

## **Responses to W.C. (Whitey) Kraus Public Access Site Comments**

In preparing this Environmental Assessment, the Department considered 100 public comments received at a Preliminary Development Plan public information meeting on October 23, 2008, during the Preliminary Development Plan public comment period, October 14 to 31, 2008, and during an Environmental Assessment public comment period, November 10 to December 10, 2008.

Department staff compiled questions or statements from the written and verbal comments and summarized them below. These comments are not reproduced but are available for review<sup>1</sup>. Public comments that expressed a personal opinion without addressing the Preliminary Development Plan or draft Environmental Assessment were read and acknowledged but are not included in the summary. Department staff responded to each of the questions or statements and believes that the questions and statements covered in the following summary section are representative of the major issues that the public wanted to be addressed in the Environmental Assessment.

The Department appreciates the time, effort, and careful thought of the commenters. A news release will inform the public how to obtain a copy of the Environmental Assessment.

### **Summary of Public Comments**

***Comment 1: The Environmental Assessment does not adequately describe nor analyze environmental impacts and does not properly evaluate alternatives.***

Response: The Environmental Assessment has revised site development plans, additional information about stormwater analysis, wetland identification, environmental and economic impact analysis, and responses to public comments. It identifies topics, including proposed Department Site design modifications, where final design information and details are now available and incorporated. Section 25 of the Environmental Assessment analyzed seven alternatives to provide public access to North Lake:

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- Alternative 1 – Do Nothing
- Alternative 2 – Platted Access at Hellman Point Road and River Road Sites
- Alternative 3 – The North Lake Yacht Club Site
- Alternative 4 – The Corey Oil Site
- Alternative 5 – The STH 83 Site
- Alternative 6 – The Department Site
  - Alternative 6A – Access on the existing road
  - Alternative 6B – Access on the Department easement area
  - Alternative 6C – Access on Department owned property (fee title ownership)
  - Alternative 6D – Access on a one-lane road with pullouts
  - Alternative 6E – Access from lower Reddelien Road
  - Alternative 6F – Access from Silver Spring Drive or Silver Spring Lane
- Alternative 7 – Two Site alternatives
  - Alternative 7A - Development of carry-in access on Department Site and motor boat launch on STH 83 Site
  - Alternative 7B– Development of motor boat launches at both Department Site and STH 83 Site

***Comment 2: An Environmental Impact Statement is needed.***

Response: Environmental Assessments are similar to Environmental Impact Statements in both content and process. The W. C. (Whitey) Kraus Public Access Site Environmental Assessment described the proposed public boat launch and affected environment and analyzed the environmental impacts and alternatives, and provided an opportunity for public review and comments.

An Environmental Impact Statement discloses similar information with an opportunity for public input and is primarily used for complex large scale projects like siting new landfills or power plants. Boat access sites are typically evaluated by an Environmental Assessment and do not require an Environmental Impact Statement.

The W.C. (Whitey) Kraus Public Access Site Environmental Assessment documents the Department's decision not to do an Environmental Impact Statement.

***Comment 3: Discuss the Department Site access policy.***

Response: The Department Site is closed per NR 45, Wisconsin Administrative Code, which regulates the use of state property. The Department Site will be open for public use after development is complete.

***Comment 4: The EA does not adequately identify wetlands at the Department Site and underestimates wetland impacts.***

Response: Wetlands are identified by the three primary features; vegetation adapted to aquatic conditions, saturated soil, and hydrology. Department and Southeastern Wisconsin Regional Planning Commission staff evaluated hydrophytic vegetation, redoximorphic soil features, and hydrology to identify wetlands within the Department Site development area. The Southeastern Wisconsin Regional Planning Commission prepared Attachment 12, *Proposed North Lake Boat Launch Site Wetland Delineation* which describes the methods used to identify wetlands, results and discussion, and conclusions. The wetland boundaries were surveyed and incorporated into site planning. The Department Site access road, including fill for roadway side slopes, and parking lot developments will impact 0.16 acre of wetland.

Natural Resource Consulting, Inc. conducted a field assessment at the Department Site during November 12 to 20, 2008. The Department reviewed and considered the findings dated *December 5, 2008, Wetland and Habitat Evaluation, Proposed N. Lake Boat Launch, Kraus Site – Town of Merton, Waukesha County, Wisconsin* letter report during the preparation of this Environmental Assessment. The Department and Southeastern Wisconsin Regional Planning Commission staff re-evaluated wetland delineations and verified the previous delineation. The Department determined that the wetlands located on the Department Site are not part of the bed of North Lake.

***Comment 5: Discuss the boat launch ramp and its impact on the lakebed.***

Response: The Department Site's 12 foot wide by 42 foot long concrete boat launch ramp and boarding dock interface were designed as compactly as possible with minimal lakebed impact while meeting design standards for safe boat launch and retrieval. The ramp design is shown in Attachment 14, *Final Project Development Plans*. The ramp will extend from the shoreline into a water depth of three to four feet. Riprap scour protection will be installed at the end of the ramp. Approximately 78 cubic yards of gravel and sand substrate will be removed for the ramp and 0.01 acre of lakebed will be impacted.

In-water construction of the boat launch ramp will avoid fish spawning. Ramp construction will be completed within a turbidity barrier to minimize lake sediment disturbance.

The ramp location and associated boating activity are expected to have minimal impact on fish populations and habitat, water quality, and lake ecology. Largemouth bass and bluegill may continue to nest near the ramp or relocate to other similar habitat that is widely available in the lake. The sandbars adjacent to the ramp can continue to be used as staging areas for youth sailing classes and other recreational activities.

***Comment 6: Describe stormwater surface flow in the Reddelien Road/Silver Spring Road area and analyze what effects, including effects to residential properties and septic systems in the area, the Department Site development may have.***

Response: A topographic map of the Reddelien Road and Silver Spring Road area is shown in Attachment 7 and illustrates a steep slope west of the Department Site's access road and an area that slopes slightly to the lake. Historic placement of fill and development near the lake may have elevated the ground surface along Reddelien and Silver Spring Roads approximately one foot above the surrounding area. Stormwater generally flows east to North Lake through the Department Site. A portion of the Department Site and some residences along Reddelien and Silver Spring Roads are located in the 100-year floodplain.

The Department Site access road and parking lot development are designed to maintain existing stormwater drainage surface flow patterns. Plans are illustrated in Attachment 15, *Stormwater Analysis Report*.

The north-south segment of the access roadway will be reconstructed with four cross culverts to maintain the existing west to east drainage. The east-west segment of the access roadway will be constructed at the same elevation as the existing access road allowing high water to overtop the road as currently occurs. Three cross-culverts will be installed to maintain the hydraulic connection between the wetlands north and south of the roadway.

The parking lot will slope slightly to the north toward a designed drainage swale that discharges to North Lake. A new drain tile system will be constructed along the south perimeter of the parking lot to maintain existing drainage patterns and convey surface water to North Lake.

Properties that currently experience surface water ponding in low lying areas, wet basements and poorly functioning septic systems during prolonged precipitation events will likely continue to experience them in the future.

***Comment 7: Consider a bike trail, a boat washing station, wetland bridges, carry-in parking only marked parking spaces, and dredging of North Lake's North Bay as part of the Department Site development.***

Response: The purpose of the Department Site is to provide recreational boaters and anglers an opportunity to launch watercraft on and have winter access to North Lake.

Bicycles are allowed to travel on the access road. Separate bicycle paths are not planned.

A boat washing station is not proposed. Signage will inform boaters that aquatic invasive species can be managed by removing aquatic plants and draining water from bilges and motors during boat recovery.

Wetland bridges would neither eliminate nor significantly minimize wetland impacts and would significantly increase the cost of the project and are not proposed.

The 16 car-trailer and three car only parking spaces, which include Americans with Disabilities Act spaces, meet minimum public access standards. Creating additional parking spaces for carry-in parking only is not proposed due to site limitations and cost.

Dredging the North Bay is beyond the scope of this public access site development project. The North Lake Management District may develop a proposal and apply for funding and approval for the dredging of the North Bay of North Lake.

***Comment 8: How will the Department Site development prevent the introduction and spread of aquatic invasive species?***

Response: Invasive species inhabit many inland lakes in Wisconsin. Eurasian water milfoil and zebra mussels are present in North Lake. Riparian and transient boating and recreation activities may transfer invasive species between waterways.

The Department conditions construction approvals to require contractors to decontaminate equipment to prevent the transfer of invasive species.

Invasive species' educational signs will be posted at the Department Site. The signs will direct boaters to remove aquatic vegetation from boats and trailers and to drain lake water from bilges and motors to prevent the transfer of invasive species.

***Comment 9: What are the Department Site's hours of operation? Who will manage and maintain the site?***

Response: The Department will determine the hours of operation, post the hours at the site, and control site access. Department public access sites are typically open 24 hours a day. Some sites have limited hours. NR 1.91(4)(d)6., Wisconsin Administrative Code, states that any boat launched during operating hours must be allowed egress from the water at any time.

The site will provide access for winter recreation on North Lake, including ice fishing. Motorized vehicle access to the lake from the launch site will be prohibited.

Department staff will inspect, manage, and maintain the Department Site. The portable restroom will be maintained by a contractor on a regular basis throughout all seasons.

***Comment 10: Discuss boating regulations, including motor boat restrictions and slow-no-wake requirements, on North Lake.***

Response: Chapter 30.77, Wisconsin Statutes, allows local municipalities to enact local regulations relative to boating in the interest of public health, safety or welfare, including the public's interest in preserving the state's natural resources. Motor boats are allowed to operate on North Lake. Current local regulations in place on North Lake include:

- Require boats to travel at slow-no-wake speeds within 100 feet of a dock, raft, pier, or swimmer
- Set a maximum speed limit of 35 miles per hour for all boats
- Set slow-no-wake speed from one hour after sunset until one hour before sunrise the next day
- Require boats towing people skiing or tubing to operate in a counter clockwise direction
- The Village of Chenequa and Town of Merton require slow-no-wake during high water conditions.

***Comment 11: How will the Department Site development plans minimize aesthetic impacts to nearby residential property owners and lake users?***

Response: Project development plans are shown in Attachment 14. The development will preserve a majority of the mature trees and shrubs along the access road. An eight foot tall wooden privacy fence and vegetative plantings will provide screening for adjacent residential properties and minimize secondary aesthetic and noise impacts. Earthen berms would increase wetland impacts and are not proposed for screening. An enclosure will screen the portable restroom. The downcast lampshade on the dusk to

dawn light fixture will control lighting near the boat launch and limit visual impacts to neighbors and lake users.

***Comment 12: Discuss traffic on the Department Site access road and Reddelien Road.***

Response: The Department Site asphalt access road will be 24 feet wide, including one foot gravel shoulders and three to one side slopes. It will accommodate two-way car and trailer traffic. A launch site entrance sign will be installed along Reddelien Road. A stop sign will be at the site exit to Reddelien Road. A 10 mile per hour speed limit sign and other traffic control and informational signs may be placed along the roadway and parking lot. The Department will post signs indicating that parking is allowed only in designated parking areas and that vehicles parked in undesignated areas may be subject to a citation or towed. The Department, or a contractor, will plow snow, spread sand, and salt the access road during winter.

New car and trailer traffic will be present at the Department Site. Secondary traffic impacts on Reddelein Road are expected to be minimal on peak summer weekends because of the fairly modest, 16 car and trailer and three car only, parking stalls available at the launch site.

The average daily traffic was 3,494 vehicles per day on CTH K near West Shore Road in 2004. The speed limit is 25 miles per hour on CTH K near West Shore Road. The Town of Merton regulates speed limits and parking along Reddelien Road which accommodates two-way car-trailer traffic.

Traffic safety concerns most often involve passenger cars and are most common on congested roadways, near intersections, and during poor weather. Other traffic safety factors include driver experience and time of day.

***Comment 13: Discuss how the Department Site development will affect amphibians, rare species, and other wildlife.***

Response: North Lake and its surrounding uplands and wetlands support a variety of wildlife species. Common amphibians include American toads, spring peepers, gray tree frogs, leopard frogs, wood frogs, green frogs, and chorus frogs. Other amphibian species are likely to be present. No state or federal threatened or endangered species or state species of special concern have been observed at the Department Site.

Rare species recorded within five miles of the project area, and with suitable habitat in some of the project area wetlands, include lake chubsucker (*Erimyzon sucetta*), least darter (*Etheostoma microperca*), pale green orchid (*Platanthera flava*), Hooker's orchid (*P. hookeri*), and forked aster (*Aster furcatus*). Butler's gartersnake (*Thamnophis butleri*), a state threatened species, was recorded within five miles; however, the Department Site is outside the currently established range for the species. No nearby records are listed for Blanding's turtle (*Emydoidea blandingii*), a state threatened species, but the wetland is within the range of and includes suitable habitat for this species.

The Department Site development will decrease the amount of locally available habitat but is not expected to affect the presence or abundance of any amphibians or wildlife species. Wildlife may temporarily disperse during construction activities and relocate into adjacent widely available nesting, foraging, and sheltering habitat areas.

Construction can be scheduled to postpone work during fish spawning and measures such as exclusion fencing, collection, and relocation can be implemented to minimize potential impacts to Blanding's turtles and other native reptile and amphibian species.

***Comment 14: Discuss public safety, emergency, and spill response.***

Response: Department Conservation Wardens patrol and the Town of Merton and the Village of Chenequa operate Water Safety Patrols on North Lake. The majority of boating violations are lack of proper number or type of personal floatation devices in the watercraft, improper nighttime lighting, and waterskiing without an observer. The North Lake Management District indicates that speeding is not a current problem on North Lake. There should be no significant impact on watercraft operations and safety. Most impacts that do occur will be on summer weekends and holidays. All transient and

riparian boaters are required to be aware of and comply with state and local boating regulations.

Emergencies, fires, and spills in the North Lake area can be reported by calling 911. Department Conservation Wardens, Waukesha County Sheriff's Department, and Stone Bank, North Lake, and Chenequa Fire Department-Emergency Medical Services can provide emergency response services.

Incidental petroleum spills are typically less than five gallons and are not expected to be a significant environmental issue. Responsible parties can clean up most minor petroleum spills with sorbent materials which can be bagged and disposed in the trash.

***Comment 15: Discuss economic issues including budget priorities, project funding, and property value impacts.***

Response: The Department recognizes its public stewardship role and budget responsibilities. Under the authority of NR 1.90, Wisconsin Administrative Code, Public access policy for waterways, it is the goal of the State of Wisconsin to provide, maintain, and improve access to navigable waters of the state. The Department's Southeast Region Access Team has designated North Lake, the ninth largest lake in Waukesha County and the largest without public access for more than 25 years, as a high priority for establishing adequate public access. In 2008, Waukesha County had the highest number of registered boats, and the second highest number of residents who purchased fishing licenses, of any county in Wisconsin. Department Stewardship funds will pay the estimated \$475,000 development costs. Department Site construction is planned to begin in mid 2010. The Department Site is projected to be open to the public and operational in late 2010.

Wisconsin home sales and median prices both decreased in the second quarter of 2009 relative to that same quarter in 2008 according to data released by the Wisconsin Realtors Association. The Department Site development is unrelated to larger economic and real estate factors and is not expected to impact the number of property transactions or selling prices in the area significantly.