



# United States Department of the Interior

NATIONAL PARK SERVICE  
NORTHEAST REGION  
15 State Street  
Boston, Massachusetts 02109-3572

IN REPLY REFER TO:

8.A.2

May 3, 2016

Mr. John Pohlman  
Planner, Bureau of Facilities and Lands  
Wisconsin Department of Natural Resources  
101 South Webster Street  
PO Box 7921  
Madison, Wisconsin 53701-7921

Dear Mr. Pohlman:

Thank you for the opportunity to review your "Draft Master Plan and Environmental Impact Statement" for the Sauk Prairie Recreation Area (SPRA) portion of the former Badger Army Ammunition Plant (BAAP). While the full land transfer is not yet complete, the large majority of the property is now owned by the State, with the balance to be deeded in the near future through the National Park Service (NPS) Federal Lands to Parks (FLP) program. Although your submitted document is still draft, you have asked for our comments.

As you know, lands deeded through the FLP must be solely for public parks and recreation, and used according to the "Program of Utilization" (POU) submitted as part of your application. In reviewing the proposed master plan, we noted several proposed uses that were not in the original application. As cited in the application and the deed, the FLP program allows changes of uses and amendment to the POU with the concurrence of both your agency and the NPS.

With a few exceptions, enumerated in the attached document, the proposed activities in the master plan are forms of recreation and would meet the general recreational requirements of the FLP program. This land is no longer federally owned but owned by the State of Wisconsin, so the NPS does not determine specifically how you should use the property. However, the NPS must consider proposed changes that would require an amendment to the POU, and evaluate and disclose impacts from those uses, in light of the National Environmental Policy Act of 1969 (P.L. 91-190 as amended; 82 Stat. 852; 42 U.S.C. 4321 et. seq.), and guidance and regulations from the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1508), as well as Department of the Interior policy and procedures. It is on this basis that NPS would decide whether to concur on an amendment of the POU.

We believe the document does not provide sufficient presentation, analysis and discussion of expected or potential impacts, and we find it difficult to relate the proposed uses in relation to where they are proposed to occur on site relative to what resources are there. Before we can

make a determination on DNR's proposed changed uses, we would appreciate further documentation on important resources considered and associated potential impacts of proposed uses. Further we would like the document to provide clarity on potential user conflicts and how the DNR proposes to manage to minimize both potential user and resource conflicts. In addition, your environmental assessment should address the public controversy associated with your change in use proposals and identify any agencies or Native American tribes with whom the DNR consulted.

The attached document is loosely organized by topic. Many are interrelated. Some comments relate to what needs to be addressed in a subsequent or revised environmental document while others may involve a separate response or simply be a comment.

While our comments may seem lengthy, most concentrate on lack of detail for proposed activities. We truly recognize the potentially positive environmental benefits that will result from DNR's restoration efforts of the former BAAP. We understand that this is a very large undertaking for the state and that DNR has given much thought to BAAP reuse over the years.

Please Note: We recognize that DNR's application spoke to planning the entire BAAP site, and NPS accepted the application. However, in retrospect, we were both mistaken. Neither DNR nor NPS has any authority to plan or implement changes on any of the former BAAP property transferred to other entities. Of course, we encourage DNR to continue to collaborate and coordinate with the USDA Dairy Forage Research Center (DFRA) and the Ho Chunk tribe whenever possible.

We apologize for the length of time it has taken for us to comment on DNR's document. There are still a few issues we may need to address about our NEPA requirements and consultations with the Fish and Wildlife Service, the State Historic Preservation Office and tribe(s), the attached represents our concerns with the Draft "Master Plan and Environmental Impact Statement" for Sauk Prairie Recreation Area.

Please feel free to contact me if our comments are not clear.

Sincerely,



Elyse R. LaForest  
Program Manager  
Federal Lands to Parks Program

Enclosure

National Park Service Comments  
Sauk Prairie Recreation Area  
Draft Master Plan and Environmental Impact Statement (August 2015)

Environmental Assessment (under the National Environmental Policy Act (NEPA))

1. Public Comments and Controversy

We continue to be concerned about the level of opposition to some of the forms of the recreation proposed, specifically dual purpose motorcycles, rocketry, and to a lesser degree snowmobiles, and dog training. We understand that these active recreational activities have their proponents; however, apart from the form emails, our sense is that a large proportion of the respondents preferred more passive pursuits as specified in DNR's original application to acquire BAAP. We believe that it is important for DNR to address this public opposition by summarizing and responding to the public's concerns in this matter. We also suggest that providing more detailed information on the proposed uses' purpose and need, a clearer description of how existing conditions on the site would change from the original application's uses, and how DNR proposes to manage the site to monitor and avoid user conflicts would be helpful to reconcile diverse user groups.

2. Environmental Documentation and Format of the Master Plan (in general)

The NPS's responsibility to review post conveyance actions such as amendments to a deed or program of use is a federal action that triggers compliance with the requirements of the National Environmental Policy Act (NEPA) to integrate environmental considerations into our decision-making process. In meeting our NEPA compliance obligation, we must follow the Council on Environmental Quality's regulations that implement NEPA (40 CFR 1500-1508); the Department of the Interior's NEPA regulations (43 CFR Part 46); and NPS Director's Order #12: Conservation Planning, Environmental Impact Analysis, and Decision-Making (2011) and accompanying NEPA Handbook (2015).

As we discussed in a previous telephone call(s), we are relying on you to provide the information needed to meet our federal NEPA responsibility. Our environmental analysis will be focused on the new proposed uses (primarily active recreation uses) that are different from the ones in the original application, as the original passive uses were previously considered in the original land disposal for SPRA. Your environmental documentation should clearly describe how the conditions on the property will be different than if the original plan were implemented, the potential impacts of the new proposed uses on the existing environment, and a description of any mitigation measures that you propose to implement to avoid and minimize adverse environmental impacts. As presented in the combined Master Plan and environmental impact documentation, we do not find the analysis of impacts to be clear nor sufficient.

While no special format is required, an environmental assessment should include a clear discussion of the proposed uses; a clear description of one or more alternatives to the proposal

that address unresolved conflicts over alternative uses of the resource; analysis of potential adverse environmental impacts that may result from implementing the proposal and the alternatives; any mitigation measures that are an integral part of the proposed uses; and documentation of the sources of data and information used to predict and describe the potential environmental impacts. We also will need information on who was consulted (agencies, interested groups and the public), a summary of the comments received, and your response to comments. If you are interested, you may wish to contract with environmental consulting firms that are familiar with federal environmental compliance requirements.

### 3. Documentation and Analysis

A. In our environmental reviews, the NPS typically evaluates the “no action” alternative, meaning the continuation of current management practices or the current plan. In the SPRA scenario, this would mean continuing the Program of Utilization in the original application by which the property was granted with no changes in the current recreational uses (i.e. primarily passive recreation, trails, habitat management, and prairie restoration). However, the Master Plan and Environmental Impact Statement did not present this scenario as one of the alternatives. “Continuation of current management” (original plan) as an alternative provides a baseline against which to compare the impacts of the new proposed uses. Other alternatives must explain how existing conditions would change. For example: Under this “no action” alternative, certain uses or users would not be accommodated and the number of visitors might be lower compared to the full plan adoption; or to the contrary, the additional uses might add more visitors and possibly more conflicts among user groups. Because this alternative was omitted, this may have contributed to the level of public opposition and controversy experienced.

While the draft Master Plan and Environmental Impact Statement includes a “no action” alternative, it is described essentially as a hands-off, no management alternative, resulting over time to decline of roads, habitat, and recreational access, i.e. reduced recreational usefulness of the site. As noted above, this is not the “no action” alternative and, in fact, is not a reasonable alternative because if the State were to follow this approach with the decline as described, the NPS would likely consider the property to be in neglect and noncompliance with the justification for obtaining the property and the commitments made in the Program of Utilization, which would potentially put the property in jeopardy of reversion to the Federal government.

B. While the master plan provides descriptions of the proposed uses, we find the document insufficient to disclose or evaluate potential impacts. For example: Air quality is mentioned for motorcycles but not snowmobiles; soundscapes are not addressed at all; endangered species noted in the deed as located in Sauk County are not addressed.

In general, we feel there is a lack of supporting documentation to explain the basis for DNR’s analysis and conclusions. For example the document repeatedly states “the magnitude is not expected to be significant,” “this impact is not expected to significantly affect these...”, “is expected to have minimal but positive affect,” “is unlikely to significantly impact other visitors’ overall use or satisfaction” without providing explanation or supporting information. Greater quantification, as possible, could be helpful.

Information on the expected intensity of use, such as numbers and seasons or timing of users, is needed. Other than the discussion of the neotenic salamander the master plan does not document wildlife which inhabit the site and potential impacts and/or efforts to avoid or minimize impacts, if appropriate. Will, for example, snowmobile, dual purpose motorcycles, farming, dog training, mountain biking or even birdwatching adversely affect nesting or animal or plant populations?

#### 4. Separating “Recreational Uses and facilities, by activity” from “recreation and habitat management” in Chapter II of the Plan

We appreciate DNR’s reasoning for the format of the master plan to eliminate repetitiveness. However, we feel segregating the proposed recreational activities from the physical locations and affected resources at SPRA makes it difficult to understand the size, scope and magnitude of the activity (spaces used at SPRA or number of participants) and how participants of one activity may be impacted by other activities.

Further, while we understand the numbers of participants are only estimates, the DNR should provide the estimates that guided this plan and integrate the level of estimated use into the environmental documentation. For example, at one point the document refers to the numbers of bird watchers, their large economic impact from their potential use of SPRA. However this “activity” is only a small listing (page 26), and there is no indication of where this activity is expected to take place on SPRA nor the potential impacts, if any.

Similarly, we would like more clarity on levels of use, locations, and potential conflicts and impacts of the various uses and users. For example, while the plan includes dual purpose motorcycles use on repurposed biking and horse trails, no specific area at SPRA is designated for the motorcycle use. We note there are bike trails throughout SPRA and horse trails proposed in the Rocket Area and the Northeast Moraine. Further, it is potentially possible that a motorcycle event may utilize the entire SPRA on any given day (up to three consecutive days). DNR cited approximately 100 riders at 60 mph traversing 60 miles a day (for air quality assessment). Further, what are the levels and impact of noise, specific to wildlife, abutters and other visitors? How many “other recreational users” will be displaced by repurposed trails? Will the size of events be limited to a certain number of riders?

#### 5. Recreational Activities and associated Natural/Cultural/User Issues

SPRA is a large area and DNR has proposed many uses (both active and passive) of the site. Given the complexity of the plan, it would be helpful for DNR to prepare a chart that lists all of the identified activities and when and where they would reasonably be expected to happen, and a comparison of natural/cultural/seasonal issues. This would help identify potential conflicts and resource issues as well as timing of potential conflicts. For example, if snowmobile activity typically occurs between November and April and bird nesting is typically in June, there would not seem to be a conflict. However, a chart could help identify a potential conflict between hunting and snowmobile use, as both are both winter activities. This chart could also help identify the relationship between the recreational and agricultural activities, and the timing of DNR’s construction/restoration efforts.

## Specific Questions Regarding Recreational Uses

### 1. Motorcycles

When researching dual-sport motorcycles, we found a range of equipment. They ranged from “dirt bike like” motorcycles that had been modified to go short distances on highways to “heavyweight” motorcycles that are designed to go long distances on roads with occasional use on dirt roads. DNR must document what types of equipment they are anticipating will use SPRA in organized events. The only number in the plan was used to consider air quality impacts (page 115). The plan should include guidelines that DNR intends to use to manage dual purpose motorcycle events to mitigate adverse impacts to resources and other users. For example: Will riders be limited to trails only (no off-road use)? Will the number of participants be limited? The plan mentions “up to six days a year (but no more than 3-consecutive days). How will DNR balance this use with other users? How/will DNR evaluate the tradeoff of number of motorcycle riders who are accommodated versus the other, potentially more plentiful number of SPRA users (equestrians, bikers, hikers, bird watchers, etc.)

### 2. Hunting

The document states that hunting will commence in mid-October. Presuming that Fall may be a peak time for biking, hiking, bird watching, etc., the document should explain how DNR will manage potential conflicts between hunters and other recreational users. A good discussion is provided about the safety of domestic animals harvested from the former BAAP property. Some environmental documentation should be provided on the wildlife, such as effect on populations, good or bad, or cross reference the other research.

### 3. Dog training and trialing

Further information on this use would be helpful; for example, is dog training and trialing an organized event or done by individual participants? The plan states that “equestrian use will not be allowed during dog training or trialing events” but there does not appear to be any horse trails in the magazine area where the dog training area or off-leash dog area are planned. Does DNR anticipate that dog training and trialing will be allowed in other areas of SPRA? If so, how will this be managed? Is the area for class 2 dog training an exclusive use of the area? The plan states one goal in dog training and trialing is to “not have a significant impact to nesting animals.” This is not addressed elsewhere in the plan or in the analysis of environmental impacts.

### 4. Rocketry

The rocketry site is proposed to be on 2-acres. It is not clear whether this includes the rocket landing zone or if the landing zone is additional area. The plan states that the project manager will coordinate with the National Guard (NG) events (see NG discussion elsewhere) and pheasant hunting. However, there is no discussion of potential impacts on other typical SPRA users or wildlife in and near the proposed rocketry zone. The environmental assessment must include an analysis of the noise impacts associated with this activity.

## 5. Special Events (Special Uses)

We understand that Special Events are “special” and cannot or should not be explicitly defined. However, the plan should provide some idea of the types of large scale events that might be contemplated and how the DNR would manage such large events to avoid conflicts with other site users and property abutters. Many activities related to recreation and developmental are described to be at the “project manager’s discretion,” i.e. the scheduling of motorcycle use, rocketry, special events; farming activities. The environmental assessment should explain how potential use conflicts and potential impacts will be considered and avoided. For example, if the DNR has guidelines to assist the project manager making these determinations, you might reference, summarize, or insert the relevant sections.

A. The environmental assessment should analyze the likely impacts of a typical large scale event on the resources and other users, even if only at a general level. The plan states that “Special events will be limited to no more than 4 consecutive days; special events utilizing the entire magazine area will be limited to no more than 5 weekends between Memorial Day and Labor Day. “ Do these special event days include the motorcycle events, up to 6 days but no more than 3 consecutive days? DNR used Boy Scouts as an example of a special event. Does this include a one-day visit by a Boy Scout troop, a 3-day camping event for one troop or several from a region, or a nation-wide jamboree involving thousands of participants?

B. Parking. Parking needs for large or special events should be described. (see below).

C. The plan should describe how DNR will assure that special uses fit within the “mission” of the park and how DNR will determine whether problems/issues generated by a “special use” outweigh the benefits to park users (either those participating in the special use or other park users that are precluded from their activity of choice).

D. The plan should explain how a “staging area” in the northwest corner of the magazine would support a special event that encompasses the entire SPRA (page 73) and how the location of a staging area so near the boundary with DFRA may affect their operation.

## 6. Parking

The plan should include parking needs for special events and explain how the size of the proposed parking areas was determined. For example, is the parking in the Magazine Area and elsewhere adequate for the size of the events (both routine and special) DNR anticipates hosting? While specific facilities are noted for horse trailers, what accommodations are required for dual-purpose motorcycles and snowmobiles?

## 7. Amphitheatre

The plan should identify the proposed capacity of the amphitheater and the expected use (interpretive programs; special events; other?) and explain why this location was chosen. We note that it may be more practical/desirable to co-locate the amphitheater with the visitor center.

## Other FLP Program Concerns and Comments

### 1. Environmental Controls by Regulatory Agencies

As you know, the SPRA land was subject to considerable environmental clean-up studies and actions prior to transfer. We will need assurance that your proposed actions will not conflict with the environmental restrictions/land use controls on the use of the property (i.e. associated with the property you have acquired already and property which has not yet formally transferred). We advise that you consult with the Department of the Army and the appropriate WDNR office which was responsible for oversight of cleanup and remediation to determine if any of the proposed uses may or will conflict with established (or expected) land use controls and restrictions.

### 2. U.S. Department of Agriculture (USDA) Dairy Forage Research Center (DFRA)

We are aware that USDA provided you with a list of concerns during the public comment period. We also know that DNR and USDA staff met about these issues and DNR agreed to amend to plan. An assessment of Proposed uses should identify potential impacts to adjoining landowners and how the DNR plans to avoid or minimize such impacts. Any approval/acceptance of a final Master Plan must satisfy the DFRA's concerns in order for the NPS to support the plan.

### 3. Use of SPRA by the Wisconsin National Guard

As we have discussed, the use of the area by the National Guard for training with helicopters or any other purpose (except training exercises which assist the DNR with cleanup or development of the site) is not a recreational use and is not allowable under the requirements of the FLP program. We understand that the National Guard has been using the former BAAP since at least 1979 for various purposes and the proposed area for continued National Guard use is the fenced portion of the main landfill that is permanently closed to any public use. In order for the National Guard to use the site, the Army would have to modify their assignment (disposal) documents to reserve, in some legal instrument to be determined, the right for the Guard to continue to use the site. If the Army is willing to amend its disposal documents, we would expect the DNR and the National Guard to negotiate a clear scope of the Guard's usage so as not to adversely affect the recreational use of SPRA lands and not allow expansion/encroachment into park operations. As you know, we made a preliminary request to the Army but this was not met favorably at the time. However, without such an amendment, the National Guard use will have to be discontinued.

### 4. Potential Addition of a Gun Range

DNR excluded a shooting range from this version of the master plan while reserving the right to potentially build one at a later date. If a shooting range is envisioned as a possibility, it should be described as part of the proposed uses and the potential impacts should be included in the current environmental analysis. A shooting range may potentially be an acceptable form of recreation at a FLP transfer; if DNR envisions this as a future use, we ask that you include it in the current document and avoid the need to "reopen" the planning discussions and environmental

documentations for further amendment of the Program of Utilization. If DNR does not include a shooting range now, DNR should wait until the next full master plan cycle (15 years) to request this change to the POU.

#### 5. Timing, Funding and Staffing

The Master Plan refers to development in terms of near-term (10 to 15 years) and long-term (15-50 years) timeframes. Accordingly, DNR's phased approach is understandable and acceptable, especially given the size of SPRA, as long as the site is largely open to the public (depending on safety). The FLP normally requires a phased development plan to be implemented over 3-10 years. We would like you to provide a more detailed draft time line such as was requested in the original application for the property. For example, Year 1-2 signage, open to X users, X resource management activities, opening of museum; Year 3-4 open visitor center, build X trails, etc.

We recognize that all states (and municipalities) have funding issues. However, we are concerned whether the DNR staffing level will be sufficient to oversee the site management and plan implementation, the degree of special uses that are anticipated, and potential user conflicts (as outlined in public comments) given the scope and variety of activities). While we certainly support opening the site to recreation as soon as possible, we are concerned that limited staffing will be consumed by managing recreational use and users while development /resource management may be delayed.

#### 6. Non-Metallic Mining Policy (page 91):

Any uses related to SPRA must be limited to the recreational purposes of the DNR's acquisition through the FLP. It is appropriate for DNR to use gravel, sand, dirt or other fill material from within SPRA lands to enhance the development of SPRA and potentially utilize it at other DNR recreational sites. However, please note that the deed overrides the state statute which permits the sale of these materials to town, county or state agencies.

#### 7. Agricultural and Forestry Activities (row crops, grazing, haying, forest product sales)

Agricultural uses for the purpose of restoration of the land, strategy for managing invasive species and to support wildlife are acceptable use of the property. However using agricultural agreements simply for revenue purposes (whether or not the income was used for recreational development) is not allowable. We anticipate, given the size of SPRA and its current condition, agricultural activities will continue for a long time. However, once major restoration has been achieved, DNR must document the necessity for continued or intermittent agricultural use based on recreational benefit or else discontinue the use. Further, any proceeds generated by these activities must be dedicated to the development of SPRA. See also agricultural agreements below.

Any proceeds from the sale of forest products harvested from SPRA must be dedicated to the development of SPRA. The purpose for such harvesting must be for the benefit of the site or resource management, not revenue generation or commercial activity.

8. Staff Office and Equipment Storage (page 47)

We are not opposed to DNR establishing such a facility, subject to environmental documentation of site selection and usages, provided the employees and equipment housed in the facility relate to DNR's recreational mission. For example, appropriate law enforcement staff/equipment should relate to wildlife wardens and park rangers, not state police.

9. Easements, Access Permits and Land Use Agreements (page 93) and (page 105)

All the transfer deeds for SPRA contain the following clause:

3.0 The property shall not be sold, leased, assigned, or otherwise disposed of except to another eligible governmental agency that the Secretary of the Interior agrees in writing can assure the continued use and maintenance of the property for public park or public recreation purposes subject to the same terms and conditions in the original instrument of conveyance. However, nothing in this provision shall preclude the Grantee from providing related recreational facilities and services compatible with the approved application, through concession agreements entered into with third parties, provided prior concurrence to such agreements is obtained in writing from the Secretary of the Interior.

No easements can be issued by DNR for the SPRA without the approval of our office.

Concession agreements require prior review by our agency. It may be possible for DNR to prepare concession agreement templates for us to review in advance for certain types of uses, such as farming agreements to facilitate the process.