:SACN_Superintendent@nps.gov)

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## **MINNESOTA STATUTES:**

### **LOWER ST. CROIX RIVER**

#### 103F.351 Lower St. Croix Wild and Scenic River Act.

Subdivision 1. Findings. The lower St. Croix River, between the dam near Taylors Falls and its confluence with the Mississippi River, constitutes a relatively undeveloped scenic and recreational asset lying close to the largest densely populated area of the state. The preservation of this unique scenic and recreational asset is in the public interest and will benefit the health and welfare of the citizens of the state. The state recognizes and concurs in the inclusion of the lower St. Croix River into the federal wild and scenic rivers system by the Lower St. Croix River Act of the 92nd Congress, Public Law Number 92-560. The authorizations of the state are necessary to the preservation and administration of the lower St. Croix River as a wild and scenic river, particularly in relation to those portions of the river that are to be jointly preserved and administered as a wild and scenic river by this state and Wisconsin.

Subd. 2. Comprehensive master plan. (a) The commissioner of natural resources shall join with the secretary of the United States Department of the Interior and the appropriate agency of the state of Wisconsin in the preparation of the comprehensive master plan relating to boundaries, classification, and development required by section 3 of the Lower St. Croix River Act of 1972, and by section 3(b) of the Wild and Scenic Rivers Act, Public Law Number 90-542.

(b) The commissioner shall make the proposed comprehensive master plan available to affected local governmental bodies, shoreland owners, conservation and outdoor recreation groups, and the general public.

(c) Not less than 30 days after making the information available, the commissioner shall conduct a public hearing on the proposed comprehensive master plan in the county seat of each county which contains a portion of the area covered by the comprehensive master plan, in the manner provided in chapter 14.

Subd. 3. Acquisition of land and easements. The commissioner of natural resources may acquire land, scenic easements, or other interests in land by gift, purchase, or other lawful means, and may acquire scenic easement interests in land by eminent domain. The acquisitions must be proposed for acquisition by the state by the comprehensive master plan.

Subd. 4. Rules. (a) The commissioner of natural resources shall adopt rules that establish guidelines and specify standards for local zoning ordinances applicable to the area within the boundaries covered by the comprehensive master plan.

(substituted for original)

(b) The guidelines and standards must be consistent with this section, the federal Wild and Scenic Rivers Act, and the federal Lower St. Croix River Act of 1972. The standards specified in the guidelines must include:

(1) the prohibition of new residential, commercial, or industrial uses other than those that are consistent with the above mentioned acts; and

(2) the protection of riverway lands by means of acreage, frontage, and setback requirements on development.

(c) Cities, counties, and towns lying within the areas affected by the guidelines shall adopt zoning ordinances complying with the guidelines and standards within the time schedule prescribed by the commissioner.

Subd. 5. Administration. The commissioner of natural resources in cooperation with appropriate federal authorities and authorities of the state of Wisconsin shall administer state lands and waters in conformance with this section, the federal Wild and Scenic Rivers Act, and the federal Lower St. Croix River Act of 1972.

HIST: 1990 c 391 art 6 s 40

(substituted for original)

**30.25 Wolf River protection.**

30.25(1)

(1) Except as provided under sub. (2), no person may make any effort to improve the navigation on the Wolf River north of the southern boundary of Shawano County nor shall any dam be authorized for construction in that portion of the Wolf River. Any permit issued or in effect by virtue of or under authority of any order or law authorizing the construction of any dam in the Wolf River in Langlade County is void. This declaration does not affect permits for or the operation or maintenance of any dam in existence on August 24, 1963.

(2) A person may engage in a minor dredging project to improve access to or to improve the aesthetics of the Wolf River in Shawano County if a permit issued by the department under s. 30.20 authorizes the project.

30.25 - ANNOT.

History: 1987 a. 374.

**30.26 Wild rivers.**

30.26(1)

(1) Legislative intent. 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; and for this purpose a system of wild rivers is established, but no river shall be designated as wild without legislative act.

(2) Designation. The Pike River in Marinette County, and the Pine River and its tributary Popple River in Florence and Forest counties are designated as wild rivers and shall receive special management to assure their preservation, protection and enhancement of their natural beauty, unique recreational and other inherent values in accordance with guidelines outlined in this section.

(3) (intro.) Duties of department. The department in connection with wild rivers shall:

(a) Provide active leadership in the development of a practical management policy.

(b) Consult other state agencies and planning committees.

(c) Collaborate with county and town boards and local development committees or boards in producing a mutually acceptable program for the preservation, protection and enhancement of the rivers.

(d) Administer the management program.

(e) Seek the cooperation of the U.S. forest service, timber companies, county foresters and private landowners in implementing land use practices to accomplish the objectives of the management policy.

(substituted for original)

(f) Act as coordinator under this subsection.

30.27 Lower St. Croix River preservation.

(1) Purpose. The Lower St. Croix River, between the dam near St. Croix Falls and its confluence with the Mississippi

River, constitutes a relatively undeveloped scenic and recreational asset. The preservation of this unique scenic and

recreational asset is in the public interest and will benefit the health and welfare of the citizens of Wisconsin. The state

of Wisconsin is therefore determined that the Lower St. Croix River be included in the national wild and scenic rivers

system under the wild and scenic rivers act, as amended, 16 USC 1271 to 1287, and the Lower St. Croix River act of

1972, 16 USC 1274 (a) (9). The purpose of this section is to ensure the continued eligibility of the Lower St. Croix River

for inclusion in the national wild and scenic rivers system and to guarantee the protection of the wild, scenic and

recreational qualities of the river for present and future generations.

(2) Zoning guidelines.

(a) (intro.) As soon as possible after May 7, 1974, the department shall adopt, by rule, guidelines and specific standards

for local zoning ordinances which apply to the banks, bluffs and bluff tops of the lower St. Croix river. The guidelines

shall designate the boundaries of the areas to which they apply. In drafting the guidelines and standards, the department

shall consult with appropriate officials of counties, cities, villages and towns lying within the affected area. The

standards specified in the guidelines shall include, but not be limited to, the following:

1. Prohibition of new residential, commercial and industrial uses, and the issuance of building permits therefor, where such uses are inconsistent with the purposes of this section.

2. Establishment of acreage, frontage and setback requirements where compliance with such requirements will result in residential, commercial or industrial uses which are consistent with the purposes of this section.

(b) The standards established under par. (a) shall be consistent with but may be more restrictive than any pertinent

guidelines and standards promulgated by the secretary of the interior under the wild and scenic rivers act. If it appears

to the department that the purposes of this section may be thwarted or the wild, scenic or recreational values of the river

adversely affected prior to the implementation of rules under this section, the department may exercise its emergency

rule-making authority under s. 227.24, and such rules shall be effective and implemented and enforced under sub. (3)

until permanent rules are implemented under sub. (3).

(3) Implementation. Counties, cities, villages and towns lying, in whole or in part, within the areas affected by the

guidelines adopted under sub. (2) are empowered to and shall adopt zoning ordinances complying with the guidelines and

standards adopted under sub. (2) within 30 days after their effective date. If any county, city, village or town does not

(substituted for original)

adopt an ordinance within the time limit prescribed, or if the department determines that an adopted ordinance does not satisfy the requirements of the guidelines and standards, the department shall immediately adopt such an ordinance. An ordinance adopted by the department shall be of the same effect as if adopted by the county, city, village or town, and the local authorities shall administer and enforce the ordinance in the same manner as if the county, city, village or town had adopted it. No zoning ordinance so adopted may be modified nor may any variance therefrom be granted by the county, city, village or town without the written consent of the department, except nothing in this section shall be construed to prohibit a county, city, village or town from adopting an ordinance more restrictive than that adopted by the department.

30.27 - ANNOT.

History: 1973 c. 197; 1983 a. 192; 1985 a. 182 s. 57; 1995 a. 225.

30.275 Scenic urban waterways.

(1) Legislative intent. In order to afford the people of this state an opportunity to enjoy water-based recreational activities in close proximity to urban areas, to attract out-of-state visitors and to improve the status of the state's tourist industry, it is the intent of the legislature to improve some rivers and their watersheds. For this purpose a system of scenic urban waterways is established, but no river shall be designated as a scenic urban waterway without legislative act.

(2) (intro.) Designation. The following waters are designated scenic urban waterways and shall receive special management as provided under this section:

(a) The Illinois Fox River and its watershed and the Fox River, extending from Lake Winnebago to Green Bay, and its watershed.

(b) (intro.) The Rock River consisting of all of the following:

1. The river from the point that the river flows into the city of Watertown to the point that it flows out of the city of Watertown.

2. The river from the point it flows into the city of Jefferson to the point it flows out of the city of Fort Atkinson.

3. The river from the point it flows into the city of Janesville to the Illinois border.

(3) (intro.) Duties of department. The department in connection with scenic urban waterways shall:

(a) Provide active leadership in the development of a practical management policy.

(b) Consult with other state agencies and planning committees and organizations.

(substituted for original)

(c) Collaborate with municipal governing bodies and their development committees or boards in producing a mutually acceptable program for the preservation, protection and enhancement of the rivers and watersheds.

(d) Administer the management program.

(e) Seek the cooperation of municipal officials and private landowners in implementing land use practices to accomplish the objectives of the management policy.

(f) Act as coordinator under this section.

(g) Develop the Wisconsin Fox River scenic urban waterway, as designated in sub. (2), as a historic and recreational site.

(4) (intro.) Department authority. The department in connection with scenic urban waterways may:

(a) Acquire and develop land for parks, open spaces, scenic easements, public access, automobile parking, fish and wildlife habitat, woodlands, wetlands and trails.

(b) Lay out and develop scenic drives.

(c) Undertake projects to improve surface water quality and surface water flow.

(d) Provide grants to municipalities, lake sanitary districts, as defined in s. 30.50 (4q), and public inland lake protection and rehabilitation districts to undertake any of the activities under pars. (a) to (c).

(5) Use of Wisconsin conservation corps. To the greatest extent practicable, the department shall encourage and utilize the Wisconsin conservation corps for appropriate projects.

30.275 - ANNOT.

History: 1983 a. 410; 1985 a. 29; 1987 a. 399; 1989 a. 31, 336, 352, 359; 1995 A. 349.

(substituted for original)

**APPENDIX D: U.S. Fish and Wildlife Service Consultation (pp. 445-472)**

– a listing of federally listed species of concern for Minnesota and Wisconsin, potentially affected by the new riverway management plan.

**NOTE:** Appendix D (Fish and Wildlife Service Consultation) has been omitted from this electronic document because it did not scan in a legible manner. For questions regarding this topic, contact:

Superintendent, Lower St. Croix National Scenic Riverway  
P.O. Box 728  
St. Croix Falls, WI 52024-0708  
Phone: (715) 483-3284 email: [SACN\\_Superintendent@nps.gov](mailto:SACN_Superintendent@nps.gov)

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## APPENDIX E: FEDERAL & STATE LISTED SPECIES OF CONCERN AND NATURAL COMMUNITIES

### Wisconsin

Cerulean Warbler, *Dendroica cerulea* (Polk Co., WI)  
Lake Sturgeon, *Acinpenser fulvescens* (Polk Co., WI)  
Blue Sucker, *Cycleptus elongatus* (Polk Co., WI)  
Elktoe Mussel, *Alasmidonta marginata* (Polk Co., WI)  
Salamander Mussel, *Simpsonaias ambigua* (Polk Co., WI)  
Spectacle Case Pearly Mussel, *Cumberlandia monodonta* (Polk Co., WI)  
Snuffbox Mussel, *Epioblasma triquetra* (Polk Co., WI)  
St. Croix Snaketail Dragonfly, *Ophiogomphus anomalis* (Polk Co., WI)  
Prairie Fame Flower, *Talinum rugospermum* (Polk Co., WI)  
Bog Bluegrass, *Poa paludigina* (Polk Co., WI)  
Oregon Woodsia, *Woodsia oregana var cathcartiana* (Polk Co., WI)

### Minnesota

Plains Spotted Skunk, *Spilogale putoris* (Washington Co., MN)  
Migrant Loggerhead Shrike, *Lanius ludovicianus migrans* (Washington Co., MN)  
Cerulean Warbler, *Dendroica cerulea* (Washington Co., MN)  
Blandings Turtle, *Emydoidea blandingii* (Chisago/Washington Co., MN)  
False Map Turtle, *Graptemys pseudogeographica* (Washington Co., MN)  
Lake Sturgeon, *Acinpenser fulvescens* (Chisago/Washington Co., MN)  
Crystal Darter, *Ammocrypta asperella* (Chisago/Washington Co., MN)  
Blue Sucker, *Cycleptus elongatus* (Chisago/Washington Co., MN)  
Salamander Mussel, *Simpsonaias ambigua* (Chisago/Washington Co., MN)  
Spectacle Case Pearly Mussel, *Cumberlandia monodonta* (Chisago/Washington Co., MN)  
Elktoe Mussel, *Alasmidonta marginata* (Washington Co., MN)  
Elusive Clubtail Dragonfly, *Gomphus notatus* (Washington Co., MN)  
St. Croix Snaketail Dragonfly, *Ophiogomphus susbecha* (Washington Co., MN)  
Extra-striped Snaketail Dragonfly, *Ophiogomphus anomalis* (Washington Co., MN)  
Sylvan Hygrotus Diving Beetle, *Hygrotus sylvanus* (Washington Co., MN)  
Bog Bluegrass, *Poa paludigina* (Chisago/Washington Co., MN)  
Hill's Thistle, *Cirsium hillii* (Washington Co., MN)  
Butternut, *Junlans cinerea* (Washington Co., MN)  
Southern brook lamprey, *Ichthyomyzon gagei* (Washington County, MN)

### State Special Concern Species

#### Wisconsin

Prothonotary Warbler, *Protonotaria citrea* (Polk Co., WI)  
Louisiana Waterthrush, *Seiurus motacilla* (Polk Co., WI)  
Timber Rattlesnake, *Crotalus horridus* (Pierce Co., WI)  
Lake Sturgeon, *Acipenser fulvescens* (Polk Co., WI)  
American Eel, *Anguilla rostrata* (Pierce Co., WI)  
Mud Darter, *Etheostoma asprigene* (St. Croix Co., WI)  
Western Sand Darter, *Etheostoma clarum* (Polk/St. Croix Co., WI)  
Banded Killifish, *Fundulus diaphanus* (St. Croix/Pierce Co., WI)  
Weed Shiner, *Notropis texanus* (Polk/St. Croix/Pierce Co., WI)  
Pugnose Minnow, *Opsopoeodus emiliae* (Polk/St. Croix Co., WI)

Elktoe Mussel, *Alasmodonta marginata* (Polk Co., WI)  
 Creek Heelsplitter Mussel, *Lasmigona compressa* (Polk Co., WI)  
 Round Pigtoe Mussel, *Pleurobema sintoxia* (Polk/St. Croix Co., WI)  
 Inornate Ringlet Butterfly, *Coenonympha tullia* (Polk Co., WI)  
 Green-faced Clubtail, *Gomphurus ventricosus/viridifrons* (Polk Co., WI)  
 Rapids Clubtail, *Gomphus quadricolor* (St. Croix Co., WI)  
 St. Croix Snaketail, *Ophiogomphus susbencha* (Polk Co., WI)  
 Dragon Sagewort/Wormwood, *Artemisia dracunculus* (Polk Co., WI)  
 Villous/Silky Prairie Clover, *Dalea villosa* (Polk/St. Croix/Pierce Co., WI)  
 Climbing Fumitory, *Adlumia fungosa* (Polk Co., WI)  
 Dwarf Milkweed, *Asclepias ovalifolia* (Polk Co., WI)  
 Yellow Evening Primrose, *Calylophus serrulatus* (St. Croix Co., WI)  
 Arrow-headed Rattle-box, *Crotalaria sagittalis* (St. Croix/Pierce Co., WI)  
 Wild Licorice, *Glycyrrhiza lepidota* (St. Croix/Pierce Co., WI)  
 Rock Switchwort, *Minuartia dawsonensis* (Polk/St. Croix Co., WI)  
 Wilcox Panic Grass, *Panicum wilcoxianum* (*Dichantherium wilcoxianum*  
 (St. Croix Co., WI)  
 James Cristatella, *Polanisia jamesii* (St. Croix Co., WI)  
 Bird's-eye Primrose, *Primula mistassinica* (St. Croix Co., WI)  
 Pomme-de-prairie, *Psoralea esculenta* (Pierce Co., WI)  
 Marsh Ragwort, *Senecio congestus* (Pierce Co., WI)  
 Prairie Fame Flower, *Talinum rugospermum* (Polk Co., WI)  
 Oregon Woodsia, *Woodsia oregona* var *cathcartiana* (Polk Co., WI)  
 Short's Rockcress, *Arabis shortii* (Polk Co., WI)  
 Assiniboine Sedge, *Carex assiniboinensis* (Polk Co., WI)  
 Paper Pondshell, *Utterbackia imbecillis* (Polk Co., WI)

### **State Natural Communities**

#### **Wisconsin**

Sterling Barrens Natural Community (Polk Co., WI)  
 Wolf Creek Sedge Meadow: (Polk Co., WI)  
 Interstate Lowland Park & Downs (Polk Co., WI)  
 Dalles of the St. Croix River (Polk Co., WI)  
 Interstate State Park (Polk Co., WI)  
 Peaslee and Rice Lakes (Polk Co., WI)  
 Philadelphia Community (Polk Co., WI)  
 Cedar Bend Bottoms (Polk Co., WI)  
 St. Croix Islands (St. Croix Co., WI)  
 Indianhead Scout Camp Woods (St. Croix Co., WI)  
 Hudson Terrace Prairie (St. Croix Co., WI)  
 Kinnickinnic River Gorge and Delta (Pierce Co., WI)

### **State Special Concern Habitat**

Heron Rookery - Rice Lake (St. Croix Co., WI)

### **State Special Concern Species**

#### **Minnesota**

Five-line Skunk, *Eumeces fasciatus* (Chisago Co., MN)  
 Eastern Pipistrelle, *Pipistrellus subflavus* (Washington Co., MN)  
 Northern Myotis, *Myotis septentrionalis* (Washington Co., MN)  
 Red-shouldered Hawk, *Buteo lineatus* (Chisago/Washington Co., MN)  
 Bald Eagle, *Haliaeetus leucocephalus* (Chisago/Washington Co., MN)

Acadian Flycatcher, *Empidonax virescens* (Chisago Co., MN)  
Louisiana Waterthrush, *Seiurus motacilla* (Chisago/Washington Co., MN)  
Cerulean Warbler, *Dendroica cerulea* (Washington Co., MN)  
Hooded Warbler, *Wilsonia citrina* (Washington Co., MN)  
Gopher Snake, *Pituophis catenifer* (Washington Co., MN)  
Racer, *Coluber constrictor* (Washington Co., MN)  
Lake Sturgeon, *Acipenser fulvescens* (Chisago/Washington Co., MN)  
Crystal Darter, *Ammocrypta asprella* (Chisago/Washington Co., MN)  
Blue Sucker, *Cycleptus elongatus* (Chisago/Washington Co., MN)  
Pallid Shiner, *Notropis amnis* (Washington Co., MN)  
Gilt Darter, *Percina evides* (Chisago/Washington Co., MN)  
Skipjack Herring, *Alosa chrysochloris* (Washington Co., MN)  
Spike Mussel, *Elliptio dilatata* (Chisago/Washington Co., MN)  
Black Sandshell Mussel, *Ligumia recta* (Chisago/Washington Co., MN)  
Hickorynut Mussel, *Obovaria olivaria* (Chisago/Washington Co., MN)  
Creek Heelsplitter Mussel, *Lasmigona compressa* (Chisago Co., MN)  
Fluted-shell Mussel, *Lasmigona costata* (Chisago/Washington Co., MN)  
Stemless Tick-trefoil, *Desmodium nudiflorum* (Chisago/Washington Co., MN)  
American Ginseng, *Panax quinquefolius* (Chisago/Washington Co., MN)  
Smooth Softshell, *Apalone mutica* (Washington Co., MN)  
Goldie's Fern, *Dryopteris goldiana* (Washington Co., MN)  
White Wild Indigo, *Baptisia alba* (Washington Co., MN)  
Rock Sandwort, *Minuartia dawsonensis* (Washington Co., MN)  
Cattail Sedge, *Carex typhina* (Chisago/Washington Co., MN)  
American Water-pennywort, *Hydrocotyle americana* (Chisago/Washington Co., MN)  
Creeping Juniper, *Juniperus horizontalis* (Washington Co., MN)

### **State Natural Communities**

#### **Minnesota**

Franconia 32 Natural Area (Chisago Co., MN)  
Osceola Natural Area (Chisago Co., MN)  
Franconia 10 Natural Area (Chisago Co., MN)  
Interstate State Park (Chisago Co., MN)  
Cedar Bend White Pines/Falls Creek State Natural Area (Washington Co., MN)  
Browns Creek (Washington Co., MN)  
Corries Swamp/Hardwood Creek Wildlife Management Area (Washington Co., MN)

**APPENDIX F: INVENTORY OF RELATED HISTORIC SITES**

<b>Cultural Resource</b>	<b>State, County, City</b>	<b>National Register Status</b>
<b>Cushing Hotel</b>	<b>MN-Washington-Afton</b>	<b>Listed 1/85</b>
Marine Historic District	MN-Washington-on-St. Croix	Listed 6/74
Marine Mill Site	MN-Washington-on-St. Croix	Listed 1/70
Angel's Hill Historic District	MN-Chisago-Taylors Falls	Listed - 4/72
John Daubney House	MN-Chisago-Taylors Falls	Listed - 7/80
Franconia Historic District	MN-Chisago-Taylors Falls	Listed - 6/80
Interstate State Park CCC/WPA Rustic Style Historic District	MN-Chisago-Taylors Falls	Listed - 6/92
Interstate State Park CCC/WPA Rustic Style Campground	MN-Chisago-Taylors Falls	Listed - 6/92
Munch-Roos House	MN-Chisago-Taylors Falls	Listed - 11/70
Taylors Falls Public Library	MN-Chisago-Taylors Falls	Listed - 10/70
Chicago, Milwaukee, and St. Paul Freight House and Depot	MN-Washington-Stillwater	Listed - 7/77
Mower House and Arcola Mill Site	MN-Washington-Stillwater	Surveyed – 6/80
The St. Croix Boom Site	MN-Washington-Stillwater	NHL - 11/66
St. Croix Boom Company House and Barn	MN-Washington-Stillwater	Listed - 6/80
St. Croix Lumber Mills Power House	MN-Washington-Stillwater	Listed - 4/82
The St. Croix River Access Site (21 WA 49)	MN-Washington-Stillwater	Listed - 8/84
Soo Line High Bridge	MN-Washington-Stillwater	Listed 7/76
Stillwater Bridge	MN-Washington-Stillwater	Listed - 5/89
Stillwater Commercial Historic District	MN-Washington-Stillwater	Listed - 3/92
Stillwater State Prison Historic District	MN-Washington-Stillwater	Listed - 7/86
Minnesota State Prison (old)	MN-Washington-Stillwater	Listed - 4/82
Warden's Home - Minnesota State Prison (old)	MN-Washington-Stillwater	Listed - 12/74
Washington County Courthouse	MN-Washington-Stillwater	Listed - 8/71
Second Street Commercial Historic District	Wisconsin-St. Croix-Hudson	Listed - 10/84
John S. Moffat House	Wisconsin-St. Croix-Hudson	Listed - 7/74
William H. Phipps House	Wisconsin-St. Croix-Hudson	Listed - 6/87
The Dalles Bluff Site	Wisconsin-Polk-St. Croix Falls	Listed - 9/81
Geiger Building/Old Polk County Courthouse	Wisconsin-Polk-Osceola	Listed - 12/78
Alvah A. Heald House	Wisconsin-Polk-Osceola	Listed - 12/85
Lamar State Grade School, District No. 5 - Lamar Community Center	Wisconsin-Polk- St. Croix Falls	Listed - 3/82
Thomas Henry Thompson House	Wisconsin-Polk-St. Croix Falls	Listed - 3/84
H.S. Miller Bank/Prescott City Hall	Wisconsin-Pierce-Prescott	Listed 8/94
Daniel Smith House	Wisconsin-Pierce-Prescott	Listed 3/84

**APPENDIX F: INVENTORY OF RELATED HISTORIC SITES (Continued)**

<b>Cultural Resource</b>	<b>State, County, City</b>	<b>National Register Status</b>
Mitchell Jackson Farmhouse	MN – Washington - Lakeland	Listed 2/82
John Oliver House	MN – Washington - Lakeland	Listed 12/77
Pest House	MN – Washington - Stillwater	Listed 6/80
Benjamin B. Sheffield House	MN – Washington –May Twnp.	Listed 6/80
John Copas House	MN– Washington–New Scandia	Listed 7/80
Paul Munich House	MN–Chisago –Franconia Twnp	Listed 7/76
<b>Historic Districts (all or portions in riverwy boundaries)</b>		
Stillwater Commercial Historic District	MN – Washington – Stillwater	Established 3/92
Marine on St.Croix Historic District	MN - Washington – Marine	Established 6/74
Franconia Historic District	MN – Chisago – Franconia Twnp	Established 6/80
Angel’s Hill Historic District	MN – Chisago – Taylors Falls	Established 4/72

## **APPENDIX G: ZEBRA MUSSEL TASK FORCE ACTION PLAN**

### **1998 ACTION PLAN FOR THE LOWER ST. CROIX RIVER.**

March 1998

#### **Background**

The zebra mussel is a small exotic bivalve introduced into the United States in the Great Lakes region in the late 1980's. It has since rapidly spread to connected water bodies, primarily through attachment onto commercial traffic. It has also expanded into inland waters in more than six states mainly through recreational boat traffic. This exotic has been documented to kill native unionid mussels, disrupt ecosystems, possibly impact fisheries, damage municipal water supply and industrial intakes, and damage or impact boats and water recreation. There are no environmentally safe control methods once it is established in a water body.

In response to the threat of this exotic, the National Park Service (NPS) and the U.S. Fish and Wildlife Service (USFWS) formed the St. Croix River Zebra Mussel Task Force in 1992 in cooperation with other agencies. The 1993 Zebra Mussel Response Plan was the initial plan for actions to try and keep the zebra mussel from spreading into the St. Croix River. The primary focus in the first years of the Task Force was to enlist public support through voluntary boating restrictions. However, the discovery in 1994 and 1995 of boats moored in the river with attached zebra mussels resulted in the decision that voluntary actions were not sufficient to prevent movement of the mussel. The NPS enacted emergency travel restrictions for the 1995 season, preventing northbound traffic past the Arcola sandbar unless the owner met specific conditions (see Appendix A).

Since 1994, recreational boats have been discovered with attached zebra mussels during routine monitoring dives. The

number of boats with attached mussels was lowest in 1994, sharply increased next year and has remained relatively constant since 1995 (Figure 1). All boats found during diving with mussels were ordered removed and cleaned by the state DNRs. The continued presence of boats with attached mussels reinforces the need for continued monitoring and enforcement of zebra mussel laws.

Despite these finds, there has been no evidence that mussels are established on fixed substrates in the river and the St. Croix is considered uninfested by the natural resource agencies.

Live zebra mussels attached to substrates such as rocks, pilings, or bridge supports or zebra mussel reproduction in the river are necessary to consider designating any portion of the river as infested. Zebra mussels attached to boats do not constitute an infestation, but are one of the primary potential pathways to start an infestation in the St. Croix.

The purpose of the St. Croix Zebra Mussel Task Force is to help agencies and stakeholders prevent or slow the spread of zebra mussels into and within the St. Croix River and other waters. The Task Force tries to accomplish this by developing strategies, assessing the effectiveness of strategies that are implemented, recommending tools to use against the zebra mussel and linking agencies and stakeholders in this effort.

Participants on the Task Force include: National Park Service (NPS), U.S. Fish and Wildlife Service (USFWS), Wisconsin and Minnesota Departments of Natural Resources (WDNR, MDNR), Northern States Power Company (NSP), University of Minnesota Sea Grant Program (SG), Minnesota-Wisconsin Boundary Area Commission (BAC), Macalester College, Biological Resources Division of the US Geological Survey (BRD), Coast Guard (USCG), U.S. Army Corps of Engineers (ACoE), Great Lakes Indian Fish and Wildlife Commission (GLIFWC).

## 1998 Action Plan

This plan is a compilation of strategies and actions proposed by the participating agencies for the 1998 season to try and accomplish the Task Force purpose. This plan does not preclude other actions by agencies or stakeholders to assist this purpose.

### Strategy 1. INFORMATION AND EDUCATION

This strategy is intended to inform and educate people on this harmful exotic animal, the threats it poses to the environment, laws concerning transport of zebra mussels by boats, and what can be done to help prevent the spread of this exotic.

#### Actions

- a. Post and maintain access signs at public access sites along the river (NPS, MDNR, WDNR)
- b. Continue general exotics awareness efforts on biology, impacts and regulations through efforts including but not limited to billboards, radio spots, and literature distribution. (MDNR, USFWS, NPS, WDNR, SG)
- c. Staff Minnesota Boat Show (MDNR)
- d. Provide agency staff and commercial businesses along the Mississippi and St. Croix Rivers with information (such as brochures, posters, fact sheets) about the threat posed by zebra mussels and the Task Force program. (NPS, MDNR, WDNR, USFWS, SG)
- e. Provide information to boating public at lock and dam areas, particularly Lock and Dam 2 and 3. (ACoE)
- f. Provide information to public at river community public events (ACoE)
- g. Provide information via Internet sites
- h. [http://www.d.umn.edu/seagr/areas/exotic/z\\_overview.html](http://www.d.umn.edu/seagr/areas/exotic/z_overview.html) for zebra mussel information, <http://www.mvp.usace.army.mil> for Mississippi River information)(ACoE, SG)



- h. Set up and staff booths at community events to provide information on zebra mussels and aquatic exotic species (NPS)
- i. Continue to display zebra mussel and exotic species exhibits at NPS visitor centers and to present programs on zebra mussels to park visitors (NPS)
- j. Distribute to schools and/or conduct winter series outreach to schools using AAquatic Exotics® traveling trunks, and provide training for teachers for use of the trunks (NPS, SG)

**Strategy 2. INSPECTIONS AND ACCESS MANAGEMENT**

This strategy is intended to take management and/or regulatory actions to try and prevent the inadvertent spread of zebra mussels into the St. Croix River. The strategy also seeks to inform boaters and other recreational water users of these actions.

Actions

- a. Continue permit system and boating restrictions from 1997 at the Arcola sandbar area (NPS)
- b. Inspect watercraft leaving and/or entering at St. Croix and Mississippi River public access sites in Minnesota through the Watercraft Inspection Program to prevent transport of zebra mussels. (MDNR)

**Strategy 3. MONITORING FOR ZEBRA MUSSELS**

This strategy is intended to provide evidence of zebra mussel infestations for use in actions and management decisions.

Actions

- a. Continue passive monitoring sampling for adults and settled larvae (settling plate samplers) on the St. Croix and Namekagon Rivers. (USFWS, NPS, MDNR)
- b. Continue dive searches on river substrate, marinas, boats, and other possible attachment sites. (USFWS, WDNR, MDNR, BAC, NPS, GLIFWC)

c. Collect and analyze plankton tows for veligers at various sites to monitor for veliger production. (USFWS, NPS, MDNR)

#### **Strategy 4. PREVENTION**

This strategy is intended to provide options to help prevent the spread of the zebra mussel.

##### Actions

a. The NPS has established threshold levels in the National Park Service Integrated Pest Management Plan and will use these levels to implement increased NPS actions in the Federally managed zone above Stillwater. (NPS)

b. Enforce infested watercraft laws when zebra mussels are found on boats in the St. Croix River and pursue standardization to the extent possible (MDNR, WDNR, NPS)

c. Provide language for commercial river use permits to require clean vessels for work in the St. Croix River. (WDNR, MDNR, ACoE)

d. Based on monitoring results from Strategy 3, the Task Force will review this and all other strategies. (All Task Force Members)

#### **Strategy 5. RESEARCH**

This strategy is intended to provide information on possible environmentally safe control methods to use against zebra mussel populations.

##### Actions

a. Support research investigating potential control and/or remediation methods. (NPS, MDNR, WDNR, USFWS, ACoE, SG)

b. Obtain and evaluate information on possible control methods and ongoing research through research conferences, Internet access and other on-line information. (MDNR, WDNR, NPS, USFWS, ACoE, SG)

c. Conduct research and provide information on prevention methods (such as anti-fouling paints) for recreational boating public (ACoE)

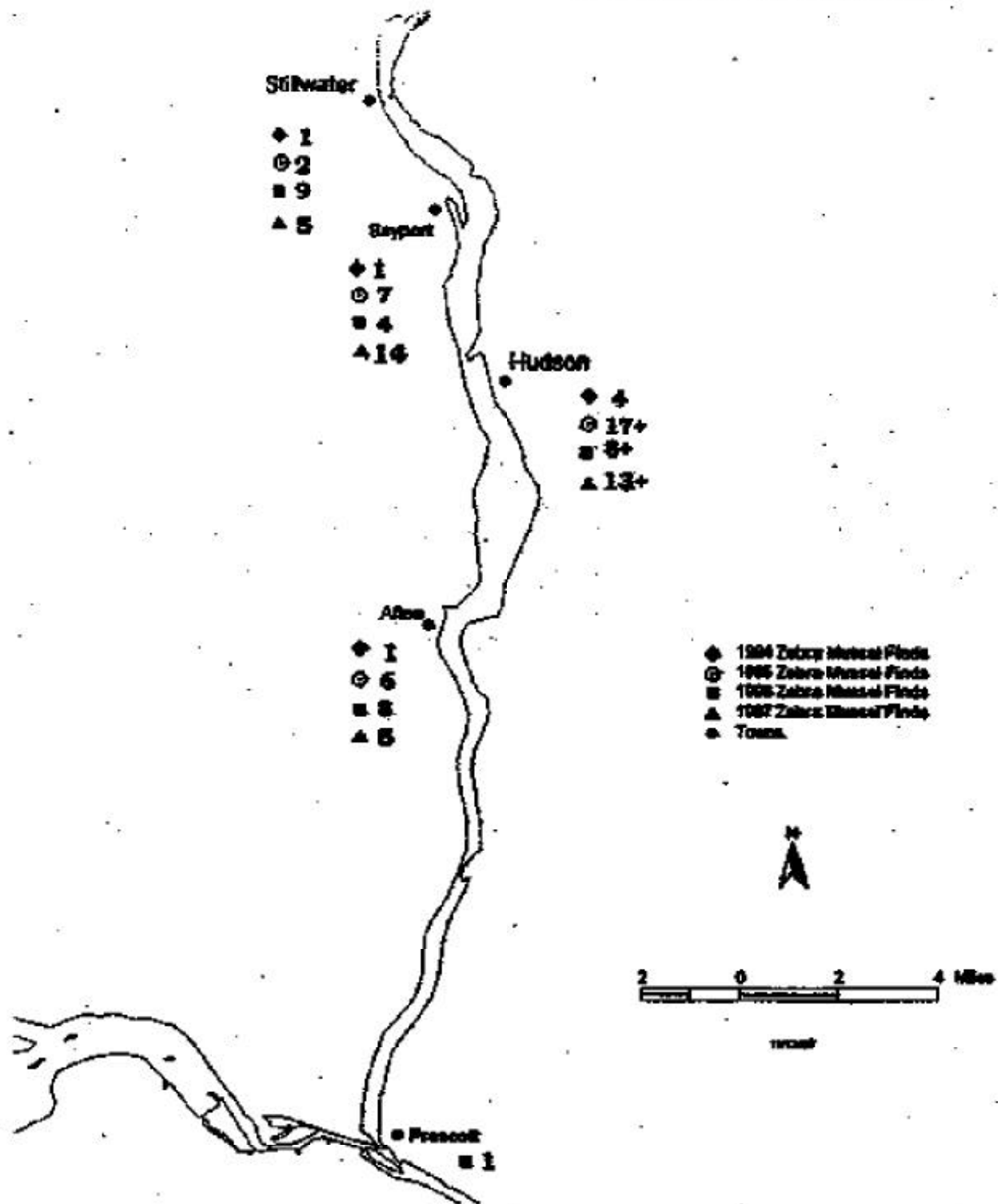


Figure 1. Confirmed zebra mussel finds by year and location on the Lower St. Croix River. (map from National Park Service)

Appendix A.

NATIONAL PARK SERVICE VESSEL ACCESS RULES  
ST. CROIX NATIONAL SCENIC RIVERWAY  
1997 BOATING SEASON

The National Park Service will continue to manage vessel access above the Arcola Sandbar to protect Riverway aquatic resources from the accidental introduction of the exotic Zebra mussel. Using existing regulatory authority found in the Code of Federal Regulations Title 36 Sections 1.5, 1.6 and 3.3, the National Park Service will allow access above the St. Croix River Arcola Sandbar under the following conditions.

A. The vessel is owned and operated by a riparian resident/land owner in the Federally administered zone who has been issued a permit/pass subject to the following conditions:

1. The owner/operator of the vessel is a riparian resident/land owner in the Federally administered zone of the Lower St. Croix National Scenic Riverway. Riparian resident/owner means someone owning property directly on the river, or someone who has legal, deeded access to the river.
2. The owner/operator agrees to not operate the vessel south of the Kinnickinnic Sandbar or in any infested waters, including the Mississippi River, at any time. This condition is subject to change if zebra mussels are found farther north such as Afton, Hudson or Stillwater.
3. The owner/operator agrees to not stop/anchor the vessel anywhere south of the Stillwater Lift Bridge.
4. The owner/operator checks in at the Arcola Sandbar Ranger Contact Station whenever passing the station.
5. The non-transferable permit/pass stickers are permanently fixed to both sides of the bow of the vessel in a readily visible location.

B. The owner/operator of a vessel has been issued a same-day pass at an approved inspection site. The pass will be issued subject to the following conditions:

1. If the vessel has not been operated in infested waters, the vessel must undergo one or all of the following prior to placement into uninfested waters:
  - a. Remain out of the water and be protected from rain for 7 dry/warm days.
  - b. Be visually inspected for attached zebra mussels.
  - c. Be cleaned with a high pressure hot water wash (140+ degrees Fahrenheit).
2. If the vessel has been operated in infested water, the vessel must undergo one or all of the following prior to placement in uninfested waters:
  - a. Remain out of the water and be protected from rain for at least 14 dry/warm days and be visually inspected for attached zebra mussels.
  - b. Be cleaned with a high pressure hot water wash (140+ degrees Fahrenheit) and be visually inspected for attached zebra mussels.

Visual inspection and cleaning must include all areas that zebra mussels may attach or reside: hull, motor mounts, intakes, trim tabs, swim platforms, live wells(must be dry), and trailers.

This program is a continuation of the program from 1996 modified from that described in the Federal Register/Vol. 60, No. 99/Tuesday, May 23, 1995/Notices page 27327.

Vessels traveling upstream beyond the Arcola Sandbar must meet the conditions outlined above. Vessel owner/operators not conforming to the above conditions are in violation of 36 CFR sections 1.5 *Closures and Public Use Limits*, 1.6 and 3.3 *Permits* and 2.32 *Interfering with Agency Functions*.

Vessel owner/operators in violation of the above regulations, and containing zebra mussels, are in violation of 36 CFR section 2.1(a)(2) *Preservation of Natural, Cultural, and Archeological Resources*, and may be in both civil and criminal violation of 16 U. S. Code Chapter 53 *Control of Illegally Taken Fish and Wildlife* Section 3372(a) *Prohibited Acts - Offenses other than Marking Offenses*.

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## PREPARERS AND CONSULTANTS

### PLANNING TEAM

#### Lower St. Croix Management Commission

Tony Andersen, National Park Service  
Kent Lokkesmoe, Minnesota Department of  
Natural Resources  
Terry Moe, Wisconsin Department of Natural  
Resources  
Clarence Malick, Minnesota-Wisconsin  
Boundary Area Commission

#### Lower St. Croix Planning Task Force

Clarence Malick, chairman  
A.W. Clapp, Vice-chairman

#### Interagency Planning Team

Tony Andersen, National Park Service  
Steve Johnson, Minnesota Department of  
Natural Resources  
Terry Moe, Wisconsin Department of Natural  
Resources  
James Harrison, Minnesota-Wisconsin  
Boundary Area Commission

### LOWER RIVERWAY PLANNING COORDINATOR

Randall Thoreson  
Kate Hanson (former coordinator)

### TECHNICAL EXPERTS/CONSULTANTS

#### Minnesota Department of Natural Resources

Molly Shodeen

#### Wisconsin Department of Natural Resources

Ronald Benjamin  
David Heath  
Tom Lovejoy

#### National Park Service

Brain Adams, St. Croix National Scenic  
Riverway  
Brian Carlstrom, Denver Service Center  
John Daugherty, St. Croix National Scenic  
Riverway  
Judy Dersch, Denver Service Center

Randy Ferrin, St. Croix National Scenic  
Riverway  
John Haubert, Washington Office  
Jan Harris, Denver Service Center  
Glenda Heronema, Denver Service Center  
John Hoestery, Denver Service Center  
Al Hutchings, Midwest Regional Office  
Dave Kreger, Denver Service Center  
Michael Madell, Midwest Regional Office  
Robin Maercklein, St. Croix National Scenic  
Riverway  
Paul Roelandt, St. Croix National Scenic  
Riverway  
Sandy Schuster, Denver Service Center  
Sandra Washington, Midwest Regional Office  
Mark Weekley, Midwest Regional Office  
Marianna Young, St. Croix National Scenic  
Riverway

#### U.S. Fish and Wildlife Service

Nick Rowse  
Chuck Kjust  
Rick Sayers

### DOCUMENT PREPARERS

Nola Chavez, Landscape Architect, Denver  
Service Center, National Park Service.  
Bachelor of Landscape Architecture and  
Environmental Planning and Master of  
Landscape Architecture. Twenty years with the  
National Park Service as a landscape architect.  
Responsible for writing the "Land and Water  
Status," "Recreational Facilities along the  
Lower St. Croix," and the "Scenic Impacts"  
sections of the EIS.

Steve Johnson, River Management Supervisor,  
Division of Waters, Minnesota Department of  
Natural Resources. B.A., Sociology. Eleven  
years with Minnesota-Wisconsin Boundary  
Area Commission, 12 years with Minnesota  
Department of Natural Resources. Responsible  
for coordinating parts of the planning process,  
including public involvement, and writing  
portions of the document.

Richard Lichtkoppler, Resource Economist, Denver Service Center, National Park Service. B.S., Business Administration, M.S., Natural Resources, Ph.D., Resource Economics. Nine years with the National Park Service. Responsible for socioeconomic resources and analyses.

Lynn Peterson, Natural Resource Specialist, Denver Service Center, National Park Service. B.S.(Forestry) and A.A. (Conservation). Six years with the South Dakota Dept. of Game, Fish & Parks; 11 years with the National Park Service. Responsible for writing portions of the natural resource sections in the “Affected Environment” and “Environmental Consequences” chapters of the EIS.

Michael Rees, Outdoor Recreation Planner, Denver Service Center, National Park Service. B.A.(Environmental Studies), Master of Forest Science (MFS). Eight years with the U.S. Fish and Wildlife Service, seven years with the National Park Service. Responsible for writing the “Introduction,” the “Management Alternatives,” and portions of the “Environmental Consequences” for the EIS.

Elaine Rideout, Natural Resource Specialist, Denver Service Center, National Park Service.

B.S. (Environmental Studies). Four years with the Ohio Department of Transportation; 17 years with the National Park Service. Responsible for managing the planning process, coordinating the overall document, and writing portions of various sections of the document.

Tom Thomas, Historian, Denver Service Center, National Park Service. Ph.D., History, University of Colorado, 1996. Seven years with the Denver Service Center. Responsible for “Historical Overview” and “Cultural Resources” sections, and cultural resource inventories.

Randy Thoreson, Planning Coordinator, Lower St. Croix Planning Office. B.A., Planning and Resource Biology, M.A., Urban and Regional Studies/Planning. Twenty-three years experience in the Midwest and Mountain West in planning and environmental fields for public and private sectors. Two years with the partnership team (replacing Kate Hanson, previous planning coordinator in 1997). Responsible for office management, project coordination, and facilitation of the Lower St. Croix Planning Task Force. Provided input to and review of the document.

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