

SEWRPC STAFF MEMORANDUM

TO: Ms. Judith Weter, Village Administrator
Village of East Troy

FROM: Dr. Jeffrey A. Thornton, Principal Planner
Environmental Planning Division

DATE: June 25, 2007

SUBJECT: PUBLIC RECREATIONAL BOATING ACCESS OPPORTUNITIES AT THE EAST TROY POND, WALWORTH COUNTY, WISCONSIN

East Troy Pond provides opportunities for water-based recreational use to residents of the Village of East Troy and elsewhere within the Southeastern Wisconsin Region. Currently, these opportunities are primarily in the form of the Pond providing a visual amenity for the Village of East Troy and the small residential community located on the northern shores of the Pond. The southern shores are occupied by public open space to the southeast and by farmland to the southwest. Currently, the Pond provides limited opportunities for use by recreational boaters, anglers, and other recreational users, in part because the Pond has been determined by the Wisconsin Department of Natural Resources (WDNR) to lack adequate public recreational boating access.

The Wisconsin public access policy for waterways is defined by standards for minimum and maximum public recreational boating access set forth in Chapter NR 1 of the *Wisconsin Administrative Code*. As defined in Section NR 1.91 of the *Wisconsin Administrative Code*, the Pond, with a surface area of about 6 acres,¹ would be expected to have parking spaces for five vehicles plus one additional parking space that is handicapped-accessible and provide access for watercraft capable of being transported on car-top and carried-in to the waterbody. This anticipated level of access is both the minimum level of recreational boating access and the maximum level of recreational boating access required under Paragraphs NR 1.91(4) and NR 1.91(5), respectively, of the *Wisconsin Administrative Code*, for East Troy Pond to be eligible for State natural resources enhancement services. Those services are defined in Paragraph NR 1.91(1) as “funding or activities that increase the recreational or environmental values of a waterway,” including, but not limited to, “fish stocking, removal or other fish population management, habitat development, financial assistance for aquatic plant harvesting and lake restoration grants,” as defined in Chapter NR 191 of the *Wisconsin Administrative Code*. Where a waterbody does not currently meet these access standards, as in the case of East Troy Pond, consideration of ways and means to provide such access must be included in any lake management planning programs conducted with the financial assistance of the Chapter NR 190 lake management planning grant program. This Memorandum addresses the requirement under the WDNR guidance applicable to the award of lake management

¹ *Wisconsin Department of Natural Resources, Publication No. PUB-FH-800 2005, Wisconsin Lakes, 2005.*

planning grants under Chapter NR 190 of the *Wisconsin Administrative Code* that waterbodies lacking adequate public recreational boating access pursuant to Chapter NR 1 address alternatives for providing adequate access as a requirement for receiving a lake management planning grant.

OPTIONS

Two options to provide public recreational boating access to East Troy Pond have been identified; namely, 1) to provide a level of access fully consistent with the standards set forth in Chapter NR 1 of the *Wisconsin Administrative Code*, or 2) to provide a level of access that differs from the standards set forth utilizing the alternative public recreational boating access provisions set forth in Section NR 1.91(6).

Access Consistent with Chapter NR 1 Requirements

As noted above, the minimum and maximum public recreational boating access standards for East Troy Pond require that parking be provided for five car-top units plus one additional handicapped-accessible car-top unit. Currently, the very shallow depth of the Pond limits the use of the waterway to shallow draft vessels such as row boats, canoes, and kayaks. These watercraft are well-suited to transportation by car-top; hence, provision of adequate public access pursuant to the requirements of Chapter NR 1 of the *Wisconsin Administrative Code* would appear to be a feasible option for the community.

As also noted above, the Village of East Troy currently owns and maintains public open space lands along the southeastern shores of the East Troy Pond, adjacent and south of the dam, with access possible off STH 120/Church Street on the south side of the Village. Mill Pond Park is comprised of about 30 acres of land bordering East Troy Pond, and provides walking opportunities and “exceptional” fishing accessibility. Parking is currently provided for persons wishing to enjoy the aesthetic ambience of these open lands and wetlands adjacent to the Pond.

With respect to provisions of public recreational boating access, no formal access site currently exists, although it would be possible for carry-in watercraft to be launched into East Troy Pond from the Mill Pond Park site.

Elsewhere, public recreational boating access opportunities along the northern shore of the East Troy Pond are limited by the presence of homes. Provision of public recreational boating access within this residential community, even for carry-in watercraft, would be severely constrained by the extent of the homesites along the shoreline. Public lands are limited to rights-of-way for stormwater management facilities and similar public utilities that are incompatible with recreational activities.

On the southwestern shores, the presence of active farming operations precludes use of this area for the provision of public recreational boating access, although future acquisition and development of a portion of this area for public access could be considered. Such future acquisition could allow for the expansion of the Mill Pond Park, and the provision of additional amenities on this site. The entire southern shore of East Troy Pond lies within the primary environmental corridor delineated by the Regional Planning Commission.²

² *SEWRPC Community Assistance Planning Report No. 112, 3rd Edition, Sanitary Sewer Service Area Plan for the Village of East Troy and Environs, Walworth County, Wisconsin, December 2000.*

Based upon the foregoing, provision of adequate public recreational boating access, based upon the ability to launch a car-top boat would appear to be a feasible alternative.

Alternative Access

Section NR 1.91(6) provides for an alternative level of public recreational boating access to waterbodies where specific environmental and/or social conditions apply that would limit the provision of recreational boating access to the level of the minimum standard set forth in Section NR 1.91(4) of the *Wisconsin Administrative Code*. The environmental basis for the identification of alternative minimum access standards would include issues such as lake size and irregularity; depth; sensitive areas for fish, wildlife and aquatic plants; the nature and composition of fish, wildlife and presence of threatened or endangered resources; lake bottom sediment type; natural shoreline features; sensitivity to exotic species; water quality; and, river or stream characteristics. The societal basis for the identification of alternative minimum access standards would include issues such as shoreline beauty; shoreland zoning; land use and land cover; traditional, existing and potential water uses; ability of the municipality to regulate land use and development; ability of the municipality to enforce public safety regulations; water use regulations proposed or in effect; proximity to other waters; proximity to population centers; demand for recreational opportunities; impact on public safety; presence of culturally or historically significant features; and, trespass problems associated with increased access on rivers and streams.

Environmental Criteria

From the perspective of the environmental criteria for the determination of alternative minimum public recreational boating access, the WDNR notes that “the Honey Creek impoundments (East Troy and Hilburn Pond [sic]) create slow moving waters that allow for sedimentation (nutrient rich particles) which result in excessive algae [sic] growth (and low night time dissolved oxygen concentrations).”³ These findings would appear to preclude application of the criteria, summarized above, for the development of alternative minimum public recreational boating access standards based upon environmental considerations. This level of human impact on the Pond ecosystem suggests that the Pond would not meet the criteria for alternative public recreational boating access based upon environmental sensitivity.

Societal Criteria

Similarly, the presence of Mill Pond Park on the southern shore of East Troy Pond would suggest that there are no societal concerns that would preclude provision of adequate public recreational boating access to this waterbody, while the proximity of the Pond to the urban center, and its industrial history, would limit its ability to meet the alternative public recreational boating access standards based upon societal criteria. That said, site limitations imposed by wetlands and other landscape features currently limit the possibility for carry in access to the smallest watercraft. Likewise, pond depth considerations would preclude larger watercraft from operating in the impoundment. Nevertheless, the minimum public recreational boating access standards set forth in Section NR 1.91(4) would be consistent with these limitations.

³ *Wisconsin Department of Natural Resources, Publication No. WT-478-97, Nonpoint Source Control Plan for the Sugar-Honey Creeks Priority Watershed Project, February 1997.*

Consequently, development of alternative minimum public recreational boating access standards for East Troy Pond would not appear to be warranted.

RECOMMENDED BOATING ACCESS

Based upon the foregoing analysis, provision of public recreational boating access opportunities through the existing public park and open space lands on the southeastern shores of East Troy Pond would appear to be a feasible option. While access is likely to be somewhat problematic, placement of a car-top boating unit into the Pond appears to be feasible. Adequate parking is currently available, although not currently marked. To the extent practicable, it is recommended that the Mill Pond Park facilities be enhanced to facilitate carry-in public recreational boating access to East Troy Pond, consistent with the minimum public recreational boating access standards set forth in Chapter NR 1 of the *Wisconsin Administrative Code*.

It is further recommended that provision be made at Mill Pond Park for the posting of public notices regarding any boating ordinances that may be adopted regulating the use of the surface water resources, and for posting of public notices regarding issues such as control of nonnative and invasive species.

Finally, consideration of providing enhanced public recreational boating access through future acquisition of lands along the southwestern shores of East Troy Pond is suggested as a basis for providing enhanced access opportunities for watercraft on this portion of Honey Creek.

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MGH/JAT/mlh
#129140 V1 - EAST TROY DAM PUBLIC ACCESS EVALUATION

cc: Ms. Heidi Bunk, WDNR-SER