

From: Sara Drescher
To: [DNR Kohler Proposal](#)
Subject: Comments to Updated Draft Environmental Impact Statement
Date: Friday, December 15, 2017 12:14:52 PM
Attachments: [0576_001.pdf](#)

Attached please find comments to the Draft Environmental Impact Statement for the proposed Kohler golf course. We appreciate your consideration. Should you have any questions or comments please do not hesitate to contact me.

Thank you,

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December 15, 2017

Via Email DNRKOHLEPROPOSAL@wisconsin.gov

Jay Schiefelbein
Environmental Analysis and Review Specialist
Wisconsin Department of Natural Resources
2984 Shawano Avenue
Green Bay, Wisconsin 54313-6727

Re: Wisconsin Department of Natural Resources Updated Draft Environmental Impact Statement: Proposed Kohler Golf Course, Town of Wilson, Sheboygan County

Dear Mr. Schiefelbein:

Please accept these comments to the Wisconsin Department of Natural Resources' ("DNR") Updated Draft Environmental Impact Statement ("DEIS") for the proposed Kohler Golf Course ("Proposed Project") in Sheboygan, Wisconsin on behalf of the Forest County Potawatomi Community ("FCPC" or "Tribe"), a federally recognized Indian tribe.

FCPC has significant interest in the project and in accordance with Wis. Stat. §1.11 and NR Ch. 150, FCPC respectfully requests that DNR consider the Tribe's comments and insight in light of the Tribe's special expertise on Tribal cultural heritage and environmental resources. Additionally, the Tribe respectfully requests that the comments incorporate FCPC's previously submitted comments dated August 26, 2016, attached, and be made a part of the public record for the Proposed Project. FCPC reserves all future rights to comment and all legal rights and remedies available under Federal and State, law, regulation and policy.

As noted in the Updated DEIS, the document is not a wholesale review but offers only consideration of certain information submitted since the DEIS release, notice and comment period. FCPC would like to reassert its previous comments and offer the following additional comments for DNR consideration. FCPC implores DNR to carefully consider these, and other, comments as well as the impacts associated with the Proposed Project.

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I. Historical and Cultural Importance of the Area to FCPC

As FCPC explained in its initial comments, the area associated with the Proposed Project is part of the Tribe's ancestral heritage. There are known Potawatomi villages along Lake Michigan and throughout Sheboygan County. The Tribe's historical use of the immediate area where the Proposed Project may be developed is documented by a number of historic sources. Because of the significance of the area to FCPC and other Wisconsin Tribes, FCPC seeks to reiterate the need for careful planning in accordance with state, local and Federal law.

Although DNR states in the document that the United States Army Corps of Engineers ("USACE") is leading the historical and cultural review, DNR has a responsibility to ensure that potential historical and cultural impacts are fully considered. DNR should consider, and the DEIS should discuss, the responsibilities of both state agencies and the USACE. Although the USACE is the lead agency, the DNR has significant responsibility to ensure compliance with state and Federal requirements and cannot rely, without independent analysis, on information and assumptions made by another agency. DNR fails to explain the process, legal standard or suggest any potential mitigation steps should historical or cultural impacts occur. Instead, DNR presupposes that the law is sufficient to protect the resources without a discussion of how that will occur.

The application of state and federal historical and cultural laws to this project is especially important given the nature of the property. Both the USACE and DNR should consider the history of land use in the area. It is well documented that several Wisconsin tribes used the area as ancestral homelands and the Proposed Project is largely impacting lands that have not been previously developed or manipulated. Thus, the likelihood of there being unknown resources is significant. In full consideration of Tribal rights and in the interest of protecting cultural resources, identification of those resources prior to project implementation is important.

In order for the DEIS to adequately consider potential impacts to cultural and historical resources, currently available information alone may not be sufficient. Not all sites are known, categorized and noted. In certain instances field investigations and surveys are the only methods that can accurately identify sites.¹

Field investigations and surveys are an especially important tool given tribal cultural histories. Tribes relied heavily on lands surrounding waterways and made villages on riverbanks, beaches and areas tied to the natural resources they depended on for sustenance, agriculture and daily needs. The Potawatomi, for instance, had villages throughout the Western shores of Lake Michigan and on the rivers feeding into Lake Michigan. Rivers also provided arteries for travel, with tribes creating temporary encampments throughout the state of Wisconsin, as tribal members traveled for trading, cultural and other needs. Thus, the waterways and associated activities that the Corps regulates served as important cultural resources and, to this day, have archaeological importance that Tribes are still trying to identify and protect in order to preserve their cultural histories.

¹ See e.g. 36 CFR 800.4.

Although some work has been done to survey the property, both the DNR and USACE should take a proactive approach to identifying cultural and historical resources. The agencies should put considerable effort into discovery of resources prior to the Proposed Project's approval to offer adequate protections and comply with both the intent and letter of the law.

II. DNR Compliance With WEPA

As noted in previous comments, the Wisconsin Environmental Policy Act was adopted by the State to “encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment² and biosphere and stimulate the health and welfare of man; and to enrich the understanding of the important ecological systems and natural resources.” The State of Wisconsin is required to act as trustee for the environment and to fulfill its obligations to both the environment and Wisconsin's citizenry.³

To that end, DNR must consider the public's interest in projects and adequately address impacts of a project to provide a basis for a reasonable decision. As previously discussed, the alternatives analysis is key to this endeavor. The alternatives analysis stems directly from the project's purpose.

The project purpose cannot be so narrowly defined so that it presupposes an outcome or considers only the project proponents goal.⁴ A statement of purpose may be inadequate if it “unreasonably narrows the agency's consideration of alternatives so that the outcome is preordained.”⁵ Agencies should consider both the private interests of the property owner and project proponent along with the public interests and the Agency's statutory requirements in defining a purpose. In this instance, the purpose is not solely the development of a golf course. Rather, the Agency's purpose is to recommend approval or disapproval of permits for a large scale land development and to discuss the impacts of the project as well as potential mitigation measures. The purpose should be drafted in a manner that shows that DNR's review is consistent with state standards, the public's interests and the private developer's goals.⁶

The DEIS fails to adequately define a project purpose that provides an understanding of DNR's role. As defined, the purpose pre-supposes that the only result is construction of the golf course.

III. Water Resources

In its discussion of Water Use, beginning on page 9, DNR notes that “[t]he source of water will be dependent on negotiations with the City of Sheboygan.” “If the option to utilize wells is chosen the following information is applicable.” DNR does not adequately address the potential

² Chapter 274, laws of 1971 Section I.

³ *Id.*

⁴ *Simmons v. United States Army Corps of Engineers*, 120 F.3d 664 (7th Cir. 1997).

⁵ *Alaska Survival v. Surface Transp. Bd.*, 705 F.3d 1073, 1084 (9th Cir. 2013).

⁶ *See e.g. Id.*

impacts by only providing applicable information for one option. DNR should discuss each of the options available, the legal requirements and the potential impacts of the options.

The discussion also lacks any significant understanding of how the potential usage rates were arrived at. While the DEIS suggests that average rates can be determined by considering two other courses, the DEIS does not offer a comparison of the amount of space, physical features or other dynamics that help to provide the proposed annual volumes. A more detailed discussion should be prepared that explains the basis for the proposed volumes.

IV. Endangered and Threatened Species

DNR notes that there are several species of wildlife and plants that are listed as rare, threatened or endangered. However, DNR does not elaborate on the potential impacts or measures that will be taken to avoid impacts. In addition, although DNR indicates that coordination with the US Fish and Wildlife Service will be necessary it does not elaborate on the state or federal laws prohibiting, for example, takes of threatened or endangered species, necessary permits or how these issues may impact the project.

The section fails to provide meaningful discussion of the specific species that may be impacted. For example, noting that “rare plants have been observed” and “the possible presence of several mammal species, including the rare mammal for which the survey was being conducted.” Arguably, without indicating the specific species of concern the impacts and Proposed Project cannot be appropriately reviewed.

DNR also notes in the section that “[t]he site’s nearly 100% forested canopy would be reduced by nearly half.” While land use change is not prohibited by endangered and threatened species laws there are specific endangered and threatened species provisions that may be directly impacted by such a reduction in tree canopy. Additionally, timbering and clearing may be restricted to certain times of the year based on habitat requirements of threatened species. For example, the Northern Long Eared Bat has been listed as threatened because of impacts from White Nose Syndrome. The bats are present throughout Wisconsin. Requirements prohibiting take of the species provide guidelines for tree harvesting to avoid impacts to the species during maternal season.⁷ In certain instances, activities are limited through August 15th.

The Northern Long Eared Bat is but one example of species specific potential restrictions that may be applicable to the Proposed Project. Without an understanding of the actual species present or the statewide rules restricting certain activities at certain times of the year, DNR cannot determine the potential impacts of the Proposed Project.

V. Kohler-Andrae State Park Impacts

The DEIS fails to adequately discuss the potential impacts to the Kohler-Andrae State Park. The Proposed Project anticipates using a portion of the Park for a maintenance building. And, while the DEIS notes the land use it suggests that there will not be additional impacts. However, DNR

⁷ <http://dnr.wi.gov/files/PDF/pubs/er/ER0700.pdf>

does not consider the actual impact to current park users of repurposing the area or the potential cumulative impacts the Proposed Project may have on the park.

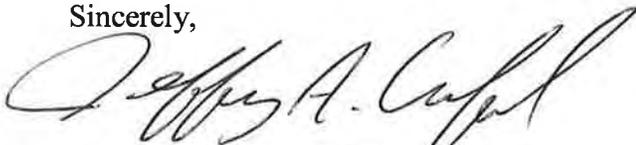
DNR notes that the Kohler-Andrae Park has one of the highest occupancy rates of all State Parks. However, DNR offers no analysis of how the Proposed Project may impact that occupancy. Similarly, DNR has not discussed the specific property anticipated to be used by the Proposed Project and how that property is currently used by park staff or visitors. The lack of discussion of the impacts to the park is especially concerning because the property is land open to the public and owned by the State. The change in use will result in limitations which are neither recognized nor discussed.

In addition, the maintenance building and the potential impacts of its location are not analyzed. For example, although DNR notes that the building will have confinement for hazardous materials it does not offer an explanation of that confinement or the suitability of it. The very nature of the Park, the many wetlands, Lake Michigan coastline and other resources depend on environmental controls and protections. Failure to discuss the controls and protections that will be in place as well as the potential impacts limits the public's ability to meaningfully understand the Proposed Project.

VI. Conclusion

FCPC recognizes the significant undertaking of an EIS. However, the Tribe respectfully requests that DNR carefully consider all resource areas, the potential impacts of the Proposed Project and provide a meaningful analysis upon which to base a decision. As currently drafted, the DEIS relies on a number of conclusory statements without significant analysis or explanation. The end result is a suggestion that there is little degree of risk or uncertainty and that the potential effects are not atypical. However, the project is located in a sensitive environmental area, near a significant public property and over an area that was used for many years by Wisconsin tribal communities. Without meaningful analysis of the Proposed Project, the potential impacts and accurate mitigation measures cannot be defined. FCPC urges the DNR to further develop the DEIS with relevant information in a manner that considers all agencies' responsibilities, the legal requirements and the public's voice.

Sincerely,



Jeffrey A. Crawford, Attorney General
Forest County Potawatomi Community



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August 26, 2016

Via Email DNRKOHLEPROPOSAL@wisconsin.gov

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2984 Shawano Avenue
Green Bay, Wisconsin 54313-6727

Re: WDNR's Draft Environmental Impact Statement
For Proposed Kohler Golf Course, Town of Wilson, Sheboygan County
June 2016

Dear Mr. Schiefelbein:

Please accept these comments on the Wisconsin Department of Natural Resources ("DNR") Draft Environmental Impact Statement ("DEIS") for the proposed Kohler Golf Course ("Proposed Project") on behalf of the Forest County Potawatomi Community ("FCPC" or "Tribe") a federally recognized Indian tribe. The DEIS prepared under the Wisconsin Environmental Policy Act ("WEPA") is intended to evaluate alternatives to and the impacts of the Proposed Project.

In accordance with Wis. Stat. §1.11 and NR Ch. 150, FCPC respectfully requests that DNR consider these comments in light of the Tribe's special expertise and that these comments be made part of the public record. FCPC specifically reserves all future rights to comment and all legal rights and remedies available under State and Federal law, regulation and policy.

I. Background of Potawatomi Generally and of FCPC

The Potawatomi are Algonquin, a European term based on linguistics, and Neshnabek, a Potawatomi word that means "original people." Centuries ago, the Potawatomi people numbered more than 10,000 and occupied and controlled almost 30 million acres in the Great Lakes basin. At the time of first contact by the Europeans, the Potawatomi people were living in what is today lower Michigan, Ohio, Indiana, Illinois and Wisconsin. From 1789 to 1867, the Potawatomi, through a series of treaties entered into under duress, ceded all lands between Wisconsin and

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Ohio. The 1833 Treaty of Chicago alone ceded five million acres of the Potawatomi estate (including the land where the Proposed Project is located), after which most of the Potawatomi people were forcibly removed from tribal lands.

The core Potawatomi communities along the western shore of Lake Michigan, being associated with places such as Milwaukee, Sheboygan, Manitowoc, Kewaunee, Washington Island and Horicon Marsh, flatly refused to remove west. These Potawatomi maintained their communities on the ceded territory during the remainder of the 1800s much as they did prior to the 1830 removals by hunting, fishing, gathering, and planting in the traditional 'seasonal round' of movements across the old Potawatomi estate. The Wisconsin bands and families associated with Sheboygan County in the 1830s, 40s and 50s would, by the end of the 1860s, be among those Potawatomi who had never moved west, but were finding themselves being pushed out of the ceded territory and into the northern parts of Wisconsin.

Many settled in northern Wisconsin near the present day communities of Blackwell, Wabeno, Carter, and Crandon (also known as Stone Lake), and have lived in these areas since. In 1913, the United States Congress determined that these Wisconsin Potawatomi, which became FCPC, were due money promised to them in earlier treaties for their land cessions. Congress allocated money to be used to purchase and hold in trust lands in Wisconsin. A total of 11,786 acres of such lands were acquired by federal purchase.

FCPC, which has a current membership of more than 1,400 people, is formally organized under the Indian Reorganization Act of 1934. The Tribe exercises governmental authority under a Constitution last adopted in 1982.

II. Potawatomi History in the Proposed Project Location

The Tribe's presence along the Wisconsin shore of Lake Michigan is well established. Potawatomi villages, burial grounds and culturally significant sites have been identified from Northern Illinois through Door County. Specifically, the Wisconsin Archaeological Society noted that there was a line of Potawatomi villages and camps from Door County to Chicago along Lake Michigan and the rivers feeding to it.¹ The Tribe's presence along Lake Michigan was based, in part, on its heavy dependence for fishing, hunting and gathering opportunities in support of the Tribe's subsistence lifestyle. FCPC's use and occupancy of their historic territory and associated natural resources is documented by over forty treaties, many of which specifically reserve rights to the ceded lands.

Potawatomi presence in Sheboygan County and Wilson Township is well documented through Tribal, State, and other materials. Local articles dating in the 1920s also note the historic value of the sites.² Although there are several historic villages and areas of interest in Sheboygan County, the Wilson Township Black River Village sites merit specific discussion noting that

¹ See Lawson, Publius V., "The Potawatomi". *The Wisconsin Archeologist*, Vol. 19 April, 1920.

² See "Earth Yields Indian Remains of Historic Value" *Sheboygan Press*, Friday April 29, 1927.

these sites include some of the best preserved artifacts in the area.³ The Black River Village was inhabited until approximately 1877 and has been considered a significant archaeological interest and important cultural location. Writing for the Wisconsin Archeologist, Alphonse Gerend notes that “[a] full description of the archeological features of this [Wilson] township would require a volume.”⁴ Thus, the available documentation indicates the significance and importance of the area as a cultural and historical resource.

The Black River Village sites were located directly in the area of the Proposed Project. The area between the dunes of Lake Michigan and the sand banks of the Black River includes some of the best mound groups in the County, if not the state.⁵ As the landscape has changed and interest in the area grew, Indian remains, tools, copper beads, stone implements, awls and countless other artifacts have been discovered. Gerend noted in 1920 that “[i]f the various specimens of pottery now in two Sheboygan collections were deposited together they would comprise the largest collections of Northern U.S. prehistoric pottery in the country.”⁶ Furthermore, the significance of the Black River Village and its associated mounds has been noted since at least 1920 when Gerend stated “[b]eing situated near a large city in a region rich in Indian history every effort should be made to permanently preserve it.”⁷

The cultural significance of the area to the Potawatomi is undeniable. As such, the comments of FCPC should be afforded broad consideration and incorporated into the EIS. FCPC has unique insight and expertise with respect to Tribal cultural properties. FCPC, as well as other Wisconsin tribes, have an interest in preserving their heritage, cultural and historical resources.

III. Legal Standard

WEPA was adopted by the State in 1971 to “encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; and to enrich the understanding of the important ecological systems and natural resources.”⁸ To carry out this purpose, it is the obligation of the State to;

- a. “fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- b. Assure safe, healthful, productive and aesthetically and culturally pleasing surroundings; and,

³ *Id.*

⁴ Gerend, Alphonse, “Sheboygan County”. The Wisconsin Archeologist, Vol. 19 August, 1920.

⁵ *Id.*

⁶ *Id.* at 154.

⁷ *Id.* at 162.

⁸ Chapter 274, laws of 1971 section 1.

- c. Attain the widest range of beneficial uses of the environment while attempting to minimize degradation, risk to health or safety, or other undesirable and unintended consequences...

Additionally, the state recognized “that each person has a responsibility to contribute to the preservation and enhancement of the environment.”⁹

Analysis of the environmental impacts of a proposed action must include;

- a. “Any adverse environmental effects.”
- b. “Alternatives to the proposed action.”
- c. “The relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity.”
- d. “Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented.”¹⁰

Wisconsin case law supports that WEPA “constitutes a clear legislative declaration that protection of the environment is among the essential considerations of state policy....”¹¹ An EIS is intended to promote reasoned decision making by providing appropriate and necessary information on a project.¹² When properly followed, the process should protect against “uninformed” decisions by an agency.¹³ Uninformed decisions are avoided when agencies “acquire and consider *all relevant environmental information before they commit resources to a project.*” (Emphasis added.)¹⁴

Notably, these analyses must be performed in accordance with State law and the National Environmental Policy Act (“NEPA”) as well as “substantially following the guidelines issued by the United States council on environmental quality.”¹⁵

Wisconsin case law also supports the use of NEPA policy and jurisprudence as guidance in state decisions. In *Clean Wisconsin, Inc. v. Public Service Commission of Wisconsin*, the court notes that “[b]ecause WEPA was patterned on the National Environmental Policy Act...NEPA is persuasive authority.”¹⁶ Federal case law has been considered “an essential source of guidance regarding the proper implementation of WEPA, constituting highly relevant persuasive authority.”¹⁷

⁹ *Id.*

¹⁰ Wis. Stat. §1.11(2).

¹¹ *Town of Centerville v. Department of Natural Resources*, 142 Wis.2d 240, 244 (1987).

¹² *Clean Wisconsin Inc. v. Public Service Commission*, 282 Wis. 2d 250 (2005).

¹³ *Larsen v. Munz Corporation*, 167 Wis. 2d 583 (1992).

¹⁴ *Wisconsin’s Environmental Decade, Inc. v. DNR*, 94 Wis.2d 263, 271 (1979).

¹⁵ *Id.* at §1.11 (2)(c).

¹⁶ 700 N.W.2d 768 at 829.

¹⁷ *Id.* at 857.

Through the application of Wisconsin law, regulations and case law, as well as the consideration of federal authority, it is clear that the DEIS is deficient in several respects. The DEIS fails to consider all relevant information and does not provide a basis for reasoned decision making. More specifically, the DEIS improperly limits the analysis to only the preferred alternative without any discussion, other than description, of reasonable alternatives. Second, the DEIS provides conclusory statements and no discussion of several resource areas, most notably cultural and archaeological resources, or the impacts to such resources. Third, the DEIS fails to consider mitigation measures.

IV. FCPC's Initial Comments on the DEIS

A. DNR Improperly Limits its Analyses to the Preferred Alternative.

DNR is required to independently evaluate the Proposed Project and all reasonable alternatives including the purpose and need for the Proposed Project. NEPA and WEPA case law and regulations clearly indicate a need for all reasonable alternatives to be evaluated. The analysis cannot be limited to solely the interests of the applicant. For example, in Simmons v. U.S. Army Corps of Engineers, the 7th circuit notes that an agency cannot restrict its analysis of alternatives to only those that would result in the applicant's goal but must evaluate all reasonable alternatives regardless of whether the applicant desires a particular alternative. DNR's analysis should not be skewed to presuppose project approval of the Applicant's preferred approach.

Furthermore, as indicated by Chapter NR 150, "[t]he purpose of the analysis is to inform decision makers and the public of alternative course of action and the anticipated effects of those alternatives on the quality of the human environment."¹⁸ The alternatives analysis must "consider the alternatives and environmental effects in a dispassionate manner and may not advocate a particular position about alternatives."¹⁹ Ultimately, DNR's charge is to provide unbiased information to decision makers and the public with respect to the project and its anticipated effects.

DNR's failure to adequately consider alternatives, including a no action alternative, scale back to a 9-hole course, design options or other alternatives provides no basis for appropriate decision making and fails to provide even minimally necessary information to the public. Similarly, contrary to State and Federal legal requirements, DNR's analysis does not include any description of preventive or mitigation measures that may be included as alternatives to the Proposed Project.

WEPA's mandate to evaluate the Proposed Project in light of the Council on Environmental Quality ("CEQ") guidelines provides further support for the expectation that DNR perform an independent, unbiased review of alternatives to the Proposed Project without limiting its review

¹⁸ NR 150.10(3)(a).

¹⁹ NR 150.10(3)(b).

to those alternatives that are desirable from the applicant's standpoint.²⁰ As identified by CEQ, the range of alternatives subject to review includes all reasonable alternatives "...which must be rigorously explored and objectively evaluated...."²¹ Thus, DNR's failure to objectively evaluate any of the proposed alternatives, regardless of whether desirable from the applicant's standpoint is contradictory to the law and policy for environmental reviews. The DEIS is inadequate and should be revised to carefully review and consider alternatives to the Proposed Project. Such analyses may not be performed by presupposing the approval of the Proposed Project but must be an independent analysis of the alternatives to and associated impacts of the Proposed Project.

As currently drafted, the DEIS lists alternatives but does not provide any analysis of them. As NEPA case law has consistently established, consideration of alternatives "is the heart of the EIS" and agencies should "rigorously explore options" and "present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public."²²

B. DNR fails to Provide Independent Analysis or Meaningful Analysis of Effects of the Proposed Project.

The DEIS fails to provide any analysis of the potential effects of the Proposed Project on several resource areas described within the DEIS. As a general comment, DNR should carefully consider sections such as Surface Waters, Emergency Services, Education, Recreation and others that provide conclusory statements without any analysis of impacts to the resources. For example, with respect to Emergency Services, the DEIS states the departments in the area that provide services but includes no discussion related to the scope of services, any strain on services that the Proposed Project may have or needed additions. DNR states only, "[e]mergency services in the area may be impacted as a result of the Project...."²³ A reasoned decision cannot be made without a discussion of what those impacts might be, the costs associated with additional services, any mitigation measures such as financial commitments on the part of the project owner or other factors.

Throughout the DEIS there are similar examples of DNR's lack of consideration of impacts. In several instances there are conclusory statements but no discussion related to direct, indirect or cumulative project impacts on resource areas. Additionally, in many instances DNR relies entirely on the Kohler Company's Environmental Impact Report and does not provide independent analysis of the information or potential effects. In accordance with CEQ regulations, while an agency may use information from the applicant or other sources it is solely responsible for an independent evaluation of the information.²⁴ DNR must evaluate the

²⁰ *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act*, 46 Fed. Reg. 18026 as amended by 51 Fed. Reg. 151618.

²¹ *Id.* at Question 1a.

²² *Sierra Club v. Marsh*, 714 F. Supp 539, 572 (1989) citing 40 CFR §1502.14.

²³ Draft Environmental Impact Statement for Proposed Kohler Golf Course Town of Wilson, Sheboygan County, June 2016, Sec. 5.2.1.

²⁴ *See* 40 CFR §1506.5.

information and provide reasoned analysis and discussion of impacts for each resource area to allow for informed decision making and appropriate public participation.

C. DNR Improperly Provides Conclusory Statements and No Analysis of Cultural and Archaeological resources.

Of significant importance to FCPC, the analysis of cultural and archaeological resources is improper and inadequate. Proper identification of Tribal cultural resources and a discussion of the specific impacts to those resources are necessary to provide a basis for any decision making. Furthermore, based on the extensive histories of FCPC and other Tribes in the area of the Proposed Project, a review of cultural and archaeological resources consistent with the requirements of WEPA and NEPA, the National Historic Preservation Act and Wisconsin statutes is necessary in order to protect tribal historic properties and produce an EIS that promotes meaningful comment. As noted in Section II above, FCPC's historical Black River Village lies directly within the land slated for potential development.

Cultural and archaeological resource review lies fully within the scope of WEPA and NEPA analysis. WEPA was created to promote careful consideration of environmental impacts. In *Wisconsin's Environmental Decade v. DNR*, the court indicates the importance of a thorough analysis under both WEPA and NEPA stating that "both direct and indirect effects must be considered..." and "WEPA was intended to require cognizance of environmental consequences to the fullest extent possible."²⁵ The DEIS fails to consider any direct, indirect or cumulative effects to cultural and archaeological resources. Instead, DNR makes only a conclusory statement to the effect that even if the properties are included in the National Register of Historic Places ("NRHP") development may not be prohibited.

Section 5.2.13 of the DEIS fails to provide any information upon which meaningful analysis of the impacts to archaeological and historical resources can occur. Although the section notes that Kohler undertook cultural resource investigations the DEIS does not discuss the scope of those investigations, outcomes, importance of the resources or potential interplay between a National Historic Preservation Agency ("NHPA") review and certain protection measures applicable to private projects, any direct impacts based on specific development plans, indirect or cumulative impacts.

Rather than including any thorough analysis, DNR states only that it "has a tribal consultation policy if proposed actions would envoke (sic) the need for such consultation."²⁶ Contrary to established law, DNR fails to provide sufficient details of the resource or potential impacts.²⁷ Similarly, DNR offers no discussion of the parameters applicable in the instance adverse effects on cultural resources are determined.

²⁵ 340 N.W.2d 722 at 728 (1983).

²⁶ Draft Environmental Impact Statement for Proposed Kohler Golf Course Town of Wilson, Sheboygan County, June 2016, Sec. 5.2.13 p. 57.

²⁷ See e.g. *Sierra Club v Froehlke*, 486 F.2d 946 (7th Cir. 1973).

Although DNR notes that NHPA is likely applicable, it does not offer any discussion of the impacts of its application. Under NHPA, an agency is required to “exercise caution to assure the physical integrity of those properties that appear to qualify for inclusion on the National Register.”²⁸ The NHPA statutes and related code requirements apply to both public and private property and are to be applied by the Advisory Council on Historic Preservation (“Council”) in conjunction with the State program. The purpose of the program is “to take into account the effects of their [agencies] undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings.”²⁹

The Council and State Historic Preservation Officer (“SHPO”) must review “all properties that may possess any historical, architectural, archeological or cultural value located within the area of the undertaking’s potential environmental impact.”³⁰ In accordance with the regulations, when an effect is found, the Council and SHPO are required to determine if the effect is adverse. Regulations provide that “[a]n adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling or association.”³¹

While the DEIS correctly describes the process as an undertaking of the Council and SHPO it fails to offer any discussion of the resources and therefore does not provide any information for a decision maker or the public to review. The DEIS should at least identify the resources and provide background as well as known impacts based on plans for the Proposed Project. Arguably, the DEIS should be redrafted when the Council and SHPO review is complete so that DNR can provide an adequate discussion of the resources, effects on the resources and potential mitigation measures. As currently drafted, contrary to well established law, DNR has made no independent evaluation of the information provided by Kohler’s Environmental Impact Report dated April 9, 2015.³²

D. DNR Fails to Discuss Mitigation Measures

An EIS must contain a discussion of “adverse environmental effects of the project, including...proposed preventive and mitigating measures”.³³ As currently drafted, the DEIS fails to specifically highlight many potential adverse environmental effects and also fails to discuss any preventive or mitigating measures for those effects. DNR does not discuss any mitigation measures and as discussed above, all environmental effects of a project must be reviewed and mitigation measures must be developed to address those effects.

²⁸ *Colorado River Indian Tribes v. Marsh*, 605 F. Supp1425 (Dist. Ct. Cen. Calif., 1985).

²⁹ 36 CFR §800.1.

³⁰ 36 CFR §800.4.

³¹ 36 CFR §800.5(1).

³² *Sierra Club v. Marsh*, 714 F.Supp. 539 (1989).

³³ NR §150.30 (2)(e).

In accordance with CEQ guidance, mitigation measures must be developed and considered for all adverse effects, even those that independently might not be significant.³⁴ Given the scope of the Proposed Project it is undeniable that adverse effects will occur. CEQ 40 Questions guidance provides that in the event a project is considered to have significant effects, all of the effects must be considered and mitigation measures developed.³⁵

A discussion of mitigation measures is necessary in light of the importance of these measures to the project and the need for the measures to result in commitments by the developer. "An EIS is not complete unless it contains a reasonably complete discussion of possible mitigation measures."³⁶ Therefore, mitigation measures are an essential component of a project and public input regarding the types of measures and the effects intended to be protected against are necessary for full consideration of the Proposed Project.³⁷ In *Kern v. U.S. Bureau of Land Mgmt.*, the court found that "shorthand reference" to mitigation measures is not sufficient to provide an opportunity for review and consideration of measures.³⁸

DNR should review the DEIS and provide appropriate discussion of mitigation measures for all aspects of the Proposed Project. Without such a discussion, the DEIS is insufficient and does not provide a basis for appropriate decision making.

E. DNR Fails to Appropriately Evaluate Impacts to Surface Waters, Water Drawdown and Wetlands

In accordance with Federal law, and as discussed above, DNR has a responsibility to independently analyze information associated with the Proposed Project. Additionally, DNR must provide meaningful discussion of impacts associated with a Proposed Project. DNR's wetland analysis fails to discuss, in a meaningful manner, the delineation of wetlands, wetland functional values, potential mitigation measures, minimization of impacts, wetland hydrology between nearby, regional and adjacent wetlands, obstruction of fish passage, bird breeding, species migration or the preservation of endangered or threatened species. Rather, DNR notes that several acres of rare wetlands and globally distinguished wetlands would be directly impacted and may experience further impacts from secondary measures such as tree clearing.

In accordance with state law, DNR requires an analysis of practicable alternatives during consideration of wetland permits.³⁹ Similarly, DNR must address whether a proposed project "represents the least environmentally damaging practicable alternative..." whether "all practicable measures to minimize adverse impacts to wetland functional values will be taken,"

³⁴ CEQ Forty Questions, 46 Fed. Reg. 18026, 18031.

³⁵ *Id.*

³⁶ *Okanogan Highlands Alliance v. Williams*, 236 F.3d 468, 477 (9th Cir. 2000).

³⁷ See e.g. *Bronx Committee for Toxic Free Schools v. New York City School Construction Authority*, 981 N.E.2d 766 (2012).

³⁸ 284 F.3d 1062, 1074 (2002).

³⁹ See Wis. Stat. §281.36(3m).

and whether “the proposed project will not result in significant adverse impact to wetland functional values, in significant adverse impact to water quality, or in other significant adverse environmental consequences.”⁴⁰

Although it is not required that DNR perform the full permit analysis at the DEIS stage, it is not possible to have meaningful analysis without reference to the legal requirements associated with the permit process. DNR also fails to consider mitigation requirements that may be necessary given the rare and special nature of the wetlands within the area of the Proposed Project.

Without discussion of these aspects, meaningful consideration of the Proposed Project and associated impacts cannot occur.

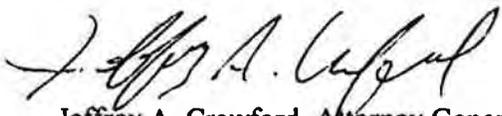
DNR’s discussion of surface waters is also lacking a detailed analysis that encourages meaningful project review and participation of interested parties. For example, although DNR recognizes the proximity of surface waters and potential impacts associated with pesticides, herbicides and fertilizers, it provides no analysis of those impacts as related to surface water quality, impacts to fish and other wildlife, impacts to human health or recreation. DNR assumes that certain management practices will be instituted but does not discuss the viability of those mechanisms or whether legally binding standards or agreements will ensure compliance. DNR also fails to consider the potential cumulative and long term impacts associated with the interrelated nature of the hydrologic system.

While DNR has highlighted certain resource areas it has effectively limited its scope to discussion of only those aspects raised by the applicant and has not independently evaluated any of the information, legal standards, controls, alternatives or impacts associated with water resources and the Proposed Project. This approach limits the value of the DEIS and the potential for meaningful participation by interested parties.

V. Conclusion

The Tribe appreciates the opportunity to provide comments on the DEIS. It recognizes the significant effort necessary to prepare an informative EIS and provides these comments to encourage the inclusion of necessary information so that informed decisions can be made regarding the Proposed Project. FCPC welcomes the opportunity to discuss these comments with DNR.

Sincerely,



Jeffrey A. Crawford, Attorney General
Forest County Potawatomi Community

⁴⁰ *Id.*

From: Ellen M Wells
To: [DNR Kohler Proposal](#)
Subject: ALL FOR IT
Date: Tuesday, November 14, 2017 4:54:15 PM
Importance: High

Be aware there are a few individuals within the Town of Wilson speaking as if the entire town is against this Kohler proposal. I'd like it to be known it's a **FEW not ALL** (like 19-20 friends of black river or whatever they call themselves, unsure of overall tax roll but my guess is this isn't even 1%).

Personally, we believe the DNR holds these venues/establishments to higher standards than you do private citizens. You can control run off, set-up standards for compliance, manage these locations and require compromises to replace wet lands. While on the other hand the 19-20 private citizens against this continue dumping chemicals onto their own lawns weekly with little to no regulation and that's okay? All this directly links into our well water system while Kohler would be required to contain anything of this nature and knowing the Kohler's they'd use environmentally sound processes instead.

Of everything the Kohler Company and Kohler Foundations have done for this community, this is only a benefit and they will do what's best for the environment as they have proven in the other venues they own and operate.

All for it! Let it be known.

Gregory L and Ellen M Wells
1509 Stahl Rd
Town of Wilson
Sheboygan, WI 53081-8894

From: Jon Becker
To: [DNR Kohler Proposal](#)
Subject: ATTN WDNR staff reviewing Kohler Andrae State Park permit application by Kohler Co.
Date: Sunday, December 10, 2017 8:57:02 AM

Dear WDNR review staff:

Regarding the permit application by Kohler company, I write to remind you of the necessity to consider the results of:

- * a complete scientific environmental impact study;
- * the Wetlands Rapid Impact Assessment; and,
- * a “no build alternative” scenario detailing the extents of destruction, should the application be approved.

Once all this information is at hand, then– and only then– the WDNR's review and decision must be made with the public's interest given priority over that of the applicant.

Thank you for considering these concerns.

Regards,
Jon

Jon Becker
POB 3292
Madison, WI 53704 USA

[+ USA 608 469 0316 mobile voice+text]

From: Judy Gmach
To: [DNR Kohler Proposal](#)
Subject: Black River Golf Course
Date: Thursday, December 14, 2017 5:41:48 AM

Please reconsider your plan to approve such a short sited decision to allow Mr. Kohler to build a golf course on this sensitive site.

Because:

1. It is incomplete which does not fulfill the mandate to provide critical information to the public to make informed comment.
2. The DNR talks about conditions it will impose on the Kohler Wetland Permit Application, however when asked by our attorney , they don't know what those are.
3. There are issues with the Wetland Rapid Impact Assessment which needs more information and clarification.
4. The DNR has not done an inventory of the habitat and wildlife on the State Park land it intends to sell to Kohler. This needs to be included in the impacts.
5. The DNR has not required a tournament plan or studied the impacts of the several tournaments planned for this course. Instead it has worked on the project trying to justify the preferred Kohler alternative avoiding the impact of tournaments.
6. The DNR must develop studies of an alternative entrance for the Kohler project which would be in the best interest of the public who owns the park land. While the DNR and Army Corps talk about balancing the right of a private land owner with the rights of the public, so far the only discussion has been to justify this destruction by the private land owner with no consideration of the public right to its ownership of park land. Applications to the DNR, the Army Corps and the National Park Service, involve ignoring or changing regulations. This is evidence that there are two parties here both with invested interests whose rights must be taken into account. The DNR has forgotten that. It has written an Updated Draft EIS admitting destruction of our rare resources while clearly resigned to the fact that Kohler must get what it wants over the rights of the many.

Many residents of Black River have made educated and researched statements directed to you and have not received answers to their concerns. My heart goes with nature and the rare esthetics of the area.

Judy Gmach
1516 S. 19th St.
Sheboygan, WI 53081

From: Lisa Johnston
To: [DNR Kohler Proposal](#)
Subject: COMMENT ON KOHLER GOLF COURSE PROPOSAL
Date: Thursday, November 30, 2017 9:56:20 PM

After I studied the Environmental Impact Statement, it appears to me that Mr. Kohlers 247 acre parcel will not accommodate an 18 hole golf course, a club house, an access road and 2 maintenance buildings unless he fills in a large majority of existing wetlands on his parcel of land. This is where Kohlers Project Alternative F-4 (Preferred Alternative) comes in; so by taking State Park land to use for an access road and maintenance buildings that leaves less wetlands to be filled in on Mr. Kohlers property. I can tell you, if Kohler has to take State Park lands to make this golf course happen then this is the WRONG location for this golf course. It's not the State Of Wisconsin's responsibility to accommodate a private corporation by giving them State land so they can move forward with the development.

Thank You for considering public input on this matter,

Lisa Johnston

From: Peter Pittner
To: [DNR Kohler Proposal](#)
Subject: Comment on Proposed Kohler Golf Course
Date: Friday, December 15, 2017 11:01:27 AM
Attachments: [Kohler Town of Wilson.pdf](#)

Please see the attached file providing comment on the Draft Environmental Impact Statement/Wetland Permit Application for the Proposed Kohler Golf Course in Sheboygan County.

Thank you.

Peter Pittner
908 Sommer Drive
Sheboygan, WI 53081
ppittner@startwithmiller.com

Comments Concerning Environmental Impact Statement/Wetland Permit Application

Proposed Kohler Golf Course Sheboygan County, Wisconsin

This letter is written to provide comments on the Updated Draft Environmental Impact Statement (EIS) for the Proposed Kohler Golf Course in Sheboygan County, dated November 2017.

I am a lifelong resident of the City of Sheboygan and have enjoyed our lakeshore resources, including Kohler Andre State Park, for decades. My education includes a bachelor's degree in soil science, an MBA, and a master's degree in environmental science. I am a Professional Soil Scientist in the State of Wisconsin and my professional experience includes nearly four decades in private consulting with a focus on land and water resources, including wetlands and coastal areas. More specifically, the majority of my work over the past 15 years has focused on coastal health and naturalized beach restoration.

In my opinion, the writers of the report did a reasonable job in describing the current conditions on the proposed golf course parcel. It is apparent that the property (other than some flood plain areas along the Black River) is fully forested, contains rare and endangered wetlands with global significance, is home to a variety of rare and endangered plant species and provides excellent and abundant wildlife habitat including its status as an important stopover for migrating birds, including raptors, shorebirds and neo-tropical migrants.

Unfortunately, the report provided very little specific information on how the building of the proposed golf course will affect these resources. A brief review of the report left me with many questions and concerns. In order to catalog these issues, I will simply list them (with reference to the EIS report pages) as they appeared in the report.

Pages 6 & 7 Nutrient Management

This section contains a number of bullet points describing Best Management Practices (BMP's) for fertilizer applications. None of these points are definitive, and nowhere are monitoring or record keeping procedures defined. In addition, there is no mention of training programs, including the training of transient seasonal workers. These are all vital components of any operations plan and need to be included in the EIS.

Additional specific concerns include: does "avoiding" applications when heavy rain is forecast assure that it will never happen? How is heavy rain defined? What about "light" or "medium" rain events? Forecast for what time period before a scheduled application...within one hour, within one day, within one week? Using drop spreaders within 20 feet of wetlands or waterways does not address the leaching potential of the nutrients. All soils mapped on this site (WDNR Surface Water Data Viewer) are classified as having a high potential for leaching nutrients per NRCS Standard 590. Any nutrient not immediately taken up by plants in this soil environment is subject to leaching. In addition, within these high permeability soils, ground water is in direct communication with wetlands and other surface waters. A 20' buffer for the use of a drop spreader may be protective of direct application of chemicals into wetlands, but it will certainly do nothing to protect these resources from the movement of dissolved chemicals through the shallow water table. The "blowing" of fertilizers off of impermeable surfaces is also inadequate. Assuming that these products will not be blown into wetlands or surface waters implies that they will be deposited on areas that have already received an application of fertilizer. This "over application" of nutrients will only increase leaching potential and impacts on water resources through movement of dissolved nutrients through the water table.

Page 8 Pest Management

Although admirable, any NMP's or procedures developed by Kohler on its other courses in Sheboygan County are irrelevant. Both the Whistling Straights and Blackwolf Run courses are set in completely different geologic settings, characterized by heavy glacial till clay deposits. These soils have low permeability, high cation exchange capacity (and thus low potential for leaching of nutrients) and limited communication with any nearby surface water resources. In addition, neither of these course settings contains the rare land types or habitats that characterize the Town of Wilson Property. As accurately stated in this section, the use of proper NMP practices may "reduce, but does not eliminate the risk of leaching into the groundwater" (and resulting surface waters).

Once again, the examples of BMP's in this section provide little to no specifics. What is an acceptable threshold limit for pests? Quantitatively and qualitatively, what is a wise use of chemicals? What is an acceptable level of loss or damage to turf and/or landscape areas? No specific information is provided on training programs, or record keeping. Kohler states that "contemporary water and pest management practices reduce the risk of environmental impacts significantly compared to twenty years ago". That statement is irrelevant, as we continue to gather new information on the environmental damage inflicted by pesticide use (i.e. declining pollinator populations). The rare environments represented on this landscape are particularly sensitive to any physical alterations and chemical inputs of any kind. The oligotrophic nature of the subject environment and its response to chemical input is explained effectively in the comments provided by Dr. Quentin Carpenter in his review of the Draft EIS.

Page 12 Build Alternatives

Kohler states that no other comparable properties are available in Sheboygan County. That statement rings true. That is why the environments on this property are extremely rare, listed as endangered and classified as globally important!

Kohler certainly has the means to acquire 240 acres of land along Lake Michigan. As for sand based soils, they have proven their ability to transform landscapes with the work completed on the Whistling Straights Course. That former military base and agricultural land is located on native clay soils. The import of tens of thousands of yards of sand during construction transformed this area into a true Straights course with exposed sand soils and constructed dune areas.

Page 13 Access Road Alignment Options

It is curious that no alternative or mention of access to this property off of South 12th Street via River Trail is discussed. River Trail is an existing road that provides access to "Kohler controlled lands" that border directly east and adjacent to the subject property. Access to the subject property via this route would require crossing wetlands as well as the Black River. Both of these alternatives are possible with construction of an elevated road and bridge (i.e. Hwy 12/18 in Madison). This route would avoid the taking of state land as all roads would remain on Kohler owned property.

Page 19 Alternative F-4 (Preferred Alternative)

As stated, this alternative will result in a direct wetland impact of 3.69 acres due to the placement of fill. Nowhere in the description of this alternative, and nowhere within this draft EIS, is there an attempt at analyzing what indirect impacts this project will have on wetland resources. At the risk of being repetitive, I again refer to the written comments of Quentin Carpenter to document what impacts can be expected based on the sensitivity of this resource.

Pages 20-23 Geology and Soils

This section of the report provides an adequate representation of information provided in the public record concerning the physical and chemical characteristics of site soils. Specifically, as stated in the report, “the soils present on site may present challenges for the construction and long-term maintenance of the proposed golf course”. The sand soils on this site have rapid permeability, low water holding capacity, low adsorption, low cation exchange capacity and low fertility. NRCS ratings for the sand soils on this site include: somewhat limited to very limited for lawns, landscaping and golf fairways, somewhat limited to very limited for pesticide use and very limited for irrigation use. As such, the establishment and maintenance of vegetation and infrastructure associated with the proposed golf course will require the use of imported soils and regular applications of fertilizers, pesticides and irrigation water. All of these inputs will have a detrimental effect on surface water quality, ground water quality and native flora and fauna.

Pages 26-28 Stormwater Management

The report states that “the bulk of the storm water management plan consist of filter strips which treat most impervious areas for quality and quantity prior to infiltrating and discharging to any nearby surface waters”. This proposal will utilize the high infiltration rates of site soils to meet regulatory requirements.

The high permeability soils on site are very likely to meet regulatory requirements related to infiltration rates. However, these excessively high infiltration rates also correspond to the limiting factors already described for these soils, including low water holding capacity, low adsorption, and low cation exchange capacity. Although these soils may be effective in reducing total suspended solids (TSS), they are extremely unlikely to attenuate any nutrients or pesticides dissolved within the water. These dissolved components will be available for transport to the shallow ground water table for direct transport to on-site wetlands and surface waters. The impact that the addition of nutrients and pesticides will have on these highly sensitive oligotrophic environments are explained within the written comments provided by Dr. Quentin Carpenter.

Page 28 Groundwater Resources

For documentation purposes, the authors of the report correctly document that the “wetlands at the site are connected to the shallow aquifer”.

Pages 33-35 Upland Communities

This section of the report documents the fact that vegetation will be removed from all areas of the golf course where construction takes place (tees, fairways, greens, roads, buildings parking lots, cart paths, utility areas, construction roads and staging areas). There is no mention of the fact that any construction project will affect a far greater area than just the foot print of the “finished product”. Likewise, the report states that vegetation would be retained between golf holes “where possible”. The lack of specifics and definition leaves the phrase “where possible” up to endless interpretation.

The EIS also states (correctly) that, as a result of this project, “Native, conservative species are likely to be lost as more tolerant non-native species invade”. Again, I refer you to the written comments of Dr. Quentin Carpenter, who provides compelling facts on the effect of increased nutrients on vegetative systems in an oligotrophic environment. The EIS also states (correctly) that many conservative species tend to be rare and that many of these species are vulnerable to extirpation from the state.

Finally, this section of the report also states (correctly) that “numerous trees throughout the forest habitat have been blown over from lakeshore winds and poor soil stability”. I see no mention of the fact that the removal of 50% of the existing forest cover is extremely likely to exacerbate this condition and leave the remaining trees even more susceptible to wind damage as the protection afforded by the existing forest cover is opened. The reality is that the removal of 50% of the forest cover is likely to result in an “effective” removal of tree cover that far exceeds the projected 50%.

Pages 36-37 Wetlands

This section of the EIS provides adequate documentation of the general nature of wetlands on the property. It is stated that “the wetland plant communities exhibit high to exceptional condition” and that “combination of continuous upland and wetland plant communities in a large, unfragmented block of habitat adds significance to the Property’s value for wildlife. The report also states that the interdunal wetlands along Lake Michigan are “exceptionally rare”. It is also important to note that the report states (correctly) that the sand dunes on the property “that are eroded by wave action provide littoral drift source that is critical to lessening erosion in the remainder of the lake and protects the wooded areas landward of the dunes”. There is no mention of the possibility of these dunes areas being protected by revetments as part of the course construction plan. The construction of “hard” revetments in this shoreline area will have a devastating effect on the down drift areas of dune and beach habitat in adjacent Kohler Andre State Park.

Pages 37-42 Wetland Communities

The EIS devotes several sections of the report to provide descriptions of the variety of wetland communities on the property. In all cases, these wetlands show high species diversity and are in high to exceptional condition. Several of the wetland systems (██████████ and ██████████) are listed as critically imperiled and of global significance due their extreme rarity.

For all wetlands systems, it is noted in the report that “secondary impacts from tree clearing and grading activities can alter the local hydrology of these wetlands. Additional secondary impacts from irrigation and fertilizer application are also possible”. Even though these effects are highly likely, in no case is any attempt made to qualify or quantify what the potential effects of any of these alterations might be, the potential severity of the effects or what cumulative impacts they might have. Any of these changes, individually or cumulatively, will cause irreparable harm to these critically imperiled and globally significant wetland resources.

Page 42 Wetland Compensatory Mitigation

Compensatory mitigation is mentioned as a requirement for unavoidable wetland loss. The use of mitigation or in-lieu fees to compensate for the loss of critically imperiled and/or wetlands of global significance are not appropriate. These areas cannot be duplicated and the fact that appropriate areas are not available for an attempt at this type of mitigation is documented by Stantec in their letter to Mr. Jess Barley of Kohler Company on October 6, 2017.

Page 45 Wildlife

Lake Michigan has been classified as a Conservation Opportunity Area of global significance and it is well documented that the area south of Sheboygan provides highly significant habitat for migratory birds. This area is classified as an Important Bird Area (IBA) (global classification) and as a Tier 1 area (highest level) for migratory stopover habitat in the State of Wisconsin. As stated in the EIS, “habitat value would likely be diminished” by fragmentation of this forest area. Kohler states that they would “ensure some habitat availability” by maintaining 50% fragmented forest. Once again, this promise rings hollow as no specifics are provided as to what “some habitat” consists of.

Pages 54-55 Land use, Zoning and Local Development Plans

In this section of the EIS it is stated that the “project will allow public access for golf and use of the associated facilities on the 247-acre property. While this is true, the use of this property as a top tier golf destination will be out of the economic reach the vast majority of the local (as well as state and national) population.

The report also states that it is unknown if other potential public uses including birding, hiking and cross country skiing would be available. One need only to look at the record of access to Kohler’s other golf course properties where none of these activities takes place. Kohler even goes so far as to restrict access to the Sheboygan River to Fishermen at Blackwolf Run, choosing instead to only provide access to members of its exclusive River Wildlife Club. Even under the best of circumstances, the subject property would be closed to the general public during the golfing season that is likely to run from April through November. Unless conclusively stated otherwise, it is much more likely that the property would only be accessible to those able to afford the exorbitant green fees required at any of Kohler’s courses. This is likely to include access to both the beach front along the property and to the adjacent Black River.

Page 65 Summary of Adverse Impacts That Cannot be avoided

This section again deals with the fact that there will be secondary impacts to wetlands in addition to direct filling. These impacts are likely to be the result of deforestation, nutrient inputs, pesticide inputs, site grading, the construction of impervious areas (i.e buildings and roadways), the construction of an irrigation pond, irrigation, underground utilities and extensive planting and maintenance of turf grass. The individual and cumulative effects of any of these secondary impacts have not been quantitatively or qualitatively addressed in this report.

Page 66 Environmental Effects, Their Long-term and Short-term Significance and Cumulative Impacts

As stated repeatedly in this review, the proposed physical alterations of this site will have long term significant negative impacts to the resource. As stated (correctly) in this section of the report, “the grading and vegetation changes will alter the hydrology of the site”. However, after stating this fact, the report provides no details or supporting documentation on the anticipated degree of impact or the resulting effect on the myriad of resources (including rare and endangered species and wetlands of global significance) that are dependent on this hydrology.

Page 67 Potential Water Quality Impacts to Ground and Surface Water Resources

This section of the report continues to (correctly) point out that the on-site excessively permeable soils, combined with a shallow ground water table, make the probability of leaching of fertilizer-applied nutrients and pesticides into the groundwater highly likely. This shallow groundwater system is directly connected to the Black River, Lake Michigan and associated on-site wetlands. The report makes no reference to documentation of the current conditions of these resources (background data) or to the collection of long-term data as it relates to documenting extent of degradation of these resources.

Page 68 Wetlands

This section of the report again documents (correctly) that the site activities will directly destroy approximately 3.7 acres of wetland through direct filling. The report also documents that even though the preferred alternative results in no direct filling of [REDACTED] (a resource that is classified as critically imperiled in Wisconsin), secondary impacts to this resource will occur due to the hydrological impacts of tree removal and grading. Additional secondary impacts from fertilization and irrigation are also possible. The report also states (correctly) that the magnitude of the secondary impacts cannot be determined since specific course features have yet to be determined!

The proposed project will result in the filling of approximately 1.4 acres of [REDACTED] (a resource that is imperiled in Wisconsin and globally very rare). This loss will result in the elimination of critical wildlife habitat. In addition, secondary impacts (as described above for [REDACTED]) can be expected. Once again, the magnitude of the secondary impacts cannot be determined since specific course features have yet to be determined!

Page 69 Degree of Risk or Uncertainty

The conclusion of this section of the report is that “there is a low degree of risk and uncertainty in predicting environmental effects, as the analysis has relied on the expertise of department professionals who have evaluated numerous major development projects”. I can only assume that this conclusion deals with the known facts presented in this report, that being that rare and globally significant wetlands will be destroyed, a minimum of 50% of the forest canopy will be removed, wildlife habitat will be degraded, rare and endangered species will be eliminated, and groundwater and surface water resources will be degraded. These facts were documented repeatedly throughout the report as impacts that will occur as a direct result of the planned development.

What was not documented in this report is what the secondary and indirect impact of this development will be on the stated resources. It would be irresponsible to dismiss these impacts before rendering a decision or issuing permits on this project. It is preposterous to think that there will not be secondary impacts, and more detail concerning site layout, grading (final grades), underground utility routes, final building and pavement locations, and types and sources of imported material are needed. There is also no mention of special events and anticipated crowd sizes and how these occurrences will impact the site.

Concluding Comments

The EIS does an adequate job of presenting current conditions on the property. The report also documents obvious direct impacts to resources that will occur due to filling and deforestation. The report lacks any specific information or interpretation concerning secondary impacts to resources due to projected site activities (as documented above). This is not surprising, since critical details of the project, which are required to render an opinion on site impacts, are not provided. Any attempt to approve permits before receiving this information is irresponsible.

Resources on this property are classified as rare and endangered and are known to be globally significant. If our laws and regulations, and those professionals entrusted to review and interpret them in the name of the public trust, cannot be depended on to protect resources such as these, then our system is either corrupt or flawed. We would do well to remember the words that Aldo Leopold wrote in “A Sand County Almanac,” as this decision is made. “A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise.” Please have the courage to do the right thing and deny the wetland permits for this project until adequate information is available to make an informed and scientifically valid decision.

Respectfully,



Peter G. Pittner
908 Sommer Drive
Sheboygan, WI 53081
920-452-2740
ppittner@startwithmiller.com

From: Kaitlin Dunn Knudson
To: [DNR Kohler Proposal](#)
Subject: comment on proposed Kohler golf course
Date: Monday, December 11, 2017 2:21:28 PM

I wish to express my opposition to the Kohler golf course development proposal in its current form. The course will destroy a rare type of wetland, in addition to other valuable ecosystems, for which much evidence suggests it cannot be recreated/mitigated elsewhere. Additionally, the development has the potential to threaten the surrounding protected areas through habitat fragmentation, disruption of nutrient cycling and water purification processes, and pollution from runoff of fertilizers and sediment. This directly threatens the health of people in the surrounding area by polluting air and water and indirectly threatens the health of all Wisconsinites by decreasing the biodiversity on which humanity depends. Though they appear to be absent from the current EIS statement, the scientific data to support these conclusions are sound. I ask that the final EIS provide a more scientifically sound and detailed picture of the environmental impacts.

I ask that the DNR take the stance that is socially, environmentally, and economically beneficial in the long run to our beautiful state by denying Kohler the right to build the course on the currently proposed site. While there are other sites suitable to build a golf course, this is an ecosystem that cannot be rebuilt and provides far greater benefits via ecosystem services and tourism for Wisconsinites than does a golf course. The DNR needs to study a "no build alternative" to give the complete picture for what we are all giving up if the golf course it to go through.

Now and increasingly into the future, intact ecosystems hold greater and greater value because of the ecosystem services they provide. Once these services are gone, we will all have to pay for them as individuals and as a society. Where will the Kohler company be then? We are sacrificing our health and well-being and the health and well-being of our children for the financial gain of the Kohler company and the few who will enjoy a lakefront golf course. (Roughly the same number of jobs will be created if the course is put elsewhere.) Putting basic rights of all citizens over the profits of a small group of people is distinctly anti-democratic and anti-American.

The Wisconsin DNR's mission is to "protect and enhance our natural resources" including the "air, land, and water...that sustain us all in life." The approval of this project is not in keeping with the DNR's mission because it will degrade and destroy these things that all Wisconsinites hold dear (whether all people recognize it or not, we all value intact ecosystems because of the clean air and water they provide).

Thank you for your time and attention to this important matter.

Kaitlin Knudson
238 Walter Street
Madison, WI 53714

From: John Stainthorp
To: [DNR Kohler Proposal](#)
Subject: Comment
Date: Saturday, December 16, 2017 6:35:15 PM

As a lover of Kohler-Andrae State Park and a frequent visitor I am very concerned about the proposed golf course on the northern edge of the park. I am very concerned about the environmental impacts of the golf course and the proposed development associated with it.

It also appears that there has been insufficient consideration of the environmental impact of the development. I expect a complete scientific environmental impact study to be completed with the public's interest given at least the same consideration as a private landowner. I urge the DNR to study a "no build alternative" instead of writing a non-scientific explanation of what Kohler's planned destruction "may" affect.

Once this development is approved it will be impossible to reverse the environmental impacts. Kohler-Andrae State Park is a treasure. Please make sure you know scientifically what you are doing before you approve its alteration and potential degradation.

John L. Stainthorp
People's Law Office
1180 N. Milwaukee Ave.
Chicago, IL 60642

773 235 0070 x 120
Fax 773 235 6699

From: bdunn1@tds.net
To: [DNR Kohler Proposal](#)
Subject: comment
Date: Tuesday, December 12, 2017 11:50:47 AM

I am strongly opposed to letting the Kohler Co. use my beloved Kohler-Andrae State Park. This plan is an abomination.

Sincerely,
Bill Dunn
3060 Patty Lane
Middleton, WI 53562

From: Mary Faydash
To: [DNR Kohler Proposal](#)
Subject: Comments on Kohler Draft EIS
Date: Friday, December 22, 2017 11:54:25 AM
Attachments: [IMPACTDNR statement.docx](#)

November 30, 2017

Draft Environmental Impact Statement Hearing Comments
Mary Faydash

In the introduction to the Updated Draft EIS you write the purpose of an Environmental Impact Statement is to inform decision makers and the public about alternative courses of action and the anticipated effects of those alternatives on the quality of the human environment that could result from your decisions. Unfortunately, there is nothing new here from the past vague DNR attempts at disclosing impacts. Peppered with unscientific qualifiers, such as “likely will occur,” “may be expected” this provides no definitive impact information.

The DEIS reports on all kinds of permanent impacts and says in a nutshell none of this can be avoided but in some cases Kohler will try. You say if destroying endangered, threatened, species can't be avoided, Kohler can get an incidental take permit to get rid of them.

The very simple reason that massive destruction can't be avoided is that you use only the preferred alternative course of action that Kohler chose. The option was arrived at supposedly because it destroys the least number of wetland acres. It doesn't. There are secondary impacts from deforestation which you say will occur but you can't predict those impacts. Prediction is what an EIS is supposed to be about. The preferred alternative happens to be less expensive for Kohler with less permitting needed and avoids using their own land for a main entrance, a road through the park and massive 3 building maintenance complex, the one you refer to as one building.

Environmental regulations exist to protect some entity, resources, people. Their existence is evidence that there is more than a single landowner's rights to be considered in an environmental decision.

We have heard the new DNR secretary talk about striking a balance between landowners' rights and public rights to their environment. Here, only Kohler's rights are on both sides of the scale. Kohler's right to destroy our resources on one side and the Company's right to have the Governor intervene on the other. You have a DNR Kohler team at the DNR meeting weekly on progress toward Kohler's preferred option. Not in 4 years has anyone initiated a Wisconsin Resident Team which would study the proposal from the rights of the public being equal to the rights of the land owner. You mention the no build option and say it won't work because it won't give Kohler its course and we will lose have 106 course jobs. Tourism money will be lost. You state the option of Kohler building elsewhere isn't possible because the Company looked and couldn't find a piece of land with these exact characteristics on Lake Michigan. The ridiculousness of these arguments from a Department of Natural Resources is sad.

The public deserves that this EIS be written using the preferred option for the owners of the park and all those impacted. So far this is a Kohler-centric DEIS. Our preferred option is No Kohler Golf Course and No use of our state land for Kohler's private profit. In this DEIS you have opted to side with a well-connected land owner over the rights of the public and the owners of the state

park. It should be rewritten with long term predictions with independent information other than Kohler's.

November 30, 2017

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From: Erik Thelen
To: [DNR Kohler Proposal](#)
Subject: Comments on Kohler Wetland Permit Application
Date: Wednesday, December 20, 2017 12:52:17 PM

Dear Jay Schiefelbein:

I am writing to comment on the Kohler wetland permit application. I appreciate that the deadline for public comment has been extended to December 22.

As a Wisconsin taxpayer, I expect that our DNR will employ the same scientific rigor and standards that they would use for any private landowner as they assess the environmental impact of the golf course that Kohler proposes on sensitive swale and dune wetlands south of Sheboygan and next to the Kohler Andrae State Park. The EIS I've seen is vague and incomplete and does not afford sufficient information on proposed activities to assess the likely impact of the project. I am urging the DNR to insist on specific data and to conduct the kind of scientific impact assessment that would be required of any other landowner. Until the public knows specifically what is being proposed and how damage to Wisconsin's waters and natural habitats will be mitigated or avoided, the project is too risky to approve.

Respectfully,

Erik A Thelen Ph.D.
4933 Evergreen Dr.
Sheboygan WI 53081

From: Connie Loden
To: [DNR Kohler Proposal](#)
Cc: [Jerry Murphy](#)
Subject: Comments on Kohler -
Date: Wednesday, November 22, 2017 10:59:57 AM
Attachments: [JerryMurphy-PublicComment_KohlerGolfCourse_Nov_2017.pdf](#)
Importance: High

Please find attached our public comments, to be entered into the records, regarding the Wetlands permitting process for the proposed new Kohler Golf Course.

Thank you,

Connie

Enter your FREE Company Profile in the WI Supply Chain Marketplace -
www.wisupplychainmarketplace.com

Your Access to New Customers and Suppliers!

Connie Loden | Sr. Project Manager

New North, Inc | 600 N. Adams St., Green Bay, WI 54307

cloden@thenewnorth.com | www.thenewnorth.com

Ph. 920-336-3860 | Cell 920-645-4879

IACD Board Member - <http://www.wcdc2018.ie/email/email-logo.png>

Public Comment for DNR hearing (November 30, 2017) for the Proposed Kohler Golf Course.

Many Wisconsin counties, including Sheboygan and the 17 others which make up the New North region, have had a fairly simple focus over the past few years – find ways to create and fill new jobs. Between veteran business people and budding entrepreneurs, those working with our organization have talked about ways to boost employment by attracting new investment, and diversifying the regional economy, while also sustaining and growing existing businesses and brands. A diverse economy, strengthened by collaboration, will drive regional success. Sheboygan County is a perfect example of an area that finds itself well-positioned for job growth in one of the most active and profitable sectors in our state – tourism. With a world-class spa retreat and equally renowned golf courses, there is now an effort to add another great Kohler golf course. The economic potential this will provide to the county and region is undeniably positive.

A recent economic report indicates the new course would bring 227 new jobs to the area and provide over \$20 million a year in total economic impact to the county. With a tax impact of more than \$1 million a year, area schools will also benefit, along with property owners in the Town of Wilson, Sheboygan County and the state. What's especially positive, however, is the tourism, recreation and hospitality impact.

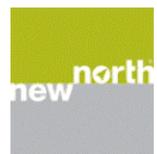
It is estimated that 80 percent of the people who play at the new course will come from out of state and that they'll spend up to \$6 million annually on lodging, food, retail goods and other recreation. As a whole, tourism/hospitality dollars spent in the New North region, which extends throughout northeast Wisconsin and includes internationally known Lambeau Field and Door County, total tens of millions of dollars per year. Sheboygan County remains a very big jewel in this crown. Statewide, tourists spend more than \$17 billion annually. That's remarkable proof of this sector's strength.

The reputation of the Kohler Company precedes itself when it comes to building golf courses that are of the absolute highest quality, successful and respectful to the communities around them. There is little doubt this newly proposed course will be the same. The fact that the project will be built and owned by a local Wisconsin family with a solid track record of running quality recreational public golf courses and businesses also speaks to long-term stability.

We believe the Wisconsin Dept. of Natural Resources has performed a detailed and thorough review through its wetlands permitting process, and therefore support a conclusion resulting in the issuance of a Wetlands permit for the project. Like any development, the public has offered thoughtful questions and input, and Kohler continues to listen. Additionally, the ability for a local company to alter or change its initial ideas to accommodate input from neighbors and other citizens signals that this is much more than just a passing investment for this company. The Kohlers represent a business and family that cares deeply about the community where they live and work. This project brings new investment, new employment, increased business for the community, new tax base and responsible development to the region. This is very much a project that builds upon a strong tourism destination brand for Sheboygan, the New North Region and the State of Wisconsin.

Jerry Murphy, Executive Director | The New North, Inc.

600 N. Adams St.
Green Bay, WI 54307
(920) 336-3860



Jerry Murphy is executive director of the New North, Inc., a 501(c)3 nonprofit, regional marketing and economic development organization fostering collaboration among private and public sector leaders throughout 18 counties in Northeast Wisconsin.

From: janet
To: [DNR Kohler Proposal](#)
Subject: comments on mis-guided destructive Kohler application
Date: Saturday, December 09, 2017 12:08:24 PM

DNR:

I am writing to inform you of my strong, principled, and right statements regarding Kohler's application to destroy wetlands for a stupid golf course.

I am very confused about this process. It appears that DNR is taking shortcuts and not fulfilling their responsibilities in this process. This process has a distinct set of rules and it appears they are not being followed.

One, in the Updated Draft Environmental Impact Statement, the DNR has shown that it expects to approve a wetland permit application for the proposed Kohler golf course because it has been told to. There is no other explanation for the lack of scientific data. Why? Please explain this to me.

Two, **the DEIS is incomplete** which does not fulfill the mandate to provide critical information to the public to make informed comment.

Three, the DNR talks about conditions it will impose on the Kohler Wetland Permit Application, however **no one apparently knows what those conditions are**. Any conditions such as these are to be clearly defined.

Four, FBRF has asked for the results of the Wetlands Rapid Impact Assessment completed in May - the **DNR has said it hasn't finished the Wetlands RIA yet**. No permit can be approved without this. How can this can this not yet be finished? Is this, too, just stalling on the part of the DNR? And stalling because you have been 'told' to approve it?

Five, the DNR **has not done an inventory of the habitat and wildlife on the State Park land** it intends to sell to Kohler. This needs to be included in the impacts.

Six, the **DNR has not required a tournament plan or studied the impacts of the several tournaments** planned for this course. Instead it has worked on the project trying to justify the preferred Kohler alternative and diminish the impact of tournaments.

Seventh, the DNR must develop studies of an alternative entrance for the Kohler project which would be in the best interest of the public who owns the park land.

While the DNR and Army Corps talk about balancing the right of a private land owner with the rights of the public, so far the only discussion has been to justify this destruction by the private land owner with no consideration of the public right to its ownership of park land. Applications to the DNR, the Army Corps and the National Park Service, involve ignoring or changing regulations.

This is evidence that there are TWO parties here both with invested interests whose rights must be taken into account. The DNR has forgotten that.

DNR has written an **Updated Draft EIS admitting destruction of our rare resources** while clearly resigned to the fact that Kohler will get what it wants – what a few rich people want (destruction of public lands) over the rights of the many people, the public (who wants to continue to protect public natural areas).

This land belongs to ALL residents of the State of WI!

It is critical that this permit be denied! Recklessly permitting this will set a terrible precedent for the giveaway of any park land – AND there WILL be a big public outcry about this possible travesty.

Do NOT circumvent this proper and scientific process!

The Wisconsin DNR must DENY Kohler Company the ability to destroy our environment and the use of our public State lands all for Kohler's private profit. This approval should NOT be given. There should be no question about appropriateness of this application by Kohler.... It is utterly ridiculous that preserved and public lands should even be considered for destruction just so a handful of rich guys can exert some sort of arrogance and go golfing, such a waste of time AND natural resources! Destructive and counterproductive for this great state of WI.

Sincerely,
Janet anderson
2130 N 85 St
Wauwatosa, WI 53226

"You cannot do a kindness too soon because you never know how soon it will be too late."

~Ralph Waldo Emerson

From: e truver
To: [DNR Kohler Proposal](#)
Subject: Comments on proposed golf development at Kohler-Andrae State Park, Sheboygan
Date: Thursday, December 07, 2017 1:57:56 PM

THE PROPOSED GOLF DEVELOPMENT DIRECTLY CONTRADICTS THE ORIGINAL PURPOSE OF THE JOHN MICHAEL KOHLER PARK, AS STATED BY THE KOHLER COMPANY IN 1965.

Board chairman Kohler stated that in 1936, when his older brother Walter Jodok Kohler, former governor of Wisconsin, headed the company, their family had decided to preserve the large forest and dunes are intact for public use.

“In fact,” he said, “the land was originally acquired by the company for this very purpose—to preserve this very interesting area just as nature left it and to place it at the disposal of the public as a recreational center that can be utilized by all for generations to come.”

--*PEOPLE*, published by the Kohler Organization, December 30, 1965

I have been a frequent camper at the park since 1977 (when it was still two parks). My children have so many memories of the dune, marsh, beach and forest terrain, and the animals that live there. Now that I'm retired, I am privileged to spend much more time at this very unique habitat. Describing the desired acreage as 'innocuous' is misleading. It is the north cordwalk and the unaltered natural terrain that provides homes for the native animals, birds and plants.

The southern portion of the park is given over to heavy human activity and campgrounds; the northern portion is the unaltered area that helps make the park such a remarkable place. Once the Kohler property is cleared, taking an additional 12 acres from the park will leave just a tiny area to support these animals and plants. How many of those will continue to grace the park if they are made homeless?

Is there a heart big enough, in this day and age, to consider the alternative, and donate these acres to the park, rather than tearing down nature's work of millennia?

elaine truver
7255 N. Ridge Blvd. #404
Chicago, IL 60645
773-465-8481
truver@mac.com

"No trees were killed to send this message, but a large number of electrons were terribly inconvenienced." (Neil DeGrasse Tyson)

From: William Mueller
To: [DNR Kohler Proposal](#)
Subject: comments on the Kohler golf course proposal - WGLBBO 12142017
Date: Thursday, December 14, 2017 5:39:37 PM
Attachments: [comments - Kohler golf course proposal - WMueller_12142017.docx](#)

Our comments on the Kohler golf course proposal are attached.

William Mueller
Director, Western Great Lakes Bird and Bat Observatory
WGLBBO online: wglbbo.org
wpmueller1947@gmail.com
office 262-285-3374
cell 414-698-9108
blog: futureofbirds.blogspot.com
Port Washington, WI

I am submitting the following comments as Director of the Western Great Lakes Bird and Bat Observatory. The Observatory's mission is to advance the conservation of birds and bats in Wisconsin and throughout the Western Great Lakes Region through coordinated research, monitoring, and education. We are providing these comments on the proposed updated draft EIS and wetland impacts.

The Observatory is concerned about progress toward construction of the golf course, and potential alteration or loss of habitat for birds, mammals, reptiles, amphibians, and invertebrates. We recommend continued protection of state park lands, to fulfill their ecological function as habitat for wildlife of many species.

The Observatory wonders how the DNR's general goals of protecting migratory stopover habitat for birds along the Lake Michigan shoreline (in the Sheboygan area) will not be negatively impacted by development on the scale of the proposed golf course. The DNR's own recent Ecological Landscapes of Wisconsin publication mentions that "Providing and maintaining a sufficient variety and abundance of the habitats needed by [migratory] birds is a priority conservation goal". Habitats and existing natural communities that provide migrants with the resources to refuel and find a place to rest during their journey are described as migratory stopover habitat. If a site provides this useable habitat for a large number of migrants, the stopover site is considered significant. The Kohler-Andrae State Park provides these features, and is listed as an Important Bird Area.

Protecting stopover habitat that includes already-existing high-quality forested and wetland sites should be one of the strongest considerations in making land use decisions, due to the pace of development in Wisconsin and the Upper Midwest - especially close to the Great Lakes, the open waters and nearshore habitats of which have been shown to be critically important for birds during migration, both spring and fall. Many entities - including WIDNR - consider a ten-mile wide zone adjacent to the Great Lakes, including the Lake Michigan shoreline, to be a potential stopover zone. Any new development that significantly alters high-quality protected habitat in this zone should be considered with this fact in mind. Fewer and fewer high-quality areas remain, so a loss of even a part of already-protected areas is especially problematic.

The preservation of stopover sites helps to ensure the survival of migratory birds, which is critical for both the biodiversity of the lake basin and the continued presence of these species. Conservation efforts in the Lake Michigan basin are both locally and internationally important. We recommend continued protection of state park lands, to fulfill their ecological function as habitat for an array of declining taxa, including not only birds, but also invertebrates, reptiles and amphibians.

Great Lakes coastal natural resources in general are unique at a global level since their extent has declined due to development for other land uses. Natural communities along the Great Lakes support plants and animals that are specially adapted to them, and they are part of global migratory corridors essential for birds and other wildlife. These Great Lakes natural resources ensure a strong foundation for fishing, tourism, and the economic well-being of coastal communities in our region.

Large woodlands, with enough interior habitat to support area-sensitive wildlife species, are rare in southern Wisconsin. As a result, these woodlands are important to birds and other wildlife that cannot exist elsewhere. Woodlands within the project area, combined with those within the State Park, make up the *only* block of this forest cover type along the lakeshore between Chicago and Two Rivers.

Fragmenting the forest cover within the project area can eliminate the interior habitat quality of the woodlands, not only within the project area, but also within the State Park.

Wisconsin has over 30 different types of wetland communities. Restoration of any wetland type is difficult and some, such as [REDACTED] are irreplaceable. Wisconsin Natural Heritage Inventory assigns a state rank to each wetland type that indicates its conservation priority. Wetland types that are vulnerable (S3), imperiled (S2), or critically imperiled (S1) are the most important to protect from a *statewide*, not only a local, perspective. Imperiled and critically imperiled wetland types occur at very few locations in Wisconsin and are important at a global level. Based on the wetland assessments in the Draft EIS, all three wetland types occur within the project area, and are high quality examples of these types.

Together, the forest and wetland communities, and their unique location on the lakeshore provide critical habitat for wildlife recognized as Species of Greatest Conservation Need in the Wisconsin Wildlife Action Plan. Preservation and enhancement of habitats for these species is the only means to ensure they will persist.

Every recent statewide plan that identifies “ecologically significant places” based on objective, statewide criteria, extensive expert review, and public input, mentions the importance of the area that encompasses this project. The Wisconsin Land Legacy Report (2006), Important Bird Areas of Wisconsin (2007), and Wisconsin Wildlife Action Plan Implementation Report (2008) are some examples.

Based on the recognized conservation value of the area, and the specific conditions documented by the on-site field investigations, it is difficult to imagine DNR supporting a finding that the preferred alternative has no significant adverse impacts.

Should the project proceed, and permit conditions be applied to mitigate adverse environmental consequences, it is also difficult to imagine any that might come close to replacing what would be lost. Questions submitted to the DNR regarding potential permitting requirements, and any required wetland compensatory mitigation, have not received a reply yet.

We believe that if the project is allowed to proceed as planned, there will be significant and adverse effects to habitats that are locally rare, critical to rare plant and animal species, and important to migratory birds at a regional and international level.

Thank you for this opportunity to comment.

William P. Mueller, Director, Western Great Lakes Bird and Bat Observatory

From: Wendy Honold
To: [DNR Kohler Proposal](#)
Subject: Comments re: Public Hearing held Nov 30 on Proposed Kohler Golf Course Updated Draft-EIS
Date: Sunday, December 03, 2017 1:19:53 PM

Again, the Draft Environmental Impact Statement is incomplete, which does not fulfill the mandate to provide critical information to the public to make informed comment.

1. The Kohler property has now been annexed into the City of Sheboygan, and will have access to the city water supply. However, Kohler plans to use the high-capacity wells for irrigation. A previous EIR listed very few residents and company's whose wells would be impacted by the Kohler's high-capacity wells. I consulted a licensed hydrologist/geologist, who reviewed the depth of my well with the depths of aquifers that Kohler will draw from. The licensed hydrologist/geologist verified that my well would definitely be impacted, however my address was not on the list provided to the DNR. The DNR has access to the depths of every well in this area, and if this data was provided to a licensed hydrologist/geologist, it could be determined what the real/total impact would be for any/all residences/businesses. As with everything else provided by the 'minimalist' Herb Kohler, he has provided only minimum and incomplete information to the DNR. Scientific, complete, and factual studies need to be conducted by licensed scientists who are not in Kohler's pocket, not only for well impacts, but also exact locations of the Native American burial mounds, and much more.

2. The DNR talks about conditions it will impose on the Kohler Wetland Permit Application, although the DNR has not revealed what those conditions are. Results requests regarding the Wetlands Rapid Impact Assessment completed in May of 2017, have not been provided to the public. No permit can be approved without this

3. The DNR has not done an inventory of the habitat and wildlife on the State Park land it intends to sell to Kohler. This needs to be included in the impacts.

4. The DNR has not required a tournament plan and has not studied the impacts of the several tournaments planned for this golf course. Instead, the DNR seems to only have worked on the project trying to justify the preferred Kohler alternative and diminish the importance of the tournaments impact.

5. Kohler Company intends to use glyphosate

with backpack sprayers along the shores of Lake Michigan to remove vegetation for its proposed course. This chemical alone is a highly toxic chemical, which creates health hazards to all lifeforms. When sprayed, it is also airborne and can spread by wind flow to other areas, including the beautiful Kohler-Andrea State Park. Glyphosate alone is a major health hazard as these toxins are easily absorbed on skin, and also while breathing the contaminated air. Kohler has not disclosed other chemicals that will be used throughout operations. The DNR accepts Kohler's 'claims' that it uses 20% less than other courses. This is a meaningless statement without knowing what other courses use and the specific chemicals. The DNR in its Draft Environmental Impact Statement says there will not be much of an impact from pesticides. This land is on sandy soil with a high water table. Our state seems to have become devastated by the lack of oversight from the DNR, an agency taking its orders from Scott Walker.

6. The DNR must develop studies of an alternative entrance for the Kohler project which would be in the best interest of the public who owns the park land. While the DNR and Army Corps talk about balancing the right of a private land owner with the rights of the public, so far the only discussion has been to justify this destruction by the private land owner with no consideration of the public right to its ownership of park land. Applications to the DNR, the Army Corps and the National Park Service, seem to involve ignoring or changing regulations. This is evidence that there are two parties here, both with invested interests, whose rights must be taken into account. The DNR is overlooking that or has forgotten that. The Updated Draft EIS continues to be in favor of destruction of our rare resources, and continues totally unfair favoritism for Kohler to get what it wants, over the rights of the many. Many State Parks have easements, but how many of those easements have THREE maintenance facilities and a paved parking lot built on them? **Kohler has access to their property thru River Trails.** There is no need to take State Lands, especially for access and maintenance buildings. **Kohler could build these buildings on the land they own if they obtain the necessary permits and approval.** Not sure why the DNR is having such a hard time counting how many buildings are proposed to be built on State Land. The DNR had at least 6 huge poster boards up at the previous Open House showing THREE buildings totaling over 24,000 sq feet, yet they continue to say 'maintenance facility.' Maintenance facility is comprised of three buildings to house chemicals, pesticides, golf carts and other equipment. DNR officials also could not give an example of any other situation where buildings have been built on an easement given by the state. **This land belongs to ALL residents of the State of Wisconsin.**"

<!--[if !supportLists]-->7. <!--[endif]-->See this article please, about deregulating the preservation of our resources, for the DNR to bypass science-based permitting so that companies wanting to fill in wetlands can create jobs and improve Walker's jobs' record. This should be criminal.
http://host.madison.com/wsj/news/local/govt-and-politics/attorney-with-conservative-political-background-appointed-to-dnr-legal-post/article_c01f95de-147e-5681-a1b7-c6834e7d648b.html

<!--[if !supportLists]-->8. <!--[endif]-->Any DNR news these days asking the public to give input seems like a recurring joke considering the fact that the agency completely ignores the public's desire for environmental protection. The agency skirts environmental protections for businesses to profit from resource destruction. This is evidenced in their poorly written Environmental Impact Statements that diminish impacts for a developer. The Black River Watershed is impaired as well as Lake Michigan, however, the DNR doesn't think the Kohler proposed golf course will worsen it.

<!--[if !supportLists]-->9. <!--[endif]-->The best plan would be the 'no build alternative.' Prior to my retirement, I never had time to learn and experience so much about the entire beautiful majesty of all of nature. School was all about reading, writing, and arithmetic. Then came the high-pressure career demands for financial survival. Off hours were used up with cleaning and maintenance. Now I can listen to every songbird, observe every lifeform, and enjoy my pesticide free property. Even after retirement, I hadn't learned as much about our pristine environment, until shortly after the beginning of the plan Kohler had in mind. It was then that I began to learn so much from the Kohler-Andrea State Park website, about all of the magnificent species in this area, many of which are endangered. I wish my years of education had included fascination with discovering the beauty of nature on all levels. I wish that Kohler would turn this land into an education site for all generations to visit, instead of poisoning and destroying it.

<!--[if !supportLists]-->10. As far as increase in jobs? Only innocent/ignorant people would set foot on property constantly being sprayed with herbicides and pesticides. I would never have applied for a job or worked for a company, if I knew I would be exposed to invisible toxic air. Furthermore, if Kohler's insane plan is approved, I will also no ever set foot again on the beautiful Kohler-Andrea State Park, which would also be contaminated by the airborne toxins. I also will feel sorry for the close by residents who will be exposed to the airborne poisons 24/7.

Please do the jobs you were meant to do, which is to protect our natural

resources. Please do not cave into accepting incomplete, impertinent, or inaccurate information submitted by Kohler. Please demand scientific factual studies by licensed professionals. Please represent 'we the people' the majority, and not selective favoritism for Walker's minority of campaign funding donors.

Sincerely, Wendy Honold, 5146 Evergreen Drive, Sheboygan, WI 53081

From: Jim Glodosky
To: [DNR Kohler Proposal](#)
Subject: Deeply concerned
Date: Tuesday, November 28, 2017 7:52:33 AM

To whom this should concern,

I am shocked that you people are going to sign off on a permit for this golf course without a study on the environmental impact.

This land is absolutely beautiful and unique.

Who do you people really work for? Please answer this for me?

Sincerely

James M Glodosky

From: Peggy Dietrich
To: [DNR Kohler Proposal](#)
Subject: Deny Kohler. No public lands for profit.
Date: Saturday, December 09, 2017 11:27:20 AM

Special interests need to leave special places alone. Too many conservatives believe anything goes when it comes to public lands. Please deny Kohler.

Peggy Moody.

From: Larry Kapellusch
To: [DNR Kohler Proposal](#)
Subject: Deny Permit!
Date: Tuesday, November 28, 2017 8:49:23 AM

The Kohler Wetlands permit must be denied based on the lack of a credible, detailed Environmental Impact Study. The entire process of bringing Kohler's plan to the fore has been flawed by a shameful disregard for the rights of the public on the part of both Kohler and the DNR. The people of Wisconsin deserve better.

Thank you for your attention and careful consideration of this issue.

Sincerely,

Larry Kapellusch
3902 Hwy G
Caledonia, WI
262-835-4823

Sent from [Mail](#) for Windows 10

From: paulidesign@gmail.com
To: [DNR Kohler Proposal](#)
Subject: Deny the golf course
Date: Sunday, December 10, 2017 12:34:11 PM

Please leave the forest alone. Kohler-Andrae is an absolute treasure in this state. When I show it to out of town visitors they cannot believe such a beautiful spot is right here in the midwest. I enjoy golf on occasion, and I am not opposed to golf courses. But I am opposed to destroying a beautiful treasure like Kohler-Andrae for the sake of a golf course that most likely 95% of Wisconsinites can't afford to play on.

Thanks for your consideration,

Scott Pauli

--

*Art & Sons
408 E Wilson St. #2
Madison, WI 53703
608 770 5281*

From: Russell Knudson
To: [DNR Kohler Proposal](#)
Subject: Deny the Golf Course
Date: Sunday, December 10, 2017 9:02:35 AM

Dear DNR,

Based on your published impact statement, I believe that a golf course is not an acceptable land use for the proposed site due to the existing wetland forest ecosystem you have described there and the fragility of those ecosystems. I also understand that the adjoining wildlife area is a cherished natural landmark for the State and therefore a golf course is not an appropriate application for this area. Alternative developments should be considered which have lesser environmental impact.

Thank you for taking my comment.

Respectfully,
Russell Knudson
238 Walter St.
Madison, WI

From: Alizee Anais Desmoulin
To: [DNR Kohler Proposal](#)
Subject: Department of Natural Resources commentary
Date: Friday, December 22, 2017 4:41:12 PM
Attachments: [Department of Natural Resources commentary.docx](#)

Dear Jay Schiefelbein,

Attached to this email and below in this message is my commentary in regards to the Kohler Company Environmental Impact Statement and Black River Forest wetland permit. Please share with Wisconsin Department of Natural Resources Board members and to whoever else it may concern.

It is obligatory for the Wisconsin Department of Natural Resources to update the Black River Forest Environmental Impact Statement to include the following data of scientific significance:

Strategically located along Lake Michigan the Black River Forest is only one of four migratory flyways in North America. As such, diverse species of lepidopterans, raptors, shorebirds, and passerines depend upon its pristine presence to assist them in their biannual journeys. Four species of endangered club moss species have been observed in proliferation in the Black River Forest, whose habitat provides a sanctuary for this flora and the wildlife that depends upon it.

According to thoroughly collected and impressively compiled data available on the website of the Wisconsin Department of Natural Resources under “Biodiversity” and “Wisconsin’s Natural Communities” the Black River Forest ecosystems are classified into the following categories:

Wetlands:

Ephemeral ponds in the forest, which have not been adequately assessed on a global or state scale to determine their species significance. Should development proceed before adequate information is available about what is being replaced? How can the Kohler Company propose replacing an environment that has not even been adequately assessed through an in-depth study to knowledgeably understand what it is that is being addressed in this process?

Inter-dunal wetland, which is critically imperiled at the Wisconsin state level and imperiled on a global scale. Although the wetland ecosystems of the Black River Forest are often referred to as Great Lakes ridge and swale this is inaccurate. This scientific oversight of information is significant, because Great Lakes ridge and swale is, by contrast, imperiled in Wisconsin and vulnerable globally. It is additionally well preserved at Point Beach State Forest, while the inter-dunal wetland is much rarer and less well protected in a pristine condition throughout the state. The buying of wetland credits is not an adequate way of replacing an ecosystem that is considered critically imperiled.

Dunes:

Great Lakes beach, which is classified as imperiled in Wisconsin and vulnerable globally.

Great Lakes dune, which is classified as imperiled in Wisconsin and vulnerable globally.

Woodland:

Northern dry forest, whose existence is vulnerable in Wisconsin and globally.

Northern dry mesic forest, which has a current vulnerable status in Wisconsin.

Great Lakes barrens, which is critically imperiled in Wisconsin and imperiled globally.

Pine barrens, imperiled in Wisconsin and globally and featuring prominent pines: red, white, and jack.

In consideration of this indispensable ecological data the Wisconsin Department of Natural Resources, as the authority on the environment and administrative governing body responsible for providing appropriate and scientifically backed oversight concerning all matters in conjunction with the natural resources of Wisconsin, must unilaterally refuse the requested Kohler Company wetland permit due to the unsustainability of the proposed project and the organization's own mission statement.

Thank-you,

Alizée Desmoulin

Biogeography and physical systems major

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From: Desmoulin, Debbie
To: [DNR Kohler Proposal](#)
Cc: ["Mary Faydash"](#); ["Jayne Zabrowski"](#); [Claudia Bricks](#); [Linda Shimon](#); [Alizee Desmoulin](#)
Subject: DNR - Kohler wetland application for proposed golf course
Date: Sunday, December 10, 2017 11:27:43 PM
Attachments: [2017 12 10 Letter to DNR - PUBLIC HEARING NOV.pdf](#)
Importance: High

To the DNR:

Here is my statement concerning my OBJECTIONS to DNR WRITING KOHLER-CENTERED DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR PROPOSED KOHLER COURSE

– Debra Desmoulin

1704 N. 35th St. Sheboygan, WI 53081

Attention: Jay Schiefelbein, Wisconsin DNR, 2984 Shawano Ave., Green Bay, WI 54313-6727

In response to your announcement:

"A public hearing on the wetland permit application and updated EIS will be held from 6 to 9 p.m. on Thursday, Nov. 30, 2017, at the University of Wisconsin-Sheboygan Theater, 1 University Drive, Sheboygan. Any interested persons will have the opportunity to comment on the proposed project, wetland permit application and updated EIS. The public comment period on the wetland permit and updated EIS runs through Dec. 15, 2017. People may submit comments through the DNR website, by email to DNRKohlerProposal@wisconsin.gov, or by U.S. postal mail to Jay Schiefelbein, Wisconsin DNR, 2984 Shawano Ave., Green Bay, WI 54313-6727."

My Statement is below and attached. Please confirm reception:

We, the PUBLIC TAXPAYERS, who FUND our natural resources, do not accept their destruction for private, environmentally-destructive development! **The DNR Updated Draft Environmental Impact Statement is incredibly Kohler-focused.**

Since Terry Andrea is public land, we demand a complete, unbiased, third-party, scientific environmental impact study with the public's interest given priority over a private landowner oblivious to its environmental impacts. **We ask the DNR to prioritize the “no build alternative” to Kohler's planned destruction.** How can a publicly-funded organization, called the Department of NATURAL RESOURCES, even consider replacing a full-fledged forest with a polluting golf-course? And to add insult to injury, why would the DNR contemplate altering the Terry Andrea Master Plan to include the give-away of public land for Kohler's benefit and profits?

Since **the DNR report admits that there will be impacts to wetlands**, this fact alone should put a stop to the whole project. The DNR's job is to protect wetlands, not approve a wetland permit application for Kohler's proposed golf course. Wetland mitigation is the most absurd proposal that the DNR has come up with to allow businesses to take and destroy our natural resources.

The DNR report admits that there will be less species surviving in the area along Kohler's lakeshore property. This is an understatement, because if you take away forest and replace it with a golf course green, you will inevitably have less/NO wildlife habitat. Need I point out the obvious, that biodiverse ecosystems do not thrive on golf courses?

Since **the DNR report admits that there will be incidental taking of species** when “it can't be helped”, it's self-evident to say STOP to this premeditated destruction, because it CAN be helped, just by saying NO to Kohler.

Since **the DNR report admits that there will be impacts on local wells**, how can they justify allowing a golf course project right next to a whole Town of people dependent upon well water? At whose expense will be the reparation of local wells drying up? The taxpayers'? Kohler's?

Since **the DNR report admits that there will be changes of the hydrology and topography of the land**, how can they allow this project to proceed

when it will impact the aquifer, upon which we all depend, for one-too-many golf courses that we do not need? Why are we prioritizing this enormous negative impact upon our NATURAL RESOURCES (that the DNR is paid by our taxes to protect) so that a rich old man can make another playground for a few people?

Since **the DNR report admits that there will be leveled dunes**, this is hypocrisy at its finest! We are told to respect the dunes at Terry Andrea by staying on the boardwalk. Walking on the dunes will have no impact as devastating as the leveling of those dunes! Who is the DNR kidding? We all see through the acquiescing to Kohler's unreasonable whims.

Amazingly, since **the DNR report states that there will be not much impact from carcinogenic pesticides**, can I conclude that the DNR no longer values clean air, land, or water? Please re-examine what is exactly your role and for the sake of the public, adhere to it: protect our resources; don't compromise them or give them away to private businesses. Has the DNR become the fox in the henhouse?

The DNR needs to retain the rare characteristics of the land Kohler's course will impact and realize that when Kohler says it will attempt to be careful without any monitoring plans in place, that this is a pack of lies. Are you not aware of Kohler Company's Superfund site?

<https://cumulis.epa.gov/supercpad/cursites/csinfo.cfm?id=0504973>

The DNR needs to use relevant studies and independent verification, a systematic and scientific review at the highest levels to determine the actual impacts to the people and the environment, instead of accepting the information Kohler provides. However, it doesn't take rocket science to decide which is more environmentally friendly: a full-fledged forest or a golf course?

The DNR states, "Kohler plans...", "Kohler intends...", "Kohler will use..."

The DNR needs to be steadfast and have the integrity to say NO to Kohler! Stop this fiasco NOW!

In regards to the Kohler [REDACTED] WRAM dated 11/07/2017, it states that there are 44 acres of wetlands and gives an inventory of the habitat and wildlife, which will not survive a development onslaught. **Here are 2**

summaries about the flora and fauna which should stop this project in its tracks:

1. **SUMMARY OF CONDITION ASSESSMENT** (Include general description and comments) Surveyed [REDACTED] area had high to exceptional plant community integrity – other areas have greater cover of invasive species. High quality [REDACTED] communities are extremely rare in this ecoregion.
2. **SUMMARY OF FLORISTIC INTEGRITY** (Include general comments on plant communities) The [REDACTED] plant community is relatively high quality, especially compared to other [REDACTED] within the region. The weighted mean C is 5.1, weighted FQI is 36.1. [REDACTED] are increasingly threatened due to the loss of ash trees and increase of invasive species.

Here's the summary of the Kohler [REDACTED] WRAM dated 11/07/2017:

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Observed –

1. **DNR Mammals:** Black bear (digging), Eastern chipmunk, Red squirrel,

Meadow jumping mouse, White tailed deer

2. **Herps:** Common garter snake, Wood frog, American toad, Northern green frog
3. **Birds:** Eastern wild turkey, Sandhill crane, Mourning dove, Great horned owl, Barred owl, Northern flicker, Pileated woodpecker, Red-bellied woodpecker, Hairy wood pecker, Eastern wood-pewee, Great-crested flycatcher, Red-eyed vireo, American crow, Blue jay, Tree swallow, Black-capped chickadee, Red-breasted nuthatch, House wren, American robin, Black-throated green warbler, Common yellowthroat, Ovenbird (nest), Scarlet tanager, Chipping sparrow, Cedar waxwing, Song sparrow, Eastern towhee, Clay-colored sparrow, Northern cardinal, Indigo bunting, Red-winged blackbird, American goldfinch, Mallard
4. **Invertebrates:** Monarch Butterfly, Damselfly

Observed – Stantec (in addition to DNR observed species)

1. **Mammals:** [REDACTED]
2. **Herptiles:** Spring peeper, Wood frog, Blue spotted salamander, Eastern red-backed salamander, Snapping turtle
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4. **Invertebrates:** [REDACTED]

Potential

1. **Migratory birds during spring/fall migration** (neo-tropical migrants such as [REDACTED], prairie warbler, [REDACTED], warblers): Waterfowl Hawks, Shorebirds, Gulls, Terns, Cuckoos, Owls, Hummingbird, Woodpeckers, Flycatchers, Vireos, Warblers, Swallows, Nuthatches, Wrens, Kinglets, Thrushes, Gray catbird, Brown thrasher, Sparrows, Northern Cardina, Rose-breasted grosbeak, Blackbirds, Oriole, Finches
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Other problems are that **the Kohler site is NOT big enough to make a tournament-grade golf course, complete with parking lot, let alone to host major tournaments**, which is the reason why Kohler is requesting the use of Terry Andrea parkland. And even though he is only asking for a few acres, **Kohler should be denied any and all public parkland**. He will inevitably demand more once the project is in progress, because his 247 acre forest land is nowhere near the 560 acres of Whistling Straits' two golf courses, which would still mean that there needs to be 280 acres allotted for one course. Therefore, Kohler is at least 33 acres short. By the way, Whistling Straits is in a relatively less inhabited area, but even that project did have well water impacts on neighboring homes.

If the DNR accepts destruction of the Kohler forest, **it is completely unethical and unacceptable to allow Kohler's proposed golf course patrons to share the same entrance with Terry Andrea park goers**. While the DNR and Army Corps of Engineers talk about balancing the right of a private land owner with the rights of the public, so far the only discussion has been to justify this destruction by Kohler, the private land owner, with no consideration of the public right to its park land ownership or the adjacent private landowners and their rights. This is evidence that there are several parties here with interests whose rights must be taken into account. The DNR has written an Updated Draft EIS admitting destruction of our rare resources while clearly resigned to the fact that Kohler must get what he wants over the rights of everyone else. Applications to the DNR, the Army Corps and the National Park Service, are ignoring or altering current regulations.

The whole State of Wisconsin needs to be informed of this threat to their state parkland and the implications that will set a precedence allowing big businesses to encroach upon all of our natural resources. What happened

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1704 N. 35th St. Sheboygan, WI 53081

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– Debra Desmoulin
1704 N. 35th St. Sheboygan, WI 53081

From: Rebecca Clarke
To: [DNR Kohler Proposal](#)
Subject: DNR Kohler Golf Course Proposal
Date: Tuesday, December 12, 2017 3:20:03 PM

I am writing to ask the DNR **not** to approve the sale/or outright donation of state park lands for yet another Kohler Golf course in Sheboygan County.

Aside from the fact that Kohler Andrae is a very popular state park, nestled in the quiet community of the Town of Wilson, this entire process has been troubling from the beginning. Kohler attorneys and developers have had access to the highest levels of the DNR and the Legislature, in a way no small business owner would ever have. The Town of Wilson was by-passed in this process and their concerns regarding how a tournament level golf course will impact their parks, their roads and their water have not be addressed.

We know the EIS are not done. Will the DNR be holding another public hearing once all the federal and state permits and research have been done? It is still unclear how Kohler will use the high capacity wells on the site, or how they will get sewer lines under the Black River? How will tournament traffic be dealt with in terms of local traffic and state park traffic?

So many questions remain, and yet this project steamrolls ahead, apparently with the blessing of the DNR. The DNR should be fighting for funding of our state parks, not giving sections of this rare ecosystem away to the highest bidder.

The weight of 250 supposed new jobs (*part time or full? Hired locally or brought in by Kohler*) does not compensate for the loss of one of the rarest ecosystems on the planet. The supposed economic benefits of yet another golf course do not sway my mind either. Clean water and access to state lands is priceless compared to money that likely would go to Kohler's resort and not to the local community.

I ask you to turn down this request by Kohler, and keep Kohler Andrea intact. I ask you also, if Kohler goes ahead with this proposal on HIS OWN LAND, you monitor every wetland lost and every gallon pumped and every ounce of chemical applied for impacts on the local community.

Thank you,
Rebecca Clarke
Sheboygan
920-627-3883

From: bethsmai007@yahoo.com
To: [DNR Kohler Proposal](#)
Subject: DNR public land for private use
Date: Wednesday, December 06, 2017 10:20:31 PM

The Department of Natural Resources which should be translated to Defending Natural Resources finds itself leaning toward Destroying Natural Resources when it doesn't do due diligence to get environmental impact studies to weigh against filling in wetlands, ensuring runoff of heavy fertilizer into the lake, and sabotaging habitat. I have never stumbled upon a Natural golf course. They require tree removal, weed killers, habitat destruction, and unnatural traffic.

Elizabeth Sproehlich
Former Terry Andrae Terrace resident and hiker

Sent from my iPad

From: MARIA MANHARDT
To: [DNR Kohler Proposal](#)
Subject: DO NOT SELL OUT NATIONAL PARKS TO YOUR EVIL REPUBLICAN UBER-RICHE DONORS, CORPORATIONS, BIG OIL, BIG COAL, BIG FRACKING! YOU WILL GO BEFORE OUR PARKS GO!
Date: Friday, December 15, 2017 1:07:58 PM

From: Nicole Gabrielle Miller
To: [DNR Kohler Proposal](#)
Subject: Dont sell Kohler-Andrae State Park
Date: Wednesday, December 13, 2017 9:35:16 PM

To whom it may concern:

Please don't sell any of Kohler-Andrae State Park to the Kohler family to make into a golf course or any other project. People like Kohler already have enough golf courses please don't give away our parks. These lands are for the PUBLIC to enjoy and use not just millionaires and billionaires.

Thank you for your time,
Nicole Miller

From: Donna Olig
To: [DNR Kohler Proposal](#)
Subject: Environment Impact Statement/Wetland Permit Comments-Kohler Golf Course
Date: Friday, December 15, 2017 6:38:01 PM

To Whom It May Concern-

I am firmly against issuing the permit to Kohler Company for the proposed golf course at this time. I believe the DNR has been challenged, especially in recent year, in maintaining their mission of environmental protection. Our local/national "progress" has increasingly become judged with numbers of an increasing a population and increasing profit. I challenge that progress includes a responsible growth that protects our environment, such as the dunes, and maintains the affordability/availability of our resources to be enjoyed by our entire population.

Mr. Kohler purchased the property knowing of the limited access to his site. He proceeded as a means of preparing for his individual profit with this golf course, despite knowing the difficulties he would encounter. It was a calculated purchase. The request to absorb State owned land was not surprising as his plan proceeded. I am aware of beautiful projects that he has done for the area, however, the addition of this golf course to this site, will have a lasting impact that would take away a significant amount of dunes without any way of recreating that space when he is done with it. The natural migration of birds, the water flow and impact on the entrance/usage of our State park will greatly change this preserved natural setting. Changing wetland for the addition of a parking lot and maintenance buildings goes against everything I know of the DNR mission.

Twenty years ago when I purchased my home, it was built in a new subdivision and when sidewalk was installed by the city, there was a significant and dangerous drop off created. Fifteen feet of my property was wetland where this sidewalk was created by no control of my own. It was a daunting task for me as the homeowner to then make a request to grade this area from the sidewalk to the level of preserved wetland. With the support of the DNR/Army Core of Engineers, we minimized the area impact to resolve an unsafe situation. As an individual who has worked with wetland process, I am amazed that a project of this type could be proposed for private profit.

Thank you for your time and consideration.

Donna Olig
Plymouth, WI
Sheboygan County Resident

From: Leslie Freehill
To: [DNR Kohler Proposal](#)
Cc: [Heather McGowen](#)
Subject: FBRF technical comments on Kohler wetland permit application and revised DEIS
Date: Tuesday, December 19, 2017 3:54:29 PM
Attachments: [image001.png](#)
[31P1088-QC Comments on DEIS, Wetland Application.PDF](#)

Mr. Schiefelbein,

Please find attached the Friends of the Black River Forest's (FBRF) technical comments on the Kohler Company wetland permit application and revised DEIS for its proposed golf course in Sheboygan County. Additional FBRF comments will follow no later than December 22, 2017.

Please notify me that these comments have been received.

Best,

Leslie Freehill

Attorney at Law

608.251.0101 Phone
608.251.2883 Fax
lfreehill@pinesbach.com

Pines Bach LLP
122 W Washington Ave, Ste 900
Madison, WI 53703
www.pinesbach.com



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From: Heather McGowen
Sent: Tuesday, December 19, 2017 2:59 PM
To: Leslie Freehill <lfreehill@pinesbach.com>
Cc: Christa Westerberg <cwesterberg@pinesbach.com>
Subject: QC Comments

Heather McGowen

Legal Assistant

608.251.0101 Phone
608.251.2883 Fax
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Dear Sir,

I have been asked by Friends of the Black River Forest to review the latest updates to the Kohler DEIS, Kohler's wetland permit application, as well as the recently released WRAM, field documents, and other source materials. Please find my comments below, and ensure they are entered into the record for the DEIS and the wetland permit, along with my prior comments to the DNR.

I. Comments on DEIS

Overview

Major changes I see include that Kohler definitely plans to remove 50 per cent of the trees, definitely wants to hold major events and wants to hold their option open to have the facility open year around. The recent annexation is new, as is the possible use of Sheboygan water and sewer, but Kohler wants to have their previous irrigation plans approved anyway. DNR's summary comments in the DEIS are a study in saying nothing predictive about future impacts yet claiming that they have high confidence in their predictions. There seems to be a disconnect between the detailed reports from consultants and DNR staff and the summary comments.

Detailed comments

P. 4, Course Layout

A glance at Figure 19 (Alt. F-4) shows the busiest areas of the golf course (parking lot, clubhouse, practice field, beginning and ending holes) are clustered close to the most fragile wetlands on the property (the Ridge and Swale complex).

P. 6, Hours of Operation

While the "current" plan is to close January through March, the option is kept open to use the facility year-round. If so, there will be additional salt and other de-icing chemicals added to the spring runoff. Even if no such chemicals are used by Kohler, vehicles carry these in from elsewhere and deposit them on roads and especially parking lots. As these chemicals are highly soluble, they are likely to end up in or pass through the adjacent wetlands, exacerbating secondary impacts and further altering wetland functional values.

P. 6, Special Events

In this section, Kohler reveals that they plan for numerous special events including perhaps some not involving golf, yet there have been no discussions concerning crowd sizing and control. Given that many of the holes are tight against the wetlands, with little or no extra space, this increases the likelihood that wetlands will be directly or secondarily impacted by foot traffic and event infrastructure, among other things. The DEIS does not adequately discuss these impacts.

PP. 6-9, Nutrient and Pest Management

Despite the detailed soil information elsewhere which tells us that the soils in the project are "limited" and "very limited" as to compatibility with nutrient and pesticide applications, there is not a word mentioning the special problems associated with conditions here. Instead, the "updated" DEIS refers to the same generic standards (NR 151) for applications as if they were appropriate here. As before, the

solution appears to be acronyms (IGCMP, NMP, IPM, BMP). While these will certainly reduce the pollution compared to using Worst Management Practices, no evidence is provided to support the idea that they will be sufficient to prevent lasting damage to the adjacent wetlands.

PP. 9-11, Water Use

Whether the water comes from on-site wells or the City of Sheboygan, its negative effects will be similar on the Ridge and Swale system. The ridges of the existing ecosystem show a late-spring flush of growth followed by dormancy, especially among the herbs and grasses. The replacement system aims to fill in the dips in precipitation with millions of gallons of imported water hoping to keep things green and growing thick turf. Any resident of southern Wisconsin, however, knows that from May through mid-September, most of our PPT comes as scattered showers and/or lines of thunderstorms. Predicting rainfall timing and amounts at any specific point on the landscape is very difficult. On numerous occasions each year, it is likely that the irrigated areas will receive a heavy rainfall when they are in less-than-dry conditions. This will send a pulse of nutrients and pesticides through the turf that is supposed to create the nutrient and pesticide holding system. Once through, the pulse will head to the shallow water table and toward the rare wetlands. Even areas that are not irrigated will leach nutrients and pesticides to the water table during high-rainfall events, and the effects on the adjacent wetlands will be drastic as neither fertilizer nor pesticides are part of their present regime. When increased nutrients arrive in an oligotrophic (low nutrient) wetland, other, more competitive species, that may be present in small amounts or that are inadvertently introduced will soon outcompete the existing plants and quickly replace the former plant community. In general, oligotrophic wetlands are characterized by low productivity but high diversity (many species), and eutrophic (heavy feeding) wetlands are very productive but contain few species. These wetlands tend to be dominated by one or two species familiar to every Interstate Highway driver (cattails, giant reed and reed canary grass).

PP. 20-23 Soils

This section provides factual information concerning the nature of the soils and their suitability for constructing a golf course here and what the consequences are likely to be. The information is derived from previous soil mapping and from classification systems developed by NRCS long before any development was planned here. From this section we learn that the ridges will need to be flattened in many places, biofiltration areas will need to have their native soil removed and replaced and that, in general, this area is highly unsuitable for a golf course requiring irrigation. The pesticide ratings for the soil types adjacent to the wetlands are “very limited” but the ratings for pesticide runoff are “not-limited” to “somewhat limited”; however, that rating is because the pesticides would most likely go down to the water table quickly due to the high porosity instead of flowing overland. That may not be the case where native soils are replaced with lower permeability soils. Either case spells problems for the adjacent wetlands. The effects on adding increased nutrients is discussed above and has been well-understood by ecologists for nearly a century. The effects of pesticides, especially herbicides, is much less understood because these chemicals are generally designed to disrupt specific metabolic pathways in the target species. If a non-target wetland plant shares that pathway, it will be affected; if not, it may not be affected. Naturally, target species are well-studied but non-target species are not, especially less-common ones; thus, rarer species are often at risk due to lack of knowledge, either of their presence or their susceptibilities. Predicting what level of a pesticide will harm a particular species is also a problem for rarer species because for most there will be no information.

PP. 24, 25 Air Quality and Carbon Sequestration.

In a remarkable sleight of hand, this paragraph implies that the project can be near carbon neutral with the remaining half of the trees and with turf grasses and conservation measures. This ignores the carbon in the 50 per cent of the trees that will be removed from the site and its effect on the sequestration equation as their carbon re-enters the atmosphere. Many decades or centuries will be required to replace them given the very slow growth rates for trees in these sandy soils. The simple truth is that development here will convert an area which is a modest carbon sink to a significant carbon source when all factors, such as loss of trees and addition of automobiles, are considered.

PP. 38-40 Wetlands

This section makes clear that the Ridge and Swale wetlands found on the property are quite rare, especially in intact condition in southern Wisconsin. Forty-seven of the 67 wetlands identified as this type are slated to be destroyed, with many of the others likely to succumb to secondary impacts. In addition, two less-common wetland types, the forested seeps and seepage slopes found along the interface of the larger Black River wetland complex and the dune complex, are hard-hit by the project due to their location near the western holes. Given that there many acres of wetlands on this site, and that they are of many types, a naïve observer might conclude that the purpose of this project is to destroy or degrade the rarest of the wetlands here, since most of the damage is focused on them.

PP. 65, 67 Unavoidable Impacts.

The DNR's evaluation of all the data provided seems incredibly short and shallow. Nowhere is there mention of the complete ecosystem makeover proposed here. There is no mention of the tons of fertilizers and hundreds of pounds of pesticides that will introduced into this oligotrophic and relatively pesticide-free site annually and the near certainty that much of this will end up in the adjacent wetlands where, over a rather short period, it will cause serious degradation. The strongest phrase on this subject is, "...alterations to the current hydrology may have the potential to change the wetland type and allow encroachment of invasive species." Another example of understatement is, "increases the potential for pesticides and fertilizer to leach into the shallow aquifer which may additionally reach the Black River, Lake Michigan, and the associated wetlands."

There is plenty of information supplied in this report to conclude that significant quantities of fertilizers and pesticides will leach into the shallow groundwater that sustains the Ridge and Swale wetlands and we know that these additions will have negative effects. Over my 30+ years of observing and researching in wetlands in southern Wisconsin, I have seen the conversion of numerous oligotrophic and mesotrophic wetlands to degraded wetlands due to eutrophication (steady increase in nutrients). I have seen none survive such inputs and none successfully restored to their former selves.

P. 69, Degree of Risk or Uncertainty

"There is a low degree of risk and uncertainty in predicting environmental effects, as the analysis has relied on the expertise of department professionals who have evaluated numerous major development projects. The types of impacts predicted and evaluated for this project are not atypical for a major development project." The first statement may be true, but only because the DNR used so many weasel-words that they made no predictions. I find the second a bit hard to swallow. How many major development projects has DNR evaluated lately that involved a massive ecosystem makeover in a site

that would easily qualify for a State Natural Area and where approving the development plan would surely destroy and/or severely degrade the rarest wetland types found there. In the past, years ago, I visited both sites; my memory is that the rare Ridge and Swale wetlands found on the proposed golf course site are better in extent, vegetation quality and lack of disturbance as compared to those of the contiguous Kohler-Andrae State Park, which contains the Kohler Park Dunes State Natural Area.

II. Comments on Wetland Permit Application and Standards for Approval.

Applying my comments above to the Wetland Permit Application, I find that none of the three conditions for permit approval apply.

1. The proposed project represents the least environmentally damaging practicable alternative and
2. All practicable measures to minimize the adverse impacts to the wetland function values will be taken.

There is no discussion of off-site alternatives, which would avoid impacts to the wetlands entirely, even though it is surely practicable to build a golf course elsewhere. Looking at Fig. 19 makes it clear that the proposed course is simply too large to fit in the area proposed without damaging the most of the existing high-quality and rare wetlands.

I see no consideration of eliminating or moving the large “practice range” to another site out of the wetlands. I see no consideration of moving the parking lot to near the entrance and using a shuttle system. I see no mention of moving the clubhouse a bit northwest to avoid the wetland near P15

I see no mention of moving the parking lot and the clubhouse to the south end of the property and west of the wetlands and east of the road. I see mention of not needing the irrigation pond but it still appears on the map. I see no recognition that Ridge and Swale wetlands are irreplaceable relics but Interdunal wetlands are temporary by nature and can reform on their own in their appropriate lake zone.

The primary functional value of the affected wetlands is plant diversity. The major threats to this value are nutrient additions, pesticide additions and water additions (irrigation) as discussed above under Nutrient and Pesticide Management through Soils. I find no discussion of minimizing the area subject to irrigation to decrease transport of nutrients and pesticides. I find no discussion of restricting irrigation, fertilizer and pesticides to holes and tees and adding effluent-collection basins under each which would collect leachate in a sump to be transported elsewhere for disposal. I have seen courses in sandy areas in Ireland where only the holes are green.

In other words, there are practicable measures available that would minimize the adverse impacts to wetlands, but Kohler indicates no plans to implement these measures. This condition for approval is not satisfied.

3. The proposed project will not result in significant adverse impacts to wetland functional values, in significant adverse impact to water quality, or in other significant adverse environmental consequences.

Both surveys by Kohler and DNR scientists reveal the wetlands at this site are rare, hosting significant species of plants and providing habitat to other wildlife. The functional values are repeatedly and correctly rated as exceptional.

A glance at Figure 19, which overlays the wetlands on the proposed golf course layout reveals the major problem for wetlands on this site. The wetlands are not randomly placed on the site; rather, with a few small outliers, they are in two lines just back from the beach area and they are on the backside of the oldest ridges sloping down to the Black River. The proposed layout ignores this reality and concentrates the busiest infrastructure along the best-preserved swale and fills most of the next-younger swale (lakeward). As proposed, some combination of nutrient addition, pesticide damage and other impacts will alter the plant community which provides the highest functional value here – diversity. Other functional values such as habitat, history, education and esthetics will also be adversely affected as this ecosystem is transformed.

I find it quite ironic that in the most-recently released DNR plant inventory information, the interdunal wetland category is blacked-out - presumably to protect from the public the Pitcher's thistle and perhaps other rare plants that were encountered there. The public has been using this area for decades and the thistles, et al. are still here. Will they still be here after much of their habitat is altered? Why does DNR, in their impact analysis (p. 69), not discuss the fate of these plants? They only say, "Several of the rare plants only occur within the private property portion of the project area and are not covered by the state endangered species law." The purpose of an EIS is to fully reveal impacts to the public, whether or not the State has some regulation over the impact.

In sum, and as I have previously discussed, there is no sense in which the project will not result in a significant adverse impact to wetland functional values, due to both direct and secondary impacts. Loss of plant and animal habitat also exhibits additional significant adverse environmental consequences. A finding of "no significant adverse impact" for this project as proposed would cost the DNR any credibility in this and future decisions because the evidence of significant adverse impact is so clear in this proposal.

Thank you,

Quentin J. Carpenter, Ph. D.

From: Dee Grimsrud
To: [DNR Kohler Proposal](#)
Subject: Feedback on Kohler golf course proposal
Date: Tuesday, December 12, 2017 12:46:55 PM

I feel that the proposed location for the Kohler Company's 5th golf course is not acceptable. I am very concerned about the long-term consequences of the permanent loss of some 160 acres of forest and 80 acres of wetland on the property adjacent to the north side of Kohler-Andre State Park.

Experts on these ecosystems are worried the development may secondarily disrupt the whole of the adjoining forest, wetland, and sand dunes, leading to their injury or eventual demise from such side-effects as added wind velocities, added solar exposure, and lost water retention. Not to mention the direct impact of replacing a vital water filtering, wild-life nurturing, wind and storm buffering wetland forest with a water-guzzling and fertilized playground.

I'm not convinced in the first place that the Kohler Company needs another golf course, and definitely think that this proposed site should NOT be used for this purpose; it should instead be left (and maintained) in its current state so that it may continue to serve its important ecological functions.

Sincerely,

Dee A Grimsrud
309 N Brearly St
Madison WI 53703-1601
608-259-1958

From: Lizzy Montgomery
To: [DNR Kohler Proposal](#)
Subject: Comments on PROPOSED KOHLER COURSE Environmental Impact Statement
Date: Wednesday, December 13, 2017 11:54:14 AM

To whom it may concern at WIDNR ,

To protect citizen access to public parks, and protect water quality of the Black River and coastal waters surrounding Sheboygan, WI, I request adoption of the "no build alternative" in response to the proposed, private, golf course.

Development within forest and wetland habitats of the Black River Watershed will have negative impacts on the following Wisconsin wildlife: rare plant communities and native trees, birds, reptiles and amphibians of special concern, wetland-associated mammals, freshwater invertebrates, fish spawning and reproduction. Degradation of these resources will have serious implications for the protection of natural resources, population viability of game fish and other lifeforms, and preservation of American and Wisconsin Heritage. When the importance of these ecological, humanitarian, and historical provisions of the Black Forest habitats are taken into account, fragmentation of the site for a golf course is not only a poor land management decision, but will potentially have adverse affects on the surrounding communities and neighborhoods of Kohler, Mosel, Oostburg, Ourtown, Sheboygan, Sheboygan Falls and far beyond.

The following rare plants have been observed within the township: *Anticlea elegans* ssp. *glaucus* White Camas, *Botrychium campestre* Prairie Dunewort, *Botrychium lunaria* Common Moonwort, *Cakile edentula* var. *lacustris* American Sea-rocket, *Calamovilfa longifolia* var. *magna* Sand Reedgrass , *Cirsium pitcheri* Pitcher's Thistle, *Elymus lanceolatus* ssp. *psammophilus* Thickspike, *Euphorbia, polygonifolia* Seaside Spurge, *Galium brevipes* Swamp Bedstraw, *Orobanche fasciculata* Clustered Broomrape, *Solidago simplex* var. *gillmanii* Dune Goldenrod, *Triglochin palustri* Slender Bog Arrow-grass (WI DNR). The remnant forest-wetland-prairie mosaic of the landscape supports rare flowers that can be found in few other locations in the state. Land development for a golf course, let alone the significant habitat destruction involved in movement of fill material, paving of lots, and building construction, will be detrimental to these beloved Wisconsin native plants.

The Black River supports numerous aquatic resources and the flow of this river that is perpendicular to Lake Michigan creates an amazingly unique landscape that is rarely replicated around the globe. Actions should be taken in the direction of improving the

poor to fair water quality of Black River (The State of the Sheboygan River Basin Publ# WR-669-01), which runs through remnant forest and as such is a unique and irreplaceable part of Wisconsin's natural heritage and provider of invaluable ecosystem services. Despite serious issues currently with water quality, sedimentation, and intrusion of aquatic invasives, the estuary continues to support "seasonal fishing opportunities during the spawning runs of smelt, trout and salmon." In some areas of the country with high development indices, trout and salmon are threatened and even endangered species. In Wisconsin, we place a high value on our natural resources because they support us in terms of food, ecosystem services, and appreciation of the natural world. The golf course will result in a transference of the cost of mitigating environmental damages to the public trust. Some damages, such as the loss of rare plants or trout habitat, cannot be mitigated for.

We can no longer operate with the environmental illiteracy of past decades for the sake of private gains. This is not marginalized or disturbed land, it is an ecosystem intact. The ecosystem services provided by this watershed- fisheries, wildlife, tourism, water, water and air filtration - are absolutely vital to human health and are irreplaceable.

--

Elizabeth Montgomery
1017 McIndoe St.
Wausau, WI
54403

715-212-7679

From: Amy Mickelson
To: [DNR Kohler Proposal](#)
Subject: Full environmental impact analysis
Date: Wednesday, December 06, 2017 10:34:27 PM

My family and I expect a complete scientific environmental impact study completed with the public's interest given at least the same consideration as a private landowner. I demand that the DNR study a "no build alternative" instead of writing a non-scientific explanation of what Kohler's planned destruction "may" affect.

From: [Webb, Carrie A - DNR](#)
To: [Schiefelbein, Jeremiah J - DNR](#)
Subject: FW: Concerns about proposed Kohler golf course
Date: Wednesday, December 06, 2017 2:14:07 PM

Hi Jay, could you please include this in the public comment folder? Thanks

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Carrie Webb

Water Management Specialist

920-662-5453

<http://dnr.wi.gov/permits/water/>

From: Kramasz, Kathleen M - DNR
Sent: Wednesday, December 06, 2017 1:55 PM
To: Webb, Carrie A - DNR <CarrieA.Webb@wisconsin.gov>; ericalensink@gmail.com
Subject: FW: Concerns about proposed Kohler golf course

Erica, I am forwarding your email to Carrie Webb, she is processing the wetland fill application for the golf course.

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Kathi Kramasz

Phone: (920) 893-8531

Kathleen.kramasz@wisconsin.gov

From: Erica Lensink [<mailto:ericalensink@gmail.com>]
Sent: Wednesday, December 06, 2017 1:43 PM
To: Kramasz, Kathleen M - DNR <Kathleen.Kramasz@wisconsin.gov>
Subject: Concerns about proposed Kohler golf course

My name is Erica Lensink and I'm a 30-something psychiatry resident in the Twin Cities but was born and raised in the town of Oostburg, Wisconsin - about 10 minutes drive from Kohler-Andrae State Park. My mom (who still lives in Oostburg) recently told me about the proposed Kohler golf course and I didn't believe her at first, because this was such a pristine and rare plot of forest, wetlands, and dunes in Sheboygan County. I grew up going to these woods and hold an emotional connection to this land. Once a month, our high school cross country coach would pile us into an old van and we would be free to run the wooded trails at Terry Andrae and was something we all deeply loved and felt was essential. When I was younger than that, my Dad and I would go for long walks here and I learned about the ecosystem unique to our area. I learned the names of the trees and plants here. When I would come home during college breaks, I would find myself going to these woods to catch my breath and find groundedness.

Woods and wild spaces are emotionally, physically, and spiritually essential to humans. We know this from an intuitive standpoint but I can also attest that there is evidence in science that tells us that time spent in nature is truly good for our brains. And in this part of the state, we just do not have a lot of these wild wooded areas left for not only our own benefit but for the benefit of our fellow plants and animals who inhabit this planet with us. There is the

factual scientific environmental concerns about the realistic consequences that a golf course would have on this area in terms of water pollution (run-off from pesticides used on golf course), destruction of fragile, rare wild habitat and therefore the negative impact on birds, aquatic creatures, animals, and flora.

I think what is most troubling is the absolute power of development and the ease it is for the DNR and state of Wisconsin to allow this to happen. My hope is that this land will continue to be loved, preserved, and honored for what it is because there is intangible value in it.

I'd be happy to answer any questions and can be reached by email or cell phone ([608-669-0833](tel:608-669-0833)).

Sincerely,

Erica Lensink, DO

--

Erica Lensink, D.O.

ericalensink@gmail.com // 608-669-0833

1058 Hague Ave. Saint Paul, MN 55104

From: Mark Sesing
To: [Friends Board of Directors](#)
Cc: [DNR Kohler Proposal](#)
Subject: Fw: Downloading FBRF's comments on Updated DEIS. DNR to hold public hearing on Kohler Wetland Permit Nov. 30
Date: Friday, November 24, 2017 9:34:12 PM

This project is disturbing. Hard to believe Kohler can't find alternatives for another un-affordable golf course.

Mark

sesinm@yahoo.com

920-948-9198

On Tuesday, November 21, 2017 4:31 PM, "friendsbrf@hotmail.com" <friendsbrf@hotmail.com> wrote:

Can't See This Message? [View in a browser](#)



Wisconsinites! Please don't sit this one out. Show the DNR on Nov. 30 that we will not take this destruction of our resources for big money anymore!

DNR WRITES KOHLER-CENTERED DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR PROPOSED KOHLER COURSE

Friends! Will you tell the DNR that you expect a complete scientific environmental impact study completed with the public's interest given at least the same consideration as a private landowner? Demand that the DNR study a "no build alternative" instead of writing a non-scientific explanation of what Kohler's planned destruction "may" affect.

.A public hearing on the wetland permit application and updated EIS will be held from 6 to 9 p.m. on Thursday, Nov. 30, 2017, at the University of Wisconsin-Sheboygan Theater, 1 University Drive, Sheboygan. Any interested persons will have the opportunity to comment on the proposed project, wetland permit application and updated EIS. The public comment period on the wetland permit and updated EIS runs through Dec. 15, 2017. People may submit comments through the DNR website, by email to DNRKohlerProposal@wisconsin.gov, or by U.S. postal mail to Jay Schiefelbein, Wisconsin DNR, 2984 Shawano Ave., Green Bay, WI 54313-6727.

In an amazingly Kohler-centered Updated Draft Environmental Impact Statement, the DNR has shown it expects to approve a wetland permit application for the proposed Kohler golf course because it has been told to. There is no other explanation for the lack of scientific data. Essentially the DNR says there will likely be impacts to wetlands, less species surviving in the area along Kohler's lakeshore property, less wildlife habitat, incidental taking of species when it can't be helped, impacts on local wells, the changing of the hydrology and topography of the land and not much impact from carcinogenic pesticides. These will all make it difficult to retain the rare characteristics of the land Kohler's course will impact. But Kohler says it will attempt to be careful without any monitoring plans in place. The DNR uses no relevant studies but accepts the information Kohler gives them, without independent verification. It is an insult to evidence-based thinking that the scientists involved abandon a systematic review at the highest levels which would determine the actual impacts to the people and the environment. In almost

every area the DNR says, "Kohler plans," "Kohler intends," "Kohler will use." If the DNR couldn't find information to quantify the impact it should not have written this Draft EIS which does not allow the public to make meaningful comment. Please show up at the public hearing on Nov. 30 to let the DNR know what you think about this poor statement. FBRF has annotated the Updated DEIS which you can access at this

link. dropbox.com/s/ugzfoisgv5a6jt2/AnnotatedUpdatedDraftEIS11-14-2017.pdf?dl=0

To open the dropbox link to our comments, click on this link and when it comes up click at the top right corner to access "download." When you download the document to your own computer you will see the annotations.

You may find many other issues to include in your oral or written comments. **PLEASE NOTE: This hearing does not cover the giveaway of the State park Land to Kohler or the LAWCON conversion from public to private land. These will be covered at another time. So please limit your comments to the DEIS and any water permit issues you may want to respond to. AND Please send this newsletter to all the environmental groups you belong to.**

[Here](#) are the issues that FBRF has with the Draft Environmental Impact Statement:

1. Again it is incomplete which does not fulfill the mandate to provide critical information to the public to make informed comment.
2. The DNR talks about conditions it will impose on the Kohler Wetland Permit Application, however when asked by our attorney, they don't know what those are.
3. FBRF has asked for the results of the Wetlands Rapid Impact Assessment completed in May. The DNR has said it hasn't finished this yet. No permit can be approved without this
4. The DNR has not done an inventory of the habitat and wildlife on the State Park land it intends to sell to Kohler. This needs to be included in the impacts.
5. The DNR has not required a tournament plan or studied the impacts of the several tournaments planned for this course. Instead it has worked on the project trying to justify the preferred Kohler alternative and diminish the impact of tournaments.
6. The DNR must develop studies of an alternative entrance for the Kohler project which would be in the best interest of the public who owns the park land. While the DNR and Army Corps talk about balancing the right of a private land owner with the rights of the public, so far the only discussion has been to justify this destruction by the private land owner with no consideration of the public right to its ownership of park land. Applications to the DNR, the Army Corps and the National Park Service, involve ignoring or changing regulations. This is evidence that there are two parties here both with invested interests whose rights must be taken into account. The DNR has forgotten that. It has written an Updated Draft EIS admitting destruction of our rare resources while clearly resigned to the fact that Kohler must get what it wants over the rights of the many.

Response to the DNR calling this a typical easement from a resident: Many State Parks have easements, but how many of those easements have THREE maintenance facilities and a paved parking lot built on them? Kohler has access to their property thru River Trails. There is no need to take State Lands..especially for access and maintenance buildings. Not sure why the DNR is having such a hard time counting how many buildings are proposed to be built on State Land....they had at least 6 huge poster boards up at the Open House showing THREE buildings totaling over 24,000 sq feet yet they continue to say maintenance facility. Maintenance facility is comprised of three buildings to house chemicals, pesticides, golf carts and other equipment. Kohler could build these buildings on the land they own if they obtain the necessary permits and approval. DNR officials could not give an example of any other situation where buildings have been built on an easement given by the state. This land belongs to ALL residents of the State of Wisconsin."

FBRF ONLINE STORE

Friends of the Black River Forest has launched our online store at savekohlerandrae.com or click [here](#) Our incredibly soft T-shirts, Four Seasons Mandala art, and our signature wine glasses are available. We plan to expand our items to donated art. Contact friendsbrf@hotmail.com to find out how to donate. This give-away of Kohler Andrae State Park land is important to every lover of Wisconsin State Parks. Follow us on Facebook to read about the DNR plan to open our parks to motorcycles and ATV's. Please share this newsletter far and wide.

Excerpts from Christa Westerberg, Counsel to Friends of the Black River Forest to previous DNR DEIS Hearing

"The DNR is required by law to hold a public hearings on draft environmental impact statements it prepares for major projects, but that's not what is happening here today. In a

very unusual move, the DNR has decided to allow Kohler to clear a significant regulatory hurdle—the EIS process—without all the normal information, like permit applications that lay out the specifics of the golf course project and other reports. Instead of an EIS hearing, this is a hearing on the environmental Cliff Notes for the Kohler golf course—and even that may be an overstatement. So, what don't we know? As just one example, the DNR admits it doesn't know where several significant features of the golf course will go, like stormwater controls, utilities, cart and drive routes, and the septic system that it supposed to treat waste for hundreds of people per day. Alone or in combination, these features will require significant ground disturbance."

"Without this information, the draft EIS cannot credibly say things like there will be 5.01 acres of wetlands directly impacted by Kohler's project. It's only 5.01 acres for the parts of the golf course Kohler has chosen to tell the DNR—and the public—about. "It's also unfair to ask DNR scientists and professionals to prepare an EIS on incomplete information. DNR has claimed it has legal authority to draft the EIS and hold the hearing now, and we strongly disagree with that. But that doesn't explain why the DNR has chosen to draft the EIS now, and why it is depriving the public of their chance to meaningfully comment on this project's actual impacts. In the meantime, Kohler's talking points ring hollow. Kohler says it wants a fact-based analysis, but Kohler hasn't provided all the facts. Kohler says this golf course has a minimalist design, but it's only provided part of the design. In any case, putting an 18-hole golf course, clubhouse, and Lake Michigan observation tower in a significant ecological area is like saying an aircraft carrier on Walden Pond is minimalist. It can't, by definition, be done. The DNR must rewrite the draft EIS and re-notice this public hearing, after it has Kohler's applications and the information necessary to write an accurate, informative, and scientifically defensible EIS. And, it must give the public complete and timely public notice of its opportunity to comment. The law requires it, and the public deserves it.

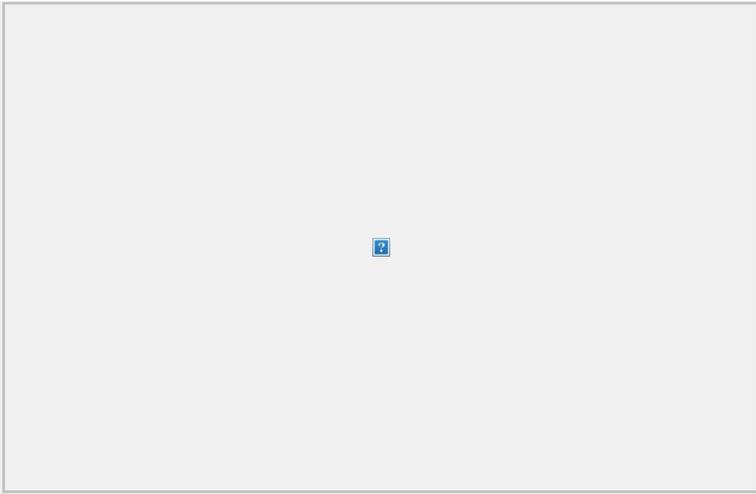
Westerberg letter to ACOE requesting a public hearing, May 8, 2017



The DNR is working to amend the Kohler Andrae State Park Master Plan so that the Kohler Company can use and impact up to 20 acres of our park land for its proposed golf course adjacent to the park on the shore of Lake Michigan. It is also working with the National Park Service to allow lands purchased with federal funds for public use to be converted to private use for Kohler. If these two giveaways are approved, all Wisconsin State Park public land is open to corporate use for private profit.

FBRF will publish the information on this public hearing as soon as the DNR publishes it. It is critical that there is public outcry on this proposal as it will set precedent for the giveaway of any park land.

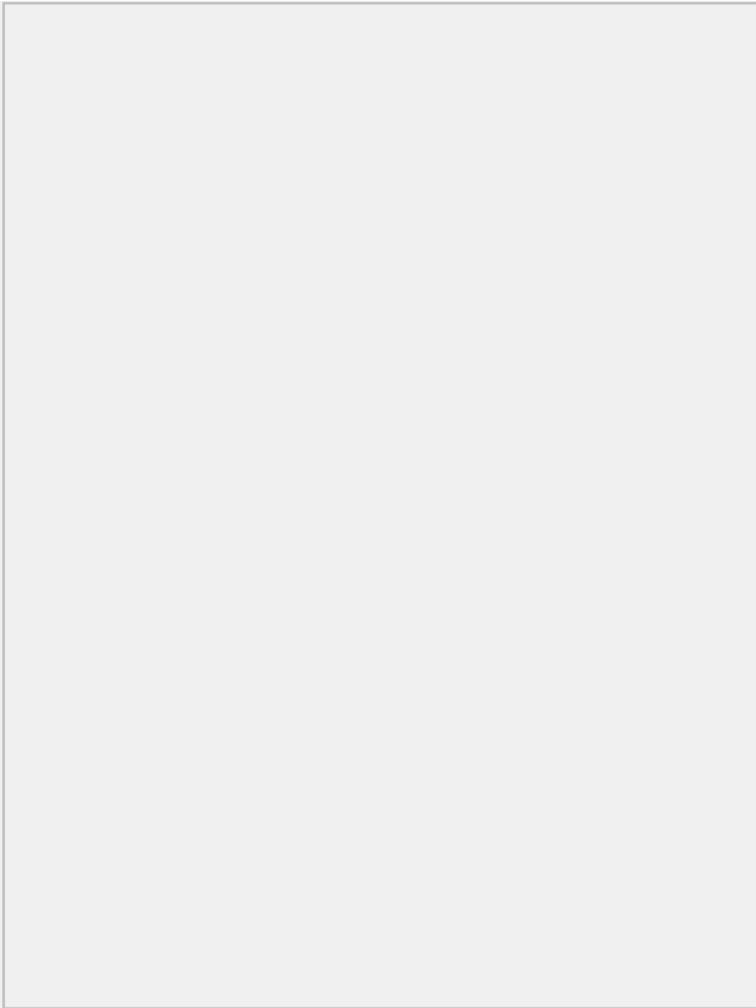




Kohler Andrae State Park is one of the most visited in the state. Kohler land and the park are part of a coastal Wetland Gems Area designated by the Wisconsin Wetlands Association. The DNR is considering allowing the Kohler Company to pay a fee to destroy globally significant ridge and swale wetlands on their property because they cannot be mitigated elsewhere. (created elsewhere to swap for what is destroyed). Thousands of years of hydrologic action created this dune and swale system.

Please sign our petition to the DNR and Natural Resources Board

[change.org/p/wisconsin-department-of-natural-resources-the-wisconsin-dnr-must-deny-kohler-company-the-use-of-public-state-lands-for-their-private-profit-the-role-of-the-wdnr-is-to-protect-the-environment-not-work-for-developers?recruiter=44475242&utm_source=share_petition&utm_medium=copylink&utm_campaign=share_petition&utm_term=138998](https://www.change.org/p/wisconsin-department-of-natural-resources-the-wisconsin-dnr-must-deny-kohler-company-the-use-of-public-state-lands-for-their-private-profit-the-role-of-the-wdnr-is-to-protect-the-environment-not-work-for-developers?recruiter=44475242&utm_source=share_petition&utm_medium=copylink&utm_campaign=share_petition&utm_term=138998)







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From: Marilyn McDole
To: [DNR Kohler Proposal](#)
Subject: Golf course
Date: Tuesday, December 12, 2017 1:08:52 PM

I am registering my NO in using any part of Kohler-Andre State Park/Forest for another golf course in that area.

"Just because you can do something doesn't mean you should do something"

From: Aaron Graff
To: [DNR Kohler Proposal](#)
Subject: golf? really?
Date: Thursday, December 07, 2017 5:11:34 PM

Keep private golf (or private anything) off our public lands please. Protect our parks now, before they're gone.

Aaron Graff

From: Cheri Briscoe
To: [DNR Kohler Proposal](#)
Subject: I urge you to not approve any changes to the Kohler Parkland, without a complete the EIS.
Date: Friday, December 08, 2017 11:37:07 PM

1. Due to the lack of a complete EIS, the report lacks critical information. It is a rush job which will have long term impacts on many of our natural resources, particularly our water.
 2. The current report fails to define conditions on the Kohler Wetland Permit.
 3. It fails to inventory the habitat and wildlife and the impact on them.
 4. It will cause long term change to forests and plant growth of the land, which also impacts the wetlands.
 5. It will degrade a natural resource that is valued by thousands of people. It takes away a quality of life resource that serves people who are also middle and lower class, while it benefits a few wealthy folks who can afford to play golf in many other places.
- Cheri Briscoe, 1800 N. Prospect Ave. 6B, Milwaukee, WI 53202 414-239-7883

This email has been checked for viruses by AVG.
<http://www.avg.com>

From: Caroline Kerr
To: [DNR Kohler Proposal](#)
Subject: In Regards to the Kohler Environmental Impact Statement
Date: Wednesday, December 06, 2017 8:08:07 PM

I would like to express my concern and anger over the proposal to utilize State Park property for private profit and the absence of concern and proper analysis of the issue on behalf of the DNR. The DNR is at great fault to not study a "no build alternative" and instead has produced non-scientific offerings on what the Kohler construction "may" affect. The DNR should be driven by science, not best-case or overly-optimistic speculation.

In addition, I have the following issues with the Environmental Impact Statement produced by the DNR.

1. It is incomplete which does not fulfill the mandate to provide critical information to the public to make informed comment.
2. The DNR talks about conditions it will impose on the Kohler Wetland Permit Application, however when asked by an attorney for the Friends of Black River Falls (FBRF), they don't know what those are.
3. FBRF has asked for the results of the Wetlands Rapid Impact Assessment completed in May. The DNR has said it hasn't finished this yet. No permit can be approved without this.
4. The DNR has not done an inventory of the habitat and wildlife on the State Park land it intends to sell to Kohler. This needs to be included in the impacts.
5. The DNR has not required a tournament plan or studied the impacts of the several tournaments planned for this course. Instead it has worked on the project trying to justify the preferred Kohler alternative and diminish the impact of tournaments.
6. The DNR must develop studies of an alternative entrance for the Kohler project which would be in the best interest of the public who owns the park land. While the DNR and Army Corps talk about balancing the right of a private land owner with the rights of the public, so far the only discussion has been to justify this destruction by the private land owner with no consideration of the public right to its ownership of park land. Applications to the DNR, the Army Corps and the National Park Service, involve ignoring or changing regulations. This is evidence that there are two parties here both with invested interests whose rights must be taken into account. The DNR has forgotten that. It has written an Updated Draft EIS admitting destruction of our rare resources while clearly resigned to the fact that Kohler must get what it wants over the rights of the many.

This is public land and it should remain as so. Public land is for everybody and to sell off such land to greedy businessmen wishing to capitalize on an environmentally damaging sports game is horrific. Have some respect for yourselves and all Wisconsinites. Public land should not be for sale!!

Sincerely,

--

Caroline Kerr
BA Interpersonal Communication Studies
University of Wisconsin - La Crosse, 2016



From: Mary Motiska
To: [DNR Kohler Proposal](#)
Subject: In support of Kohler's wetland permit application
Date: Thursday, November 30, 2017 3:42:04 PM

Dear Mr. Scheifelbein:

As part of the Sheboygan County Economic Development Corporation, I am writing to express my strong support for Kohler Co.'s proposed public golf course on company-owned land in the City of Sheboygan. There are many economic benefits that the proposed new golf course will bring to our county and the entire region – most notably, an estimated 250 local jobs and an annual economic impact of almost \$21 million for Sheboygan County.

Sheboygan and the surrounding area will benefit from another world-class golf course that provides stable jobs, encourages visitors from around the world, and has a positive economic impact on our community. As part of the construction, many new jobs will be created immediately, and another 200 or more will be added once the golf course is operational, with over 100 of those jobs right in the City of Sheboygan. The golf course will also provide much-needed tax revenue for our City and schools.

A new public golf course in Sheboygan County will further enhance our region's standing as a "must-visit" global golf destination and generate additional tourism revenue – not to mention also creating new jobs and expanding the local tax base. We ask that this project be approved to the benefit of Sheboygan County and the State of Wisconsin.

Sincerely,

Mary Motiska

--

Mary Motiska

Special Project Assistant

Sheboygan County Economic Development Corporation (SCEDC)

508 New York Ave. – Room 209 | Sheboygan, WI 53081

O: (920) 452-2479 | C: (920) 980-0177

Motiska@SheboyganCountyEDC.com | www.SheboyganCountyEDC.com

Non-Traditional Finance – Site Selection – Workforce Development



From: Mary Wagner
To: [DNR Kohler Proposal](#)
Subject: Input on golf course
Date: Friday, December 15, 2017 11:10:33 AM

Dear Wisconsin DNR,

I have been a Wisconsin resident and taxpayer for my entire adult life, and have been appreciating the natural beauty of Kohler Andrae State Park for the past eighteen years, when I started working in Sheboygan. I moved to Sheboygan two and a half years ago, drawn by being closer to my job and to the beauty of the Lake Michigan shoreline, particularly to Kohler Andrae.

Putting a golf course just north of the park and having the two entities share an entrance (not to mention devouring part of the north end of the park to accommodate this) will irrevocably change the nature of the park for the worse. The park, which currently seen as an extraordinary gem within the state park system, is when all is said and done, not that large. The span of land used by hikers and other nature enthusiasts between the Lake Michigan shoreline and the shoreline is comparatively narrow and therefore more vulnerable to the increased surges in casual traffic that would naturally accompany the influx of golfers and tourists drawn to a "world class" golf course.

This is not a trade-off that Wisconsin should make or approve. We deserve better stewardship of our natural assets, which have seemed to be worth precious little in the past few years. And given the number of golf courses within the immediate vicinity--including of course the PGA-worthy Whistling Straits on Lake Michigan just north of Sheboygan--no argument could possibly hold up that somehow the Sheboygan "needs" yet another golf course to boost its economy. Particularly one that will damage an extraordinary and irreplaceable natural area such as Kohler Andrae.

Thank you for your time and attention. I've got the feeling that this is actually a "lost cause" and that the final decisions regarding approval by the State have already been made, but for the record, I could not more strongly vote against this golf course in this place and the politicians who support it.

Mary T. Wagner

Award-winning author of [Finnigan the Circus Cat](#) and [When the Shoe Fits](#)

<http://www.marytwagner.com/>

[Facebook](#)

[Twitter](#)

[Running with Stilettos](#)

[Growing Bolder](#)

[LinkedIn](#)

From: Mary Warnke
To: [DNR Kohler Proposal](#)
Subject: Koehler proposal
Date: Thursday, December 07, 2017 11:51:26 AM

I urge you not to change the Koehler Andre Park. We need more quiet spaces that are open to the entire public not fewer. Open areas to walk and enjoy. Wild animals to see and enjoy.

Sent from my iPhone

From: Patandraska
To: [DNR Kohler Proposal](#)
Subject: Koehler proposal
Date: Sunday, December 10, 2017 10:52:46 AM

Please reject this proposal to take state lands to create a golf course. This is our State Parkland. It should stay as it is.
Thank you.

Sent from my iPad

From: Ron Thill
To: [DNR Kohler Proposal](#)
Subject: Kohler Andrae natural resource
Date: Saturday, December 09, 2017 12:58:12 AM

Please Deny Kohler or any Company the ability to destroy our environment and the use of our public State lands all for private profit. This area is the last natural habitat in the area. It's beauty is far greater then any manicured playgrounds for the rich. Please save the natural area for the future of ALL life forms, including people.

Do what is Best for all, not what is best for few.

Ron Thill

From: clara kubisiak
To: [DNR Kohler Proposal](#)
Subject: Kohler Andrae State Park
Date: Thursday, November 30, 2017 5:11:04 AM

At least the DNR should be doing an environmental impact investigation on the proposed Kohler development of our state property.

I object to the whole idea that a business has more rights than the people of Wisconsin.

Surely, there is a planner clever enough to formulate a plan for a parking lot and maintenance buildings for Kohler Co. without destroying 20 acres of dunes and habitat formed over the centuries.

From: BOBBY WESTFALL
To: [DNR Kohler Proposal](#)
Subject: Kohler Andrae State Park/Proposed Golf Course
Date: Monday, December 11, 2017 8:48:09 AM

Dear DNR People,

Please do not build a golf course on the northern part of the Kohler Andrae State Park!
We have enough golf courses, But, we do not have enough wetlands and Parks like that one!
Besides, the Kohler Golf Courses all cater to the rich!
Don't get me wrong, I love golf, Absolutely Love it!
And they charge such exorbitant fees (\$500) to play 18 holes that 99 percent of all golfers and locals will never be able to afford to Play there!

Don't we want our Grand children and their kids to
be able to enjoy that Park in all it's Natural Splendor?!
And the impact on the Wetlands will never be the same, impacting Wildlife there as well
FOREVER!

Please don't Let This Happen to one of the Greatest State Parks in the World!

You are the Keepers of the Parks,

We're all counting on you!

Thank you

Park Lover!

Bobby Westfall

From: Steven Wineland
To: [DNR Kohler Proposal](#)
Subject: kohler andrae
Date: Sunday, December 10, 2017 7:42:10 PM

I would like to register my opposition to acquisition of State lands for the purpose of building a golf course in southern Sheboygan County. My interest is in preservation of a pristine wildlife area. I believe the wetlands are essential to preventing golf course related run off into Lake Michigan. I am very concerned about the destruction of wildlife habitat.

I believe encroaching on state lands for any purpose sets the wrong precedent for encroaching on state lands elsewhere in Wisconsin. There are already situations in which firearms can be used within State lands. This is also wrong-headed. This limits the use for everybody in terms of public safety and enjoyment of natural areas. Further, there are other high end golf courses in the Sheboygan County .

In conclusion, leave Kohler Andrae State Park alone.

Sincerely,

Steven Wineland
Amberg, WI

From: Theodora Lightfoot
To: [DNR Kohler Proposal](#)
Subject: Kohler Andrae
Date: Saturday, November 25, 2017 11:49:33 AM

Please do not let this beautiful land become a golf course.

From: Andy Vrakas
To: [DNR Kohler Proposal](#)
Subject: Kohler Andre EIS
Date: Wednesday, December 06, 2017 8:00:42 PM

Please ensure that the DNR completes an EIS with specific scientific analysis of Kohler's proposed entrance and maintenance facility. You must study a "no build" alternative instead of writing a non-scientific explanation of what Kohler's planned destruction "may" do to this pristine shoreline.

The conditions of the wetlands permit must be SPECIFIC.

These lands should remain wild, and in the public trust. Erosion of our parks cannot be allowed or facilitated by the agency we count on to protect them.

Sincerely,
Andrew Vrakas

From: Donna Gasbarro
To: [DNR Kohler Proposal](#)
Subject: Kohler Andre State Park
Date: Wednesday, December 06, 2017 7:28:57 PM

***The Wisconsin DNR must deny Kohler Company the use of public State lands for their private profit. The role of the WDNR is to protect the environment...not work for developers.
Donna Gasbarro
Appleton Wi***

Sent from my iPhone

From: Pam Fischer
To: [DNR Kohler Proposal](#)
Subject: Kohler Andrea State Park environmental impact statement
Date: Thursday, December 07, 2017 1:11:58 PM

I am appalled and angered to discover the DNR wrote a Draft Environmental Impact Statement with only Kohler Co. provided information. The DNR works for the tax payers of Wisconsin and as part of their duty to us must include impartial and well researched information on the risks and dangers to our land, our ability to use our land and the long term effects that will impact our children and grandchildren. I expect the DNR to write a complete, comprehensive statement which balances our rights as state land owners with Kohler's rights as a private land owner and I expect that statement to include a full scientific study of the impacts, not statements like, "probably will impact," "Most likely." It is my right and the right of all Wisconsin tax payers to know the immediate AND long term impacts of all of this wetland filling.

Here are some of the issues of concern with the DNR's current Draft Environmental Impact Statement:

1. It's incomplete so doesn't fulfill the mandate to provide critical information to the public to make informed comment.
2. Talks about conditions it will impose on the Kohler Wetland Permit Application but fails to clarify what those are
3. Does not include results of the Wetlands Rapid Impact Assessment completed in May, results of which MUST be included before any permit can be approved.
4. Includes no inventory of the habitat and wildlife on the State Park land it intends to sell to Kohler, another item which must be included in the impacts.
5. Does not include a tournament plan or impacts of the several tournaments planned for this course and there are indications the DNR is working with Kohler to find justifications for their preferred statement, rather than doing an impartial actual study of tournament impacts. Reminder: DNR works for WI tax payers, not Kohler.
6. Includes no studies of an alternative entrance for the Kohler project that would be in the best interest of the public who owns the park land. So far the only discussion has been to justify this destruction by the private land owner with no consideration of the public right to its ownership of park land. Manipulating reports or doing research with an attitude of just giving in to corporate money interests and then ignoring or phrasing issues in ways that let them slip through is not ok. DNR is entrusted with protecting our public lands, not investment interests of private corporations. Note regarding calling this a typical easement: Most State Parks easements do not include THREE maintenance facilities with a paved parking lot built on them. Since Kohler has access to their property thru River Trails they don't need to take State Lands. In addition, these buildings house chemicals, pesticides, golf carts and other equipment and could be built on Kohler's own land if they obtain the necessary permits and approval. The DNR has not given any examples of any other situation where buildings have been built on an easement given by the state. This land belongs to ALL residents of the State of Wisconsin and should not be designated for the sole use of a private company or corporation.

As a tax payer who values the unique environment of Kohler Andrea State Park that I and many other WI tax payers want protected for our enjoyment and enrichment, the enjoyment and

enrichment of family, friends and generations to come I expect the DNR to spend the time and effort necessary to create a well researched and comprehensive Environmental Impact Statement we the people can then access and have time to respond to so decisions regarding this valued and wonderful park are made with full knowledge of how proposed changes and development impact the park eco systems, environment, and the rights and needs and wishes of the public who own these lands. Until such impact statement is presented and well vetted by the public I expect the DNR and State of Wisconsin to continue to protect and maintain Kohler Andrea State Park as is. At such time as a complete and comprehensive impact statement is presented and vetted I expect the DNR to honor and follow through on the recommendations and priorities indicated by the response of the public owners and where there is difference of opinion or desires between public and private interests I expect our DNR to stand by the public who they work for and whose best interest the DNR is required to act on behalf of.

Sincerely,

Pam Fischer
Park User and Tax Payer
Green Bay, WI
920-497-1330



Virus-free. www.avast.com

From: Kurt Fifer
To: [DNR Kohler Proposal](#)
Subject: Kohler Andrea State Park
Date: Friday, December 15, 2017 11:16:56 AM

I am writing to ask that Kohler Andrea State Park be retained in its entirety rather than becoming another playground for those who can afford several hundred dollars for a round of golf. The park is not only a local and regional asset, it a national asset as well. I personally have camped at the park numerous times.

I would like you to understand the benefit that the park offers to the average hard working Republicans and Democrats from education to somewhat affordable leisure.

I further insist that you perform the same scientific environmental study on the effects, both pro and con, as you insist of the private land owner, and approve a "no build alternative" rather than an ill informed guess at best.

I was a hard working guy my entire life. Most of my friends are as well. Unfortunately, the working class Republicans and Democrats are left out of the equation all too often for the benefit of big money and corporate interests. Show some balls and keep the entire park an affordable asset of enjoyment and education to a great many working class people who do vote and care about park heritage in Wisconsin. We aren't all multi-millionaires.

Kurt Fifer
S74W21140 Field Dr.
Muskego, WI

Sent from my iPad

From: Hofland, Darrell
To: [DNR Kohler Proposal](#)
Cc: [Vandersteen, Michael](#)
Subject: Kohler Co. Wetland Application
Date: Tuesday, November 28, 2017 2:04:22 PM
Attachments: [Scan031.PDF](#)

I am unable to attend the public hearing at UW-Sheboygan, so I am providing my comments in written form.

Darrell Hofland
City Administrator
City of Sheboygan
(920) 459-3315 work

darrell.hofland@sheboyganwi.gov
www.sheboyganwi.gov

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November 29, 2017

Jay Schiefelbein
Wisconsin Department of Natural Resources
2984 Shawano Avenue
Green Bay, WI 54313-6727

Dear Mr. Scheifelbein:

As the City Administrator for the City of Sheboygan, I believe that Kohler Co.'s proposed public golf course will be developed in a responsible manner and that thorough measures are being taken to ensure that the environment is protected.

In response to DNR's strict environmental requirements including limiting wetland impact, Kohler Co. has submitted a careful plan which meets the needs of the DNR's extensive evaluation process. I am supportive of Kohler Co. requested DNR permits.

With this world class golf course, Sheboygan and the surrounding area will benefit from the creation of stable jobs, increased visitors from around the world and overall positive economic impact.

Sincerely,

Darrell Hofland
City Administrator

**Office of the City
Administrator**

828 Center Avenue
Suite 202
Sheboygan, WI
53081

(920) 459-3315

From: Joanne Kline
To: [Thompson, Michael C - DNR](#)
Cc: [DNR Kohler Proposal](#)
Subject: Kohler EIS questions
Date: Monday, December 04, 2017 11:36:09 AM
Attachments: [Kohler_CMplan.PNG](#)

Hi Mike,

I hope all is well with you.

On the Kohler proposal website, the linked to your name is for the general mail box in the cc line. I'm sending this to you directly as well, so it doesn't get lost. You can ignore one or the other.

After reviewing the documents posted, I have some missing pieces. Would you please fill me in? Or direct me to the right person?

1. The Conceptual Mitigation Plan file refers to two pages in another file (image attached), but the named file isn't included among the ones posted. How do I obtain a copy?
2. The wetland permitting files refer to Permittee Responsible Mitigation at Amsterdam Dunes. I don't see the plans for this. I'd like a copy of any plans also, if it still applies.
3. The updated EIS describes the wetland compensation as a combination of ILF and Bank credits, i.e. not Permittee Responsible, but there's no description of where either location may be. How do I get specific information on the nature of the current compensation plan?
4. Is the proposed Amsterdam Dunes site, shown in the Conceptual Mitigation Design, an ILF or a Bank site?
5. A document I'm looking for, and haven't found, is DNR's determination on the significance of the proposed wetland impacts, and how that significance pertains to the eventual permit decision, i.e. the basis of DNR's eventual decision that the proposal meets/does not meet NR 103 standards. Where can I find this?
6. I'm aware of DNR staff memos/emails pertaining to the quality of and potential effects on the S1 and S2 wetlands, which would contribute to the document described in #5. I admit I didn't view every file on the public website, but I didn't find anything that looked like this background info either. How do I get a copy of that as well?

I appreciate all the effort that's gone into making so much info available to the public. Please point me in the right direction to make my picture complete.

Thanks very much,
Joanne

Joanne Kline

Conservation Strategies Group
Western Great Lakes Region
1370 Chestnut Street
West Bend, WI 53095

262 353-5837 (mobile)

joanne@klines.org

joanne@paratechnica.com

CONCEPTUAL MITIGATION PLAN

See Pages 30-32 in Project Narrative text (KohlerWetlandPermitApp_revised 20170306 TEXT.pdf).

From: Pete Reichelsdorfer
To: [DNR Kohler Proposal](#)
Subject: Kohler EIS
Date: Thursday, December 14, 2017 2:27:43 PM
Attachments: [Lake Mich Littorial Drift and Currents v. 2.docx](#)

To: DNRKOHLEPROPOSAL@wisconsin.gov

From: Peter Reichelsdorfer

Subject: Environmental Impact Statement –proposed Kohler Terry Andre Golf Course

I have sailed and raced sailboats on Great Lakes for the last 68 years logging in excess of 30,000 miles, most of these on Lake Michigan. This includes 51 Chicago Mackinac Races and weeks of family cruising in the northern part of the lake. Sailors are by their very nature are much attuned to the weather conditions. In addition, the history, geography and ecology of the lakes are very strong interests of mine. It is my observations and knowledge of Lake Michigan that prompted me to address the potential impact the proposed construction of the golf course adjacent to the north boundary of Terry Andre Park.

My background is in engineering and business management and I am also a long time resident of Sheboygan. Therefore I am keenly aware of the need for expanding business opportunities in the area, but ecology needs be considered.

I have given a great deal of thought to the natural phenomenon discussed in the attached document that I have prepared. It is just basic science. This subject may have already been addressed in the comments. If not, I wish to bring this to your attention

Lake Michigan Littoral Drift, Currents and Run-Off

Terry Andre State Park

Littoral Drift

Littoral drift is the transport of shore sediments parallel to the shoreline. On the West Shore of Lake Michigan this movement is from North to South. Just recall the dissipation of the clean sand dredged from the last dredging of the Sheboygan Harbor mouth. All this beach enrichment sand on the Southside beach is gone and has moved south.

Wind

The atmospheric pressure differential between high and low pressure areas is the driving force that causes wind. The greater the differential, the stronger the wind. Wind across open water causes wave action which in turn results currents. The stronger the wind, the greater the current.

Currents

Although not well known, there are significant currents existing in Lake Michigan. These are variable and result from wind waves and atmospheric differences between North and south ends of the lake. Wave driven currents are those caused by the wind driven movement of the surface water during a storm duration. This can be noticed by the increase of lake level at the south end of lake during prolonged north winds. It is even more so in Lake Erie's east end in strong Westerlies. The second cause of current is the atmospheric pressure differential between the north and south ends of the lake. This is a large scale effect of the phenomenon that causes the well-known seiche.

Both of these currents combine following the passage of a cold front to produce a strong southerly current when the wind shifts from the south to the north as the atmospheric high approaches from the west. These northerly wind are often be quite strong—30+ knots—which generate large waves. This southerly current can persist for days until the atmospheric conditions causes the current to shift to the north before the lake starts to return to equilibrium.

The weather Low and Highs generally track north of the lake and play a significant role in connecting both these currents together. The Highs and Lows track westward. The Lows have warm and cold fronts attached that extend generally southwestward. As these fronts pass over the lake, the warm front precedes the cold front. Rain, sometimes heavy, or as an all-day affair, are products of the warm front. The following cold front produces the heavy rains and winds from accompanying thunderstorms. Following the passage of the cold front the wind, often strong, will shift into the Northerly quadrant and trigger the southerly lake currents. Note; winds are named for the direction from which the wind blows and currents are named for the destination direction

Storm Water Runoff

Changing the topography of the property to the north of Terry Andre by substituting this substantial acreage of natural flora and wet lands with cultivated fertilized grassland will have a significant effect. A

great deal of the report is concerned with the infiltration of suspended solids but no mention of composition of runoff water. The run-off can increase per DNR regulations after construction. It may contain fertilizer, the main constituent of fertilizer is phosphates, which must be in solution for plant feeding. The berm, which will be constructed to prevent runoff into the phosphate laden Black River on the western boundary, will now be directed into Lake Michigan. The runoff will flow through the dunes and the and across the beach.

Conclusions

Run-off and lake currents are not random events. They are linked together by atmospheric conditions. The time of maximum run-off coincides with the time of maximum current. A graphical example can be found by watching the flow from the Sheboygan River mouth after a cold front passage. An observer standing on the top of the south Lakeshore Drive hill will see distinct plume of silt laden river water taking a right turn and heading south and dissipating

Littoral drift and lake currents are the reasons that the Terry Andre Beach is nourished and kept pristine as the water and sand move southward along the shore. These natural actions have been going on for centuries bringing clean sand to the Terry Andre lake shore.

From: Geralyn Leannah
To: [DNR Kohler Proposal](#)
Subject: Kohler Golf Course NO!
Date: Wednesday, December 13, 2017 11:30:02 AM

I expect a complete scientific environmental impact study completed with the public's interest given at least the same consideration as a private landowner. I Demand that the DNR study a "no build alternative" instead of writing a non-scientific explanation of what Kohler's planned destruction "may" affect.

From: Rich
To: [DNR Kohler Proposal](#)
Subject: Kohler golf course proposal
Date: Tuesday, December 12, 2017 4:22:49 PM

To Whom it May Concern,

As a Wisconsin resident, I strongly oppose the Kohler golf course proposal on several grounds.

First and foremost is that golf course turf are ecological deserts that consume millions of gallons of water with no environmental benefit. This along with heavy fertilizer use causes runoff that effects the surrounding lands and almost certainly pollute lake Michigan. Even if steps were taken to minimize runoff, significant alteration of the shoreline would alter the ecosystem causing erosion of the shoreline would result in the surrounding areas. I am confident that all of this would be exposed if a thorough scientific environmental impact study with public review were completed as it should be. At minimum, one should be performed before proceeding any further, instead of having an incomplete impact study and rubber stamping the proposal because of what seems to be purely political influence.

In this instance, there is absolutely no good reason that the state should give up publicly owned land, especially from a State park, to a private landowner even if they have donated lands to the state and to political campaigns. These and many more reasons for opposing this proposal which I agree with are outlined at http://secure-web.cisco.com/1ts1GkXBvOZeNeoAQeIXRWhEZTzf6H-1L0wXZg0E45zTat6CumQ6KvXsjNDORS1qKzpsKFkICbNu6sPWIPGmVYvIINBMsGsj5M3UrrvBX43o51_qQpRi8cGM3a7pXrrHMiKX_X0P-Hbsstx5EoYDaaL8-SyseaTZj8CzelsoVC77hVEJA_3UFfi1Tw58A5PNGLJTs0RYH3a91YA_bEWSJ6Ozse7_fyZzbGK0dCbUWCthOPly8Y_g4qXxIdjA4UaHIIATlpHnA7BLEEUQ/http%3A%2F%2Fwww.friendsblackriverforest.org

Sincerely,

Richard A Petersen
377 Brookwood Dr.
Hudson WI, 54016

From: Ervin Grabowski
To: [DNR Kohler Proposal](#)
Subject: Kohler Golf Course Proposal
Date: Wednesday, November 15, 2017 3:38:26 PM

To All Persons of Decision,

I believe, as a small business owner and a person of outdoors (fishing and snowmobiling) I understand both sides of this proposal. Although I admit I know little of the area in question, I do believe our wetlands are more precious than most other needs at this time. How much more of these lands need to be compromised for the well-being of our resources. Do we really need another manicured area for play treated with fertilizers? Or do we work around and save these types of wetlands for the natural filtration of water and small wildlife. Thank you for exercising caution when making your final decision.



Ervin Grabowski
(414) 526-5015
(262) 363-3293 fax

From: Steve Deibele
To: [DNR Kohler Proposal](#)
Cc: [Steve Deibele](#)
Subject: Kohler Golf Course using State Lands ... NO!!!
Date: Friday, December 15, 2017 8:15:25 AM

This request by Kohler for use of state lands for its proposed golf course has serious flaws in it and should be denied. This entire project stinks of corruption and the trampling of the will of AND benefit of the local and general public. For these reasons the DNR permits and other necessary legal permits for this golf course project should be denied, permanently.

Why for my opinions?

1. The entire golf course project is philosophically flawed.

- We have state lands ... designated for nature, designated for public access to nature, designated for wildlife habitat, designated for green space, and designated specifically NOT FOR RESORT CONSTRUCTION!
- We have public lands for enjoyment by the public. This is crucial. Suppose a private party (an individual or a corporation) were to propose transfer of portions of the Grand Canyon, Yosemite, the White House, the Washington Monument, or some other public property. Of course one could make economic arguments for such projects and cast them in positive economic terms. The economic arguments are not necessarily true ... in fact, most startup businesses fail even though the business plans show economic successes. It should be an absolutely exceptional rarity for the transfer of public lands to a private concern, especially for that of a state forest, a state monument, or a state park. This Kohler project does not even merit consideration.
- The economic benefit arguments for the local and state economies are vastly overblown and if anything should be reasons for dismissal of the golf course project. In the immediate vicinity one can find multiple high-end (also known as "world-class") Kohler golf courses. One can also find other very nice golf courses owned by other entities relatively nearby. If these golf courses provided so much for the local and state economies we would have already seen marked impacts, observed with both the overall general area economic welfare AND in the overall nature of the economy. Instead, we see the Sheboygan Area School District have in excess of 40% students that receive free or reduced-cost school lunches. This does not speak of affluence. The Sheboygan industry is dominated by manufacturing and is not noted for innovation nor for its upward swing. Another world-class Kohler golf course will not change the local economic conditions appreciably. It will, however, create a situation that the Uber-rich people will consider as a destination spot for golf vacations because of having another different golf course to play. Such people would stay at very high end Kohler-owned hotels and dine primarily at very high end Kohler-owned restaurants. So who really benefits from another Kohler golf course?
- The Kohler family ceded these lands to the public many, many decades ago. And in the

process, they gave up rights to these lands as anyone else would. They also benefitted from no property tax payments for these many, many decades. The Kohler family has already had some economic benefit from these lands during that time. And when these lands were originally donated, I would have to believe that they also received tax advantages for the land donation as well. How many times do we need to provide financial benefits to the Kohler family?

2. Economic benefits of the proposed golf course would be highly concentrated in a few private hands ... for a very well-to-do Kohler family. There is nothing in this proposed golf course project that comes even close to providing exceptional value to the people of the locale nor to the people across the State of Wisconsin.
3. The EIS did not include necessary inventories of habitat and wildlife on the state park land it intends to sell to Kohler. This is simply unacceptable. This alone would be reasons to deny any project from continuing. Worldwide we see wildlife at critical thresholds of existence due to habitat loss and due to population sizes being too low.
4. The DNR did not conduct alternative entrance studies for the entrances that the public would use for the park lands. This is really basic! This alone would be reasons to deny any project from continuing.
5. The DNR did not provide the transparency that should ALWAYS be provided by government and government institutions. The DNR did not provide wetland assessment documents to the Friends of the Black River Forest when requested. This is so unacceptable it warrants full-blown independent investigation of the DNR. This stinks of corruption ... direct action against the needs and will of the citizenry!

Submitted by
Steve Deibele
19714 Reichardt Road
Kiel, WI 53042
920-333-0056 cell phone
steve@deibele.com

From: Jack Hawkins
To: [DNR Kohler Proposal](#)
Subject: Kohler golf course.
Date: Wednesday, December 13, 2017 8:37:05 PM

To whom it concerns:

Please! We don't need another upscale golf course that very few Wisconsinites can afford. Stealing public land and damaging the environment is WRONG. Start listening to your citizens instead of special interests.

John J. Hawkins
863 Sweetbriar Drive
Elkhorn, WI 53121

[Sent from Yahoo Mail on Android](#)

From: Naomi Nelson
To: [DNR Kohler Proposal](#)
Subject: Kohler land easement proposal
Date: Wednesday, December 13, 2017 6:08:55 AM

I am very concerned about the environmental ramifications of this land easement proposal. As part owner along with the other legal residents of Wisconsin, I am against this easement.

Kohler needs to explore options other than taking land that has been set aside as protected.

In addition, all the information regarding this proposal needs to be made available to all the owners of the land.... the residents of Wisconsin.

Sincerely Naomi Meis

From: darlene jakusz
To: [DNR Kohler Proposal](#)
Subject: Kohler Plan Destruction
Date: Friday, December 15, 2017 9:48:01 AM

The Wisconsin DNR must deny Kohler Company the use of public State lands for their private profit. The role of the WDNR is to protect the environment...not work for developers.

From: Lee Balek
To: [DNR Kohler Proposal](#)
Subject: Kohler Propoal
Date: Friday, December 15, 2017 6:06:21 PM

DNRKohlerProposal@wisconsin.gov, DNRKohlerProposal@wisconsin.gov,

Hello,

I am writing to state my concern about the incomplete EIS that is the basis for the permitting process for the Kohler Golf Course.

My concern involves the impact on surrounding wetlands, disturbances to wildlife and the unavoidable pollution such a project would create.

Surely we can do without another "amusement" project, when the cost for the project, environmentally, is SO high.

I urge you to consider all of Wisconsinites love for the wildlife and clean water which we are known for, rather than a project that would serve the recreational needs of a few.

Please delay your permitting process until a more thorough, scientific, study can be carried out and reviewed by the public.

Thank you,

Lee Balek
7152 N. Sandy Point Rd.
Couderay, Wi. 54828

715-945-22928

From: dgruber
To: [DNR Kohler Proposal](#)
Subject: Kohler Proposal
Date: Wednesday, December 06, 2017 6:19:33 PM

As an avid golfer and tax payer who plays within the rules, my comment is to let Mr. Kohler build the course on his OWN property only, and within the same rules, terms and environmental guidelines that you would demand from me. That includes Township scrutiny and approval. If anything less, what is the purpose of government for and by the people? If not that can't be done, it should not be built.

Dave Gruber
326 Pioneer Rd
Town of Wilson

Sent via the Samsung Galaxy S® 6, an AT&T 4G LTE smartphone

From: Joe Rupslauskas
To: [DNR Kohler Proposal](#)
Subject: Kohler Proposal
Date: Thursday, December 07, 2017 3:33:54 PM

As a Wisconsin citizen, I expect that the DNR will conduct a full scientific study of the impacts from this proposal. Statements such as, "probably will impact" and "most likely" are unacceptable. It is our right to know the long term impacts of all of this wetland filling on public lands.

Joe Rupslauskas

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Joe Rupslauskas
Eau Claire, WI
(920) 915-9758

From: Holly Eganhouse
To: [DNR Kohler Proposal](#)
Subject: Kohler Proposal
Date: Sunday, December 10, 2017 10:00:03 AM

I am writing to express my concerns about the Kohler golf course proposal. ~160 acres of forest, ~80 acres of wetland on the adjacent property to the north is not an acceptable place for the Kohler company's 5th golf course.

The people of Wisconsin would appreciate if the Wi DNR would actually start protecting the land, water and environment of this state.

Holly Eganhouse

From: Cheryl Andrist
To: [DNR Kohler Proposal](#)
Subject: Kohler Proposal
Date: Monday, December 11, 2017 4:02:21 PM

To Whom It May Concern:

I would like to see the Wisconsin DNR do a complete scientific environmental impact statement to determine the effects of Kohler's planned destruction. The DNR should study a no-build alternative, giving at least the same consideration to the public's interest as it does for a private landowner. It is your job to protect Wisconsin's beautiful natural heritage! Please do it!

Sincerely,
Cheryl Andrist

Rhineland, WI

From: Eileen Dalebroux
To: [DNR Kohler Proposal](#)
Subject: Kohler proposal
Date: Sunday, December 10, 2017 1:44:21 PM

Want to voice my concern over the golf course development near our state park.

Thanks
Steve Dalebroux

From: Steve Kaiser
To: [DNR Kohler Proposal](#)
Subject: Kohler Proposal
Date: Tuesday, December 12, 2017 5:35:22 PM

I can understand there may be economic advantage to the Kohler Proposal, however, I have concerns about the impact of this development/land use. I have read information from the Friends of the Black River Forest conservation group in opposition to the proposal and I have to side with them if the development will clear trees, threaten the ecology of that site, and create a private use area (one that I assume will waste water with an irrigation system). Last I heard, golf is a dying sport as well. Please take further consideration on the proposal.

Steve Kaiser

From: Mark Sesing
To: [DNR Kohler Proposal](#)
Subject: Kohler Proposal
Date: Wednesday, November 29, 2017 9:35:39 PM

I am against the Kohler proposal. It opens the door for future losses of PUBLIC LAND. The less fortunate can afford to go to the park with their families. A golf course? Unaffordable to most.

Mark Sesing
Campbellsport, WI 53010

sesinm@yahoo.com

From: Kenneth Saville
To: [DNR Kohler Proposal](#)
Subject: Kohler proposed golf course
Date: Sunday, December 10, 2017 8:38:52 AM

Please turn down their proposal- we need that wet land to keep the existing park land viable. Plenty of other land for another golf course. The course does not have to be along the lake.

Ken Saville

Sent from my iPhone

From: Casie Ernst
To: [DNR Kohler Proposal](#)
Subject: Kohler Terry Andrae Park Conservation
Date: Saturday, December 09, 2017 3:23:55 PM

Dear DNR-

I am writing you to implore you to protect the precious natural resource that Kohler Terry Andrae is. The proposed loss of state including forest, wetlands and barren is not the only concern. The run off and pollution to the rare ecosystem threatens the rare flora and fauna. It is outrageous that this park is even being considered for development! The incredibly fragile landscape and ecosystem would be forever changed and destroyed for the purpose of wealthy clients and the golf course. This land belongs to the public and needs to be protected. Please I beg you, protect Terry Andrae State Park.

Casie Ernst, CVT
All Critters Companion Care, LLC
[608-843-1165](tel:608-843-1165)
allcritterscompanion@gmail.com

From: David Vogel
To: [DNR Kohler Proposal](#)
Subject: Kohler theft of public land
Date: Thursday, December 14, 2017 11:22:46 AM

The DNR needs to follow its own rules and deny the unwarranted, partisan, and unethical land grab by Walker campaign donor Herbert Kohler to build a certifiably polluting and un-needed private golf course on endangered lakeshore.

- 1) Kohler can access his proposed golf course through his own land. There is no demonstrable need to overturn decades of responsible PUBLIC land rules and regulations for yet another billionaire's pet project
- 2) Kohler has had several years of "free" DNR aid to circumvent the existing protection of our PUBLIC resources - and has yet to address the scientifically proven environmental hazards of siting a golf course on wetlands, dunes and shoreline. Besides ruining the natural balance of the landscape, a golf course in this location will certainly contribute to huge amounts of run off pollution to the lake from the toxic chemicals liberally used to maintain turf on a professional golf course.
- 3) The DNR is negligent in requiring independent environmental study of the effects on the park and lake. Only Kohler's PR, and hired technicians have provided incomplete and inaccurate information to the DNR. The DNR statements about what "could" happen or "might" happen don't even begin to cover the adverse effects of this abuse of our PUBLIC natural resources.
- 4) The closed door balloon string annexation of the area to Sheboygan should indicate the desperation of Kohler to buy his way to whatever he wants. Since when in America does the rights of one billionaire trump the rights of health, safety, and local control by the entire town of Wilson? Kohler has demonstrated that truth and regulations mean nothing to him by the outright lies and inaccuracies of the number of buildings and proposed access to the park. His disrespect for states right to control of its own parks is evident by every shady move he and his lawyers have made.
- 5) Total disrespect for Native American burial sites and artifacts that should be protected federally, let alone by the state.
- 6) Bad precedent in allowing public land to be legally and politically given away.
- 7) The DNR is abdicating its responsibility to the public for preservation of our NATURAL RESOURCES. It would seem that instead the DNR is working exclusively for Scott Walker and Herbert Kohler on this shameful and polluting project.
- 8) The DNR should operate ethically, in the open, and in response to the needs of the CITIZENS of Wisconsin. With this ill fated project that is certainly not the case.

From: Dave Gruber
To: [DNR Kohler Proposal](#)
Subject: Kohler Wetland Permit - Proposed Kohler Golf Course
Date: Wednesday, November 29, 2017 4:48:41 PM

Dear Mr. Schiefelbein,

I am a scientist (Certified Petroleum Geologist) and property owner in close proximity to the proposed Kohler project. I have been party to environmental impact statements and the permitting process through my long career in the energy business. I will not belabor you with diatribes or facts that you already know. This pristine piece of property is a jewel to Wisconsin and the community, and Kohler has run roughshod over the community in an effort to make their project a reality. Wisconsin citizens and property owners are relying on you as our steward. Use your trained judgment. Do your job. Do the right thing. Thank you.

Dave Gruber
1552 Tomlinson Road
Mason, Michigan 48854

326 Pioneer Road
Sheboygan, Wisconsin 53081

From: Ben Hawkins
To: [DNR Kohler Proposal](#)
Subject: Kohler Wetland Permit
Date: Thursday, November 30, 2017 11:38:14 AM

Hello,

This email is concerning turning part of Kohler-Andrae State Park into a Golf course. Growing up in Sheboygan this park has left a lot of great memories with me. One of my best friends father was the lead ranger in the park and I spent lots of time there. This golf course is a mistake and I feel will be deeply regretted in the future.

This takes from everyone to only give back to a few. We have enough man made golf courses.

Please say no.

Thank you for your time.

--

Thanks!

-Ben Hawkins

608-217-6181

<https://vimeo.com/benhawkins>

From: kate knudson
To: [DNR Kohler Proposal](#)
Subject: Kohler Wetland Permit Application
Date: Friday, December 15, 2017 9:25:23 AM

Hello,

I am a resident of Madison WI and wish to register my dismay at the golf course proposal for Kohler-Andrae. I expect a complete and thorough scientific investigation into the potential long-term environmental impacts of the proposed application. This land belongs to all residents of the state of WI and our interests must be prioritized ahead of the profit mission of a private company.

Regards,
Kate Knudson
Madison WI

From: Aleks Kosowicz
To: [DNR Kohler Proposal](#)
Subject: Kohler Wetland Permit
Date: Tuesday, November 28, 2017 6:46:18 PM

To whom it may concern,

As a Wisconsin resident who values our abundant natural resources, national parks, and wild places, I am writing today with the understanding that the public has the opportunity to comment on the proposed Kohler Wetland Permit. I sincerely hope the public's interest will be given at least as much consideration as any private landowner, because it is precisely pivotal wild places such as this one that ultimately determines the health of an entire region. In this light, I respectfully urge you to conduct a complete scientific environmental impact study in conjunction with a "no build alternative" scenario regarding this project. A non-scientific explanation of what Kohler's planned destruction "may" affect simply will not do when concerning a sensitive area like this.

I thank you for all you can do to ensure Wisconsin's most valuable resources remain protected in the best interests of all residents and not just a privileged few.

Best Regards,

(Miss) Aleks Kosowicz
Hayward, WI 54843

[Sent from Yahoo Mail for iPad](#)

From: Ann Green
To: [DNR Kohler Proposal](#)
Subject: Kohler wetland proposal - public comment
Date: Friday, December 08, 2017 4:21:23 PM

The latest mission statement for the DNR states

"...the DNR is dedicated to working with the citizens and businesses of Wisconsin while preserving and enhancing the natural resources of Wisconsin. In partnership with individuals and organizations, DNR staff manage fish, wildlife, forests, parks, air and water resources while promoting a healthy, sustainable environment..."

Therefore I am curious why a complete scientific environmental impact study completed with the public's interest isn't given at least the same consideration as a private landowner. In the Updated Draft Environmental Impact Statement, it appears the DNR expects to approve a wetland permit application for the proposed Kohler golf course because it has been told to. How else does one explain the lack of scientific data? Why isn't the DNR studying a "no build alternative" instead of writing a non-scientific explanation of what Kohler's destruction of the wetland "may" effect? How is this "promoting a healthy, sustainable environment"? Again, where is the scientific data?

This incomplete Updated(!) Environmental Impact Study is missing critical information and data for transparent public comment. For example, the results of the Wetlands Rapid Impact Assessment completed in May has ever not been released. When will they be made available to the public? What conditions will the DNR impose on the Kohler Wetland Permit Application? The DNR claims there will be conditions but has not articulated just what those conditions are. What about studying an alternative entrance for the Kohler project? This would be in the best interest of the public who owns the park land, keeping in mind that there are two parties here both with invested interests whose rights must be taken into account. Why hasn't the DNR required a tournament plan or studied the impacts of the several tournaments planned for this course? Also, has the DNR done an inventory of the habitat and wildlife on the State Park land it intends to sell to Kohler? This must be included in the impacts.

If the Wisconsin DNR cannot answer these questions to show good faith that this permit application process is a valid one, then it is clear that their mission statement is a lie - there is no interest in managing "...wildlife, forests, parks, air and water resources while promoting a healthy, sustainable environment..." but only in providing a facade to hide corporate environmental degradations.

Sincerely,
Ann M. Green
2731 N. Prospect Ave.
Milwaukee, WI. 53211

From: James Maurer
To: [DNR Kohler Proposal](#)
Subject: Kohler Wetlands Application Comments
Date: Tuesday, November 21, 2017 6:09:58 PM

Wisconsin DNR: To whom it may concern,

I am writing to express my opposition to the approval of the Kohler wetland application. After reviewing the EIS (environmental impact statement) it is crystal clear that the EIS is not complete. Well established and known environmental data is conspicuously missing.

It appears that this application was completed by an amateur who has no knowledge whatsoever of Science in regards to the natural environment, wetland hydrology, habitat degradation and fragmentation and the effects that the proposed changes will have on the wildlife and flora that currently exist in this important riparian environmental corridor.

It would be a textbook case of incompetence to approve this application in it's current form and an extreme violation of the public trust.

Jim Maurer
3707 West Kilbourn Avenue
Milwaukee, WI 53208-3112
414-933-4558

From: Glory Adams
To: [DNR Kohler Proposal](#)
Subject: Kohler
Date: Friday, December 08, 2017 6:53:14 PM

Greetings,

Just because Kohler has money should not be a reason to allow them to buy acres from a state park. That is a most dangerous precedent. This is public land and no one person should be allowed to use and destroy the land. It belongs to all of us.

I also question the completeness of environmental studies for the entire area that Kohler seeks to tear up because this is a unique and special land sight. Once it is torn up and artificially recreated all the uniqueness will be gone along with all the vegetation.

The planned course will see heavy use. Has the effect of that been considered? What wildlife and plant growth will be destroyed from the wetlands? Why is the wetlands impact study still incomplete?

Creating covered buildings and a parking lots is a dramatic change to the wetlands. This is not an easement, it is a destroy and take over. It appears that the studies of consequences to the park area Kohler wants has not been completed. Therefore, no permit should be issued.

Glory Adams
1216 S Farwell St
Eau Claire, WI 54701
715-834-8796

From: Glory Adams
To: [DNR Kohler Proposal](#)
Subject: Kohler
Date: Saturday, November 25, 2017 6:23:19 PM

To: DNR

Please do not rush forward with a wetlands permit for Kohler. There must be a complete and accurate EIS prior to any wetland permit issuance--the same close study as any private owner would be subjected to. This area is very special and changes cannot be taken lightly. It is not acceptable to make general, non-scientific evaluations of the environment saying only what MAY happen. The study of this environment needs to be scientific and very complete.

The DNR acknowledges there will be significant impacts from this development including less species surviving, effects to neighboring wells, impacts to wetlands, changes to hydrology and topography, and who knows what else. There has to be air and water monitoring done at this site, yet it appears none is being demanded. It is never acceptable to have a business that plans to destroy the land simply say he will be careful. Every sand mine in Wisconsin says that and never defines it, nor is careful. I would expect the same in this case.

I have the impression that Kohler expects to receive all permits without monitoring as he is a "friend" of the governor's. That is akin to stealing Wisconsin resources. There must be a complete, accurate, scientific EIS which must lead to the same expectations that any other landowner would receive.

Glory Adams
1216 S Farwell St
Eau Claire, WI 54701
715-834-8796

CONCEPTUAL MITIGATION PLAN

See Pages 30-32 in Project Narrative text (KohlerWetlandPermitApp_revised 20170306 TEXT.pdf).

From: Bonnie Benson
To: [DNR Kohler Proposal](#)
Subject: Kohler-Andrae Park
Date: Sunday, December 10, 2017 5:34:54 PM

Golf courses are environmentally taxing. PLEASE do not approve another that would denigrate the great Kohler-Andrae Park, which is a treasure.

Sincerely,
Bonnie Benson
1113 Bay Ridge Road
Madison, WI 53716

From: St Wx
To: [DNR Kohler Proposal; "jeanniepeterson6@gmail.com" \(jeanniepeterson6@gmail.com\)](mailto:jeanniepeterson6@gmail.com)
Subject: Kohler-Andrae State park
Date: Sunday, December 10, 2017 3:29:03 PM

Please stop this golf course

Steve Wixom
406 Pawling St #1
Madison WI 53704

608)210-9293

From: Alan Lawrence
To: [DNR Kohler Proposal](#)
Subject: Kohler-Andrae State Park
Date: Sunday, December 10, 2017 9:26:15 PM

I want to go on record as being OPPOSED to the proposal of the Kohler Company to use land that is part of the Kohler-Andrae State Park.

We must not make (or begin) the practice of compromising our State Parks. They belong to the people of Wisconsin. A golf course is private.

~Alan Lawrence
153 Northbreeze Dr
Appleton, WI 54911-1224

From: Constance Lorig
To: [DNR Kohler Proposal](#)
Subject: Kohler-Andrae State Park
Date: Monday, December 11, 2017 4:55:54 AM

I'm against Kohler taking land from the Kohler-Andrae State Park . I expect a COMPLETE scientific environmental impact study completed with the public's interest given at least the same consideration as a private landowner. The DNR MUST study a "no build alternative" instead of writing a non-scientific explanation of what Kohler's planned destruction "may" affect.

From: Diane Kitelinger
To: [DNR Kohler Proposal](#)
Subject: Kohler-Andrae State Park
Date: Thursday, December 07, 2017 12:38:03 PM

Dear Mr. Schiefelbein,

This message is to express my disappointment in the Draft Environmental Impact Statement presented by the Kohler Company, as it relates to the building of another Kohler golf course in a wetland area, and to the use of our State Park land.

An **Environmental Impact Statement**, is a document that describes the impacts on the environment as a result of a proposed action. It also describes impacts of alternatives as well as plans to mitigate the impacts. At the very least, I expect a complete scientific environmental impact study be completed, with the public's interest given at least the same consideration as a private landowner.

It is imperative that the DNR study a "no build alternative", instead of writing a non-scientific explanation of what Kohler's planned destruction "may" affect.

Aside from the questionable decision to attempt to put a golf course in an environmentally sensitive location, taking Publically Owned State Land to do so sets a dangerous precedent for the balance of Wisconsin Owned Public Lands.

A concerned citizen,

Diane Kitelinger, Oostburg, WI

From: mark@heartwoodtreeco.com
To: [DNR Kohler Proposal](#)
Subject: Kohler-Andrae
Date: Sunday, December 10, 2017 3:08:28 PM

I would like to voice my concerns about the reduction in the size of Kohler- Andrae state park. The loss of valuable state forest and wetland is unacceptable in a time of increased state park usage and limited resources. Replacing woods and wetlands with a water sucking, fertilizer wasting play ground for wealthy people is a slap in the face of ordinary wisconsinites . Not to mention the direct impact of replacing a vital water filtering, wild-life nurturing, wind and storm buffering wetland forest with another golf course. Plenty of places for a good course around our state, and we will never get that wetland back.

Please stop this giveaway to the wealthy and think of the families being cheated out of state recreation areas and natural systems being destroyed that provide clean water and air

Mark Sundlin 4009 Maher ave madison wi 53716
Heartwood Tree Company
Certified Arborist WI-0713A
608-443-6037

From: Mary Christian
To: [DNR Kohler Proposal](#)
Subject: Kohler-Andre Park
Date: Wednesday, December 06, 2017 5:50:11 PM

PLEASE ... A complete environmental impact study MUST be done on this area. Developing it is pure destruction of this natural area, and replacing it with a golf course that uses chemicals and pesticides is disastrous to the ecosystem.

This public land should not be used for personal profit!

Mary Christian

From: stephanie vrabec
To: [DNR Kohler Proposal](#)
Cc: [stephanie vrabec](#)
Subject: Kohler-Andre State Park
Date: Monday, December 11, 2017 8:50:50 AM

To whom it may concern -

I am a scientist and educator and very concerned about the potential impacts to our state's natural resources due to the proposed golf course development adjacent Kohler-Andre State Park. A complete scientific environmental impact study must be completed with the public's interest given the same consideration as the private interest of the Kohler Company in developing another golf course.

The Kohler-Andre State Park is a treasured natural area for the people of Wisconsin and this unique shoreline environment must not be compromised to the interest of a private developer. A scientific analysis of a no build alternative must be part of a complete EIS study.

We must not sacrifice our children's natural heritage to the the short term financial gains of developers and others who are blind to the long term negative environmental impacts to Wisconsin natural resources.

Respectfully submitted,

Stephanie Vrabec

Community Advocate
Environmental Educator

255 Lake Road
Menasha Wi, 54952

From: Casey Thompson
To: [DNR Kohler Proposal](#)
Subject: Kohler-Andrea Golf Course
Date: Sunday, December 10, 2017 1:34:08 PM

To whom it may concern,

With the recent announcement of a golf course planned for ~160 acres of forest, ~80 acres of wetland on the adjacent property to the north of Kohler-Andrea park, I write to you imploring that the DNR stand against this proposal. The property is not an acceptable place for the Kohler company's 5th golf course.

Many experts agree that development may secondarily disrupt the whole of the adjoining forest, wetland, and sand dunes, leading to their injury or eventual demise. Potential added wind velocities, added solar exposure, lost water retention--these are irrevocable, and wholly unnecessary potentialities. Not to mention the direct impact of replacing a vital water filtering, wild-life nurturing, wind and storm buffering wetland forest with a water-guzzling and fertilized playground. There are plenty of places for a good course around our state, and we will never get that wetland back.

The DNRs ability to offer reason and dignity to the conversation regarding conservation has been severely compromised by our state's lack of respect for our natural landscapes. I feel for you. But we need you to stand up for us while we battle on the political front for an administration that sees beyond temporal riches.

Please stop this development.

Thank you,

Casey Thompson

From: Alex Tilson
To: [DNR Kohler Proposal](#)
Subject: Kohlrabi
Date: Wednesday, December 06, 2017 5:45:46 PM

We need a full scientific environmental study regarding the transfer of public property to a private politically connected donor. This is land that belongs to the citizens of Wisconsin.

A. Tilson

Sent from my iPhone

From: Chris
To: [DNR Kohler Proposal](#)
Subject: LET KOHLER BUILD THE GOLF COURSE
Date: Sunday, December 10, 2017 9:28:56 AM

Build the golf course!

From: Kielman, Brenda J
To: [DNR Kohler Proposal](#)
Subject: Letter of Support
Date: Thursday, December 07, 2017 9:27:53 AM
Attachments: [Kohler.DNR Letter.pdf](#)

Please see the attached letter of support for the Kohler DNR proposal, sent on behalf of Dr. Ashok Rai.

Thank you.
Brenda

Brenda Kielman | Mgr. Executive Administration
2710 Executive Drive, Green Bay, WI 54304
Brenda.Kielman@prevea.com
Ashok Rai, MD - President and CEO
Brian Charlier - COO
Deb Mauthe - Sr VP Human Resources
Samantha Tonn – Sr. VP Human Resources & Risk Mgmt
Kevin Sandmire, MD - Board Chair
P: (920) 405-1460
M: (920) 431-1996



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December 1, 2017

Jay Schiefelbein
Wisconsin Department of Natural Resources
2984 Shawano Avenue
Green Bay, WI 54313-6727

Dear Mr. Scheifelbein:

The Department of Natural Resources has spent a great deal of time evaluating Kohler Co.'s plans to build another golf course in Sheboygan County, and I commend the agency for its careful and thoughtful review. Now, with all of the facts in place and after doing my fair share of reading on the topic to gain a better understanding, I write to express my support for the golf course and urge the DNR to approve the project and permits allowing construction to move forward.

I enjoy spending time in nature and understand the importance of preserving our environment for future generations. I also recognize that we have a unique opportunity to create a beautiful, one-of-a-kind attraction that will bring more people and revenue to our area. Finding the right balance between these two aspects – environmental responsibility and economic growth – is not an easy task.

Kohler has navigated this challenge expertly, with plans for a world-class golf course that will capture the natural beauty of the company's land and create an attraction for years to come. The company has addressed a wide range of environmental questions, adjusted its plans when necessary, provided more details the project, and agreed to stringent guidelines and oversight. I welcome this project and am proud to support the golf course. I encourage you to approve the permit and allow the Kohler Co. to move forward with its plans.

Sincerely,

A handwritten signature in black ink, appearing to read "Ashok Rai", enclosed within a large, hand-drawn oval.

Ashok Rai, M.D.
President and CEO
Prevea Health

From: Kielman, Brenda J
To: [DNR Kohler Proposal](#)
Subject: Letter of Support
Date: Thursday, December 07, 2017 9:27:53 AM
Attachments: [Kohler.DNR Letter.pdf](#)

Please see the attached letter of support for the Kohler DNR proposal, sent on behalf of Dr. Ashok Rai.

Thank you.
Brenda

Brenda Kielman | Mgr. Executive Administration
2710 Executive Drive, Green Bay, WI 54304
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From: Summerfield, Craig
To: [DNR Kohler Proposal](#)
Cc: [Rep.Katsma - LEGIS](#); [Rep.Vorpapel - LEGIS](#)
Subject: Letter regarding Kohler Golf Course
Date: Thursday, November 30, 2017 4:15:52 PM
Attachments: [LeMahieu, Katsma, Vorpapel Letter to DNR - 2017.11.30.pdf](#)

Attached is a letter from Senator LeMahieu and Representatives Katsma and Vorpapel regarding the proposed Kohler Golf Course in Sheboygan County. Please contact me with any questions.

Best,

Craig Summerfield

Chief of Staff
Office of Senator Devin LeMahieu
Room 323 South
(608) 266-2056



WISCONSIN LEGISLATURE

P.O. Box 7882 • Madison, WI 53707-7882

November 30, 2017

Mr. Jay Schiefelbein
Environmental Analysis and Review Specialist
Wisconsin Department of Natural Resources
2984 Shawano Avenue
Green Bay, WI 54313-6727

Dear Mr. Schiefelbein,

We write in support of the proposed Kohler Golf Course in Sheboygan County. In particular, we urge the Department of Natural Resources (DNR) to approve the wetland permit and accept the Environmental Impact Statement (EIS). The proposed Kohler Golf Course has many economic and environmental benefits and is worthy of DNR approval.

The addition of another elite golf course will help cement Sheboygan County as a world-class tourist destination for golf. Once fully operational, the new course will generate more than \$1.1 million annually in new tax revenue. Eighty percent of the visitors to the new public course will be tourists, resulting in 22,000 additional room nights and \$6.5 million in new spending. In addition, the project will create more than 200 new, full-time jobs.

There are also significant environmental benefits to the project. This includes the clearing of invasive species and protecting the local water supply. The updated EIS provides additional protections for area dunes and wetlands.

Kohler and the Wisconsin DNR have conducted a deliberate, transparent process surrounding the golf course. Kohler has hosted community meetings to allow residents to talk with company officials. Today is the 3rd public hearing held by the DNR on the EIS over the course of more than two years.

This project will strengthen the Sheboygan area's economy while still protecting the environment. As area state elected officials, we urge the DNR to approve the wetland permit, accept the EIS, and allow this project to move forward.

Sincerely,

Devin LeMahieu
State Senator

Terry Katsma
State Representative

Tyler Vorpapel
State Representative

From: Heather
To: [DNR Kohler Proposal](#)
Date: Tuesday, December 12, 2017 3:34:01 PM

First off, I must say that I am appalled that the State of WI and the WI DNR would even consider selling any public land to a private developer (and for a golf course no less). However, I must also say that I am not surprised. As a lifetime state of WI resident, these public lands (state parks, etc.) must be preserved not only for my children and grandchildren, but for the reason they were saved and set aside in the first place...for their ecological importance, animal habitat, biodiversity, and special, unique places that they are. Another concern of mine is do we really want fertilizer and pesticide runoff from the golf course contaminating our wonderful, protected state park?

Please do not sell our public state park lands to the highest bidder! Instead, preserve these unique, important ecosystems for our children, grandchildren and beyond!

OUR STATE PARKS AND PUBLIC LANDS ARE NOT FOR SALE!!!!

Heather Weigelt

From: sageedit@aol.com
To: [DNR Kohler Proposal](#)
Date: Wednesday, December 06, 2017 11:24:59 PM

I am concerned that the DNR seems to be agreeing to a wetland permit for a proposed golf course without a complete draft environmental impact statement, that does not include an inventory of habitat and wildlife, that the Wetlands Rapid Impact Assessment is not completed, that “conditions” are discussed but unspecified, that a tournament plan is not required—in short, the DNR seems to have simply done what they can to justify the sale of public lands—state parkland—to Kohler, a private company, rather than fully evaluating alternatives including a no-build plan and ensuring that the sale is the best choice for the *public* interest, that there will not be changes in use over the foreseeable future that would have a detrimental effect on wildlife, people, or both.

Please go back to the drawing board and do your homework before moving forward on this project.

Although I am not a resident of the area, the New Jersey DEP has proposed a project in my area, and I believe that it is important that government agencies focus on the interests of local residents first, private companies and finances second: people and planet over profit!

Sally Gellert

210 Broadway, Woodcliff Lake, N.J.

From: kelley hoffman
To: [DNR Kohler Proposal](#)
Date: Friday, December 08, 2017 7:52:42 AM

I am concerned about the land of are State Park. I remember going there as a child and enjoying the day being able to Camp there and being taught things about wildlife even if it was frogs or toads Turtles or hummingbirds. We need our state parks no matter where they're located to teach our next generation about wildlife and how to preserve the rights of habitat so that we can keep our wildlife. Certain things cannot be found just down the street, especially when it's lakefront property. Kohler has enough golf courses maybe he needs to go inward for his next Golf Course away from the lake.

From: Connie Kanitz
To: [DNR Kohler Proposal](#)
Subject: My public comment asking DNR to deny Kohler to use public lands for private profit
Date: Friday, December 15, 2017 10:01:42 AM

Information has not been completed to show the environmental impact including effects on wetlands. Without these documents experts don't have the information they need to base their comments.

As a WI citizen, I demand a complete scientific environmental impact study to be completed. I feel it is the duty of the DNR to protect public lands. I ask that the DNR study a "no build alternative" instead of writing a non-scientific explanation of what Kohler's planned destruction may affect.

I urge the DNR to protect our valuable public lands and the natural relationship between land, wetlands, water, and habitat.

Connie Kanitz
516 Riverway
Menasha WI 54952

From: Luke Schiller
To: [DNR Kohler Proposal](#)
Subject: My thoughts on Kohler Andre State Park...
Date: Tuesday, December 12, 2017 1:00:53 PM

To Jay Schiefelbein and others with whom this may concern;

First of thank you for taking your time and do diligence on this project. This is a BIG decision as it would set a precedence for other future state owned land.

My name is Luke Schiller and my wife Kylie Parry live at 389 Nassau Street Menasha, WI. We are state residents who camp yearly (with our two young boys) at this park and many other state parks. It is the only thing that I ask for Christmas...is my WI State Park Pass. Having access and rights to public lands is something my family and I value.

We are not in-favor of selling/giving away state lands to a company for its own profit. Once the land is gone and developed...it is gone. There is no gray political issue here...it is giving away state park land to a corporation.

I think the DNR and Kohler Company should develop studies of an alternative entrance for the Kohler project. Have them put it a road the old fashion way of going through the available (private land) options and making it work...not shrinking public park land for it. I do feel that would be in the best interest of the public who owns the park land.

Please pass our recommendations on to where they need to go/where they can be heard. I know we're not a million dollar company...but EVERY citizen has a voice and we do believe that it should be louder than a private company.

Thanks.

Luke Schiller

From: Terry Pavletic
To: [DNR Kohler Proposal](#)
Subject: New Kohler golf course EIS
Date: Thursday, December 07, 2017 7:11:01 PM

Please be advised that I feel that the current EIS lacks important information. It should include an inventory of the plants and animals that reside on the park land which Kohler Corp. plans to develop. Also the plan should detail the effects of tournament crowds and vehicle traffic on access to the park by visitors and the wildlife in the park. A no build alternative should also be included since this proposed golf course is planned for an important wildlife and wetland area which in the long run is more valuable to the citizens of Wisconsin without a golf course on it.

Sincerely

Terrence Pavletic
12121 W Sunset Lane
Greenfield WI 53228

From: Victoria Samolyk
To: [DNR Kohler Proposal](#)
Subject: new Kohler golf course plan
Date: Friday, December 08, 2017 8:34:02 AM

To whom it may concern;

I am strongly opposed to the proposed easement and maintenance building that would encroach on the Kohler-Andre State Park property for several reasons.

I don't believe that a proper, scientific EIS study has been done. The information in the plan is very short-sighted in terms of environmental impact. The traffic that golf course will generate, especially during tournaments (which will certainly happen) will interfere with park access needed by day and overnight users at Kohler-Andre. If this plan goes through, it creates a dangerous precedent for other private interests to chip away at our beloved and beautiful state parks all over Wisconsin.

I have been visiting Kohler-Andre State Park since camping there as a child with my family in the 1960s. I continue to enjoy camping, hiking, bicycling, and sea kayaking from the beach within the park. Kohler-Andre has a legacy of providing a much-needed experience with the natural world that is an easy, one-hour drive from Milwaukee. Visitors from all over the state and beyond enjoy this lovely park.

Our state parks belong to ALL of us. Please don't give pieces away to private interests.

Thank you

Victoria Samolyk

From: Jennelle Narlock
To: [DNR Kohler Proposal](#)
Subject: No for golf course
Date: Sunday, December 10, 2017 7:25:42 PM

Jay,

Please vote no for the golf course proposal. Kohler-Andrae is an near and dear to our family and we feel a golf course right by it will harm this beautiful natural vacation spot.

Jenelle Narlock

Sent from my iPhone

From: Michael Cordier
To: [DNR Kohler Proposal](#)
Subject: Objection to Proposed Kohler GC.
Date: Tuesday, December 05, 2017 8:23:00 AM

Thank you for allowing me to make written comments as to the Kohler Proposed Golf Course. I have the following concerns with the Draft Environmental Impact Statement:

1. Once again, the Environmental Impact State is incomplete. This does not fulfill the mandate to provide critical information to the public to make informed comment.
2. The DNR talks about conditions it will impose on the Kohler Wetland Permit Application, however the conditions are not known by the public. How does the public comments on "unknown" conditions.
3. Where are the results of the Wetlands Rapid Impact Assessment completed in May. No permit can be approved without this.
4. The DNR has not done an inventory of the habitat and wildlife on the State Park land it intends to sell to Kohler. This needs to be included in the impacts.
5. The DNR has not required a tournament plan or studied the impacts of the several tournaments planned for this course. Instead it has worked on the project trying to justify the preferred Kohler alternative and diminish the impact of tournaments.
6. The DNR must develop studies of an alternative entrance for the Kohler project which would be in the best interest of the public who owns the park land. While the DNR and Army Corps talk about balancing the right of a private land owner with the rights of the public, so far the only discussion has been to justify this destruction by the private land owner with no consideration of the public right to its ownership of park land. Applications to the DNR, the Army Corps and the National Park Service, involve ignoring or changing regulations. This is evidence that there are two parties here both with invested interests whose rights must be taken into account. The DNR has forgotten that. It has written an Updated Draft EIS admitting destruction of our rare resources while clearly resigned to the fact that Kohler must get what it wants over the rights of the many.
7. The DNR must not allow an easement into the State Park, three maintenance facilities and a paved parking lot all for the benefit of Kohler. Kohler has access to their property thru River Trails. There is no need to take State Lands..especially for access and maintenance buildings. Not sure why the DNR is having such a hard time counting how many buildings are proposed to be built on State Land....they had at least 6 huge poster boards up at the Open House showing THREE buildings totaling over 24,000 sq feet yet they continue to say maintenance facility. Maintenance facility is comprised of three buildings to house chemicals, pesticides, golf carts and other equipment. Kohler could build these buildings on the land they own if they obtain the necessary permits and approval. This land belongs to ALL residents of the State of Wisconsin."

The mission statement of the DNR is to Protect and Enhance Our Natural Resources. The DNR is miserably failing at that mission. Science is being ignored, current rules are being ignored, and common sense is being ignored.

The NO BUILD alternative is the only viable option.

Sincerely,

Michael Cordier
Sheboygan, WI

Sent from my iPhone

From: Lorin Shearburn
To: [DNR Kohler Proposal](#)
Subject: Opposing Kohler proposal
Date: Monday, December 11, 2017 9:17:38 PM

Dear Department of Natural Resources,

I vehemently oppose annexing any part of Kohler Andrae State Park to a private party. The K-A Park is the one most utilized by my family for camping in the summer. I only recently learned about the proposal that has been negotiated for the past two years. I guarantee if more people knew about this, more would oppose it.

I am very concerned from a wildlife and environmental management standpoint. Clearly the wildlife of the park will not respect the boundaries of a golf course. Razing trees and brush will increase erosion in a sensitive area adjacent to Lake Michigan.

This is some of the most precious land the public has on the shores of the Great Lake.

I resent the priorities of a very few select business people being elevated over the interests of millions of Wisconsinites.

Thank you for your consideration,

Lorin D. Shearburn, DVM
1527 E Lake Bluff
Shorewood, WI 53211

From: darlene jakusz
To: [DNR Kohler Proposal](#)
Subject: Our State Parks are NOT for SALE!
Date: Thursday, December 07, 2017 10:01:36 AM

We expect a complete scientific environmental impact study completed with the public's interest given at least the same consideration as a private landowner. We demand that the DNR study a "no build alternative" instead of writing a non-scientific explanation of what Kohler's planned destruction "may" affect. Why is the DNR catering to big business rather than the citizens of Wisconsin? These parks belong to us and not big money! This is a crime that needs to be stopped!

From: Pam Uhrig
To: [DNR Kohler Proposal](#)
Subject: Parks
Date: Friday, December 15, 2017 7:29:43 AM

Please do a complete environmental study of Kohler Terre Andre park. The job of the DNR is to protect our natural resources. We count on you to protect the public interests, not private money schemes.

Sent from my Sprint Phone.

From: Robert Thomas
To: [DNR Kohler Proposal](#)
Subject: Please do not sell land from Kohler Andre State Part
Date: Monday, December 11, 2017 6:10:25 PM

Please stop any changes to the Kohler Andre State Park.

This is public land, owned by all members of the state and all of our grandchildren.

Such property should not be given to private hands for private profit.

Thanks god for our grandparents and great grandparents for creating a public land.

Please do not give this away.

If the proposal is to be considered, please at least complete the require environmental assessment, including an inventory of the habitat and wildlife on the state park lands.

Robert Thomas

Madison Wi

From: Lee Trotta
To: [DNR Kohler Proposal](#)
Subject: Please give equal consideration to the citizens
Date: Thursday, December 14, 2017 10:53:55 PM

Big business is good for a lot of things. When run fairly, it can provide jobs and decent wages. When run unfairly, it can take away natural resources and the quality of life for local citizens.

Please require Kohler to present completed Environmental Impact Statements regarding its proposed new golf course. It is only fair to the citizens who will be affected. If big business is allowed to act without regard for the environment, we all lose.

Thank you!

Lee Trotta, PG

From: M Pings
To: [DNR Kohler Proposal](#)
Subject: Preserve boundaries
Date: Sunday, December 10, 2017 5:06:15 PM

Please preserve the current boundaries of the Kohler-Andrae State Park. It is a heavily used park, and much appreciated for its public access to Lake Michigan and the various ecosystems it offers. Additionally, these ecosystems are, after all, systems. They function in ways that preserve our land and water, in addition to providing habitat to wildlife valued by tourism.

Sadly, a golf course does little of this. The temptation is money, of course, exacerbated by short-sighted planning. We can do better for the next generation.

Thank you.
Martha Pings
218 Oak St.
Madison, WI 53704

"Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that." - Martin Luther King, Jr.

From: Timothy Hayes
To: [DNR Kohler Proposal](#)
Subject: Private Golf courses on public park land
Date: Wednesday, December 06, 2017 7:46:31 PM

Isn't it time we stopped pandering to companies because they are good citizens, but at the price of losing lands that belong to all the citizens of a community.

I remember camping with my family at Terry Andre Park and now you want to take public park land and make it for exclusive private company executives to use for "Golf"What an incredible, pathetic waste of public land.

Please leave it for families and the citizens of Wisconsin to enjoy....it's just Corporate Greed in a different coat to give it to Kohler.

Tim Hayes

Sent from my Verizon 4G LTE smartphone

From: Richard Bowen
To: [DNR Kohler Proposal](#)
Subject: private use of public land for golf course
Date: Friday, December 15, 2017 10:22:56 AM

I am against the Kohler Company using any part of public lands for a private golf course.

We do not need another golf course. We have plenty. We need more open, wild spaces and less development, not more.

And I expect a complete scientific environmental impact study completed with the public's interest given at least the same consideration as a private landowner. I want the DNR to study a "no build alternative" instead of writing a non-scientific explanation of what Kohler's planned destruction "may" affect.

Richard A. Bowen
14645 Woodland Pl.
Brookfield, WI 53005

From: Anton Joseph Sieger
To: [DNR Kohler Proposal](#)
Subject: proposed golf course
Date: Wednesday, November 29, 2017 12:34:37 PM

I am a Wisconsin resident, a frequent user of our state parks and national forests, and a student of science. We should absolutely not shrink Kohler-Andrae State Park to build a golf course. The dune habitat and lakeside forest habitat are rare and important to many native plants and animals, both year round residents and migrators. Destroying some of the tiny amount of currently protected shore habitat is shameful, especially to construct a privately owned luxury golf course. It is common knowledge that golf courses severely degrade water quality due to the heavy use of herbicides and installation of "turf". This will affect the remaining park land as well as Lake Michigan water quality. With a golf course in place directly adjacent to the water we can all expect more algae blooms, fewer swimmable days at the beach, and more carcinogens in our drinking water.

Sincerely,
Anton Sieger

From: testpro2@yahoo.com
To: [DNR Kohler Proposal](#)
Subject: Proposed Kohler Golf Course adjacent to Kohler-Andrae State Forest
Date: Friday, December 22, 2017 1:40:58 PM

Dear Mr. Jay Schiefelbein,

Regarding the Wisconsin Department of Natural Resources' Draft Environmental Impact Statement of the proposed Kohler Company golf course adjacent to Kohler-Andrae State Forest:

Please protect our forests, wetlands and environment, as you are supposed to!

We expect a complete scientific environmental impact study completed, with the public's interest given *at least the same consideration as a private landowner*.

The DNR should study/research a "no build alternative", instead of writing a non-scientific explanation of what Kohler's planned destruction "*may*" affect.

Please explain any proposed "conditions" fully and clearly!

Current issues with the DEIS:

1. It is incomplete which does not fulfill the mandate to provide critical information to the public to make informed comment.
2. The DNR talks about conditions it will impose on the Kohler Wetland Permit Application, however when asked by our attorney, they don't know what those are.
3. Friends of the Black River Forest (FBRF) has asked for the results of the Wetlands Rapid Impact Assessment completed in May. The DNR has said it hasn't finished this yet. No permit can be approved without this.
4. The DNR has not done an inventory of the habitat and wildlife on the State Park land it intends to sell to Kohler. This needs to be included in the impacts.
5. The DNR has not required a tournament plan or studied the impacts of the several tournaments planned for this course. Instead it has worked on the project trying to justify the preferred Kohler alternative and diminish the impact of tournaments.
6. The DNR must develop studies of an alternative entrance for the Kohler project which would be in the best interest of the public who owns the park land. While the DNR and Army Corps talk about balancing the right of a private land owner with the rights of the public, so far the only discussion has been to justify this destruction by the private land owner with no consideration of the public right to its ownership of park land. Applications to the DNR, the Army Corps and the National Park Service, involve ignoring or changing regulations. This is evidence that there are two parties here both with invested interests whose rights must be taken into account. The DNR has forgotten that. It has written an Updated Draft EIS admitting destruction of our rare resources while clearly resigned to the fact that Kohler must get what it wants over the rights of the many.

Thank you for your anticipated consideration.

Regards,

Glenn Brown and family
625 E. Parkway Blvd.
Appleton, WI
testpro2@yahoo.com

Think GREEN. Please consider the environment before printing this email

From: Jayne Zabrowski
To: [DNR Kohler Proposal](#)
Subject: Proposed Kohler golf course comments
Date: Monday, December 04, 2017 6:41:19 PM

Thank you for the opportunity to provide written comment on the proposed Kohler golf course. I have read the draft EIS. I have reviewed many communications and documents received in response to open records requests.

Kohler's submissions along with DNR records make it clear that Kohler is not entitled to a wetland fill permit.

The DNR should not issue a wetland fill permit to Kohler Company because it has not established the Kohler preferred alternative is the least environmentally damaging alternative, does not include an adequate mitigation plan for rare wetlands, has not established why a private company should be allowed to use any of our State Park Land and is not in the public interest.

The DNR may issue a wetland fill permit only if the proposed project represents the least environmentally damaging alternative taking into consideration alternatives that avoid wetland impacts.

This project would result in the destruction of globally rare [REDACTED]. There are 67 of these globally rare wetlands on the property and 47 would be filled. Secondary impacts would occur from tree clearing, grading, irrigation, and fertilizer application. While Kohler might have an economic incentive to want to build a golf course, their potential profits do not warrant the permanent destruction and fragmentation of high quality wetlands.

The proposed project would have severe and irreversible environmental impacts and warrants a high level of scrutiny by the DNR. Kohler's proposal does not hold up to careful scrutiny because it lacks a sufficient analysis of alternatives that would avoid or minimize wetland impacts and does not include an adequate analysis of off-site alternatives.

In addition to filling rare wetlands on Kohler owned property, Kohler is also requesting to fill high quality wetlands on State owned property.

Why would the DNR allow the permanent loss of wetlands on State land for this project?

In an attempt to balance the negative environmental impacts, Kohler is proposing to provide mitigation through a combination of purchase credits and from a wetland mitigation bank. These [REDACTED] are globally very rare. This makes these wetlands very vulnerable to extinction. The Wetland mitigation plan will not replace the damage this project will do to a globally rare wetland community.

Why would the DNR allow the extinction of these rare wetlands?

This site provides critical habitat for rare, threatened and endangered wildlife and plant species. The proposed project will result in permanent fragmentation of habitat blocks.

Why would the DNR allow rare and endangered species to be destroyed?

The DNR mission statement is “to protect and enhance our natural resources”

Kohler has not established that its proposed project represents the least environmentally damaging alternative.

The potential environmental harms associated with this project are far too great and warrant denial of the wetland fill permit.

It is disturbing that the DNR would say that are tentatively planning to issue a wetland permit with conditions. If a permit is issued with conditions, then the public should be allowed an opportunity to comment on the conditions.

The NO BUILD alternative is the only viable alternative.

Jayne Zabrowski
Sheboygan, WI 53081

From: Gus Ernst
To: [DNR Kohler Proposal](#)
Subject: Proposed new Kohler golf course
Date: Tuesday, December 12, 2017 8:58:45 PM

I am writing to express my concern over the EIS on the proposed plans for the above Kohler project adjacent to Kohler Andre State Park. I have two objections.

The biggest objection that I have is to the proposed construction of golf course maintenance buildings under an easement on state park property. I do not see how this in any way helps fulfill the state parks mission/goals. This use does nothing to further the current or future uses of the park.

I am also concerned about the proposed entry road easement through the state park. It is not clear to me that other potential options have been fully explored. It also is not clear that the full impact of the expected increase in traffic, both regular business and special event, has been covered. The majority of the traffic generated by this development will also occur at the peak use time for the park.

Sincerely,
Gus Ernst

Sent from [Mail](#) for Windows 10

From: Mary Kay Schneider
To: [DNR Kohler Proposal](#)
Subject: proposed Kohler golf course
Date: Monday, November 27, 2017 6:33:55 AM
Importance: High

Good morning, Mr. Schiefelbein,

I would like to voice my strong and vigorous opposition to the golf course being proposed in the Black Forest.

Once the ecosystem is destroyed to build this, including the wetlands, it's gone forever. Although there is talk of "mitigating" the damage that will be done by the building of this golf course, I doubt that there is any ability nor - frankly - the will or resources to enforce such happening. In addition, the destruction of the flora and fauna will cause disruption to the ecosystem that cannot be known until after it happens, when it's too late to undo the damage that will be done.

Last, does Wisconsin really need another exclusive, high-priced golf course? One that destroys and forever changes the natural environment of the area on which it evolved??

While I understand that it's not for the DNR to regulate how a person uses his/her land, it IS within the mandate of the DNR to protect the environment for the greater good of the flora, fauna and ALL people of our state.

Please, stop this destruction of the Black Forest.

Thank you for your time,
Max Schneider
Wausau, WI

From: Erica Munson
To: [DNR Kohler Proposal](#)
Subject: Protect the Kohler-Andrae State Park
Date: Tuesday, December 12, 2017 12:41:26 PM

Hi I am writing in response to the idea of replacing a huge portion of our state park with a golf course. I do not support this action and hope that you do not either. Please do not ruin our park and our environment by destroying wetlands to create a a golf course.

Erica Munson
Monona, WI
608-239-9446

From: Mary Kay Schneider
To: [DNR Kohler Proposal](#)
Cc: friendsbrf@hotmail.com
Subject: Re: Black River Forest
Date: Tuesday, December 12, 2017 12:14:54 PM

Dear Sirs and Madams:

I am respectfully demanding that the DNR writes a Draft Environmental Impact Statement regarding the proposed development of the Black River forest by the Kohler Company which balances my right as a state land owner with Kohler's rights as a land owner.

My expectation is that a full scientific study of all environmental impacts is thoroughly detailed and scrutinized during the review of this proposal with statements that are fact, not statements of conjecture like "probably will impact," or "Most likely."

It is our right as citizens of Wisconsin to know all the environmental, long-term impacts of this proposal, including the wetland filling.

Thank you,
Mary Kay Schneider
Wausau, WI

From: Wendy Siegel
To: [DNR Kohler Proposal](#)
Subject: Save Kohler Andrae State Park from private developers!
Date: Sunday, December 17, 2017 11:47:31 AM

Mr. Jay Schiefelbein:

I was horrified to learn that the DNR is considering putting in a private golf course in the Kohler Andrae State Park! These are public lands that need to be preserved for generations to come. I would hope that the DNR will conduct a complete scientific environmental impact study completed with the public's interest given at least the same consideration as a private landowner. The study should include a "no build alternative" instead of writing a non-scientific explanation of what Kohler's planned destruction "may" affect.

Have you no shame. I would have hoped that the DNR would want to protect our environment and its wetlands and forests.

Sincerely,

Wendy Siegel

From: kalpana kanwar
To: [DNR Kohler Proposal](#)
Subject: Save Kohler-Andrae State Park
Date: Tuesday, December 12, 2017 4:56:12 PM

Jay Schiefelbein,

It is important to have a scientific environmental impact study completed with the public's interest given at least the same consideration as a private landowner for the Kohler-Andrae State Park. The DNR must consider a "no build alternative" instead of writing a non-scientific explanation of what Kohler's planned destruction "may" affect.

Thank you,
Kalpana

From: Steve & Sue Engler
To: [DNR Kohler Proposal](#)
Subject: Say no to the changes to Kohler Andrae
Date: Wednesday, December 13, 2017 12:09:13 PM

I am sick and tired of people with deep pockets trying to buy up public land for the sole purpose of making more playgrounds for the wealthy. Kohler Andrae is a great park and to allow it to be carved up by a large backer of the governors is not in keeping with the great history of the DNR working to protect and preserve the natural areas of the state.

There are plenty of golf courses in this state, we do not need to destroy valuable and rare lakefront land so rich folks can play golf. This whole process has had the stink of Kohler Company corruption and political influence from the start. It is time that the DNR gets back to its mission of protecting the states valuable natural resources and not helping political donors.

Steve Engler
1778 Gateway Blvd #918
Beloit, WI

From: Rachel Fischer
To: [DNR Kohler Proposal](#)
Subject: Sheboygan
Date: Wednesday, December 06, 2017 9:10:38 PM

Please do not harm out state park. We enjoy the wildlife and the native Indian history or the land. We already have a golf course near it that will see negative impacts as well. Please find a new location that will be away from park.

Thank you
Rachel Fischer

Sent from my iPhone

From: djkujawski@aol.com
To: [DNR Kohler Proposal](#)
Subject: Terry Andre state park
Date: Thursday, December 07, 2017 2:51:30 PM

I am very distressed over the proposed takeover of PUBLIC LAND ie Terry Andre State park a PRIVATE GOLF COURSE

I find that just accepting an "environmental impact" study by the Kohler corporation is NOT sufficient nor should it be trusted to be truthful.

I expect a complete scientific environmental impact study completed with the public's interest by the DNR AND the Army corps of engineers to be done and to be given at least the same consideration that done by a millionaires minions.

THIS is one of the most visited and beloved parks in Wisconsin.

**Why would we want to loose ANY of it for another unneeded golf course?
The land for this park was purchased by PUBLIC FUNDS for the conservation of PUBLIC LAND for all to enjoy.**

Are you folks aware that the average golf course dumps thousands of pounds of toxic herbicides, pesticides and phosphorous fertilizers on a course each year? And where do you think the runoff will go if you allow a golf course on the shores of lake Michigan? Why into the lake of course! Millions of people get their drinking water from that lake. Toxic green algae is a result of phosphorous fertilizers. Glyphosate (commonly called roundup) is also one of the main chemicals used.. and that has now been declared a carcinogen by the world health organization. It is imperative that we protect this environmentally sensitive dune & wooded area which acts as a buffer & filter for the waters flowing into the lake and protect the waters of that lake for public health.

I am sick and tired of seeing Scott Walker and his millionaire/ billionaire buddies completely disregard our rich conservation heritage and giving each other "favors" which you know damn well this is what is happening here.

Shame on you if you allow this park to be a god damn golf course.

Only 1 rich A*** and his buddies want this golf course.**

This is not what the people of this state want... and WE MATTER because WE PAY YOUR SALARIES.

**Very sincerely
Debbie Kujawski
Menomonee Falls WI**

From: James Rowen
To: [DNR Kohler Proposal](#)
Subject: The Kohler golf course
Date: Wednesday, December 13, 2017 11:39:57 AM

To the DNR - - I strongly oppose issuing wetlands and/or related permits to allow the construction of the proposed Kohler Co. golf course. The project will unnecessarily sacrifice groundwater quality, further impair the Black River, allow contamination to migrate into Lake Michigan, increase air pollution through induced vehicle traffic, reduce wildlife habitat, cut woodlands, damage dunes and destroy early settlement artifacts. The DNR should be protecting these resources under the State Constitution's Public Trust Doctrine and commonsense, best environmental practices, especially given the widespread rollbacks to Wisconsin environmental rules and processes.

The project will also degrade the adjoining state park.

Please be the public's steward, not the broker dispersing taxpayers' assets for private gain.

James Rowen
3107 N. Hackett Ave.
Milwaukee, WI 53211

From: vicki spleas
To: [DNR Kohler Proposal](#)
Subject: The rape of kohler..Andrea. Yes rape
Date: Thursday, December 07, 2017 9:29:41 PM

Please allow me to say to you this...what does not make MONEY make peaceful thinking. Clean air blue skies....good thoughts please think we do not need another good course...we're killers and poison in the lake from the run off will kill the birds, the fish...

From: kumar Nagarajan
To: [DNR Kohler Proposal](#)
Subject: To DNR, Kohler Purposed Golf Course.
Date: Saturday, November 25, 2017 11:27:03 AM

To DNR,

This is getting out of hand. How do you expect the public to allow Kohler to build a new golf course when there is possibility of environmental harm? Especially when the purposed golf course would impact wetlands which have many direct and indirect economic benefits to humans and animals alike. Kohler themselves acknowledges environmental harm but “will attempt to be careful without any monitoring plans in place.” That’s not scientific at all; we expect/demand a scientific review of Kohler’s impact on the environment if it’s to proceed with building a new and UNnecessary golf course.

P.S. I believe it would in your best interests to do what’s right, likely meaning the denial of the golf course. Helping protecting animals, humans and the environment. Thank You.

From: Lois Otten
To: [DNR Kohler Proposal](#)
Subject: Updated draft EIS
Date: Thursday, December 14, 2017 10:34:49 PM

Dear Mr. Schiefelbein,

I would like to make some comments on the updated EIS for the Kohler Golf Course proposal and the wetlands permit application (based on said EIS).

Item #3 "Project Description" includes a section "Special Events"

This statement- **However, it is anticipated that the proposed golf course may host golf tournaments including but not limited to the PGA Championship, U.S. Senior Open, the Ryder Cup, and the U.S. Women's Open. Events other than those related to utilization of the golf course and associated facilities have not yet been discussed.**

Specific plans for the management of large crowds and coordination of traffic and emergency response to the Kohler and Kohler-Andrae Properties during special events have not been discussed to date.-causes me great concern. How can you possibly approve this project going forward without knowing the plan for these anticipated tournaments? In this day and age, one entrance to a major event is unthinkable! I see a list of 16 access alternatives listed in the EIS. Which, and how many of these will have to be utilized "down the road" when the anticipated tournaments occur? This proposal then is not just for Kohler's "preferred access alternative" but some unknown access in the future.

Nutrient Management:

Several best management practices are proposed to minimize potential for adverse impacts to adjacent waterbodies and/or wetland areas

This statement concerns me because I see the word "proposed" and I wonder how Kohler is going to be monitored to make sure these practices are being followed

Secondly, I see the word "minimize" which reflects the truth that there WILL be ADVERSE impacts. These adverse impacts (habitat destruction and introduction of known carcinogens) are unacceptable to me.

The report also includes a detailed examination of the soils present on the property. The bottom line is that these soils are between somewhat and very limited in their suitability for the construction of this golf course. This means that there is going to have to be significant change to the make up of the soil present. Every part of this project is going to change the very nature of this unique ecosystem. As stated in the EIS: **██████████ is imperiled in Wisconsin due to the rarity of the plant community (6-20 occurrences or few remaining individuals or acres) and because it is vulnerable to extirpation from the state**

I am also very concerned about the high capacity well and how it will impact my well as one of those homeowners whose well is in the potential "worst case" zone. 15-25 million gallons of water! For what???To irrigate grass. This is foolish and it is selfish. The report states that this property is private and that having a golf course will make it "public" It is only public for those who can afford to pay to play golf there. Take a look at your own facts from the report for the median incomes for Sheboygan County. These are not the people that will be using the golf course. Those with the means to play at

this golf course are not the ones who have to bear the brunt of having their wells impacted.

Table 6 lists 15 species observed on the property. Before Kohler revoked my pass (to hike on the property) I also made many observations of wildlife. Let me add to your list:

Red Fox, Coyote, Red-bellied woodpecker, Bald Eagle, Muskrat, Sanderlings, grey squirrel, red squirrel, rabbits, opossum, spiders, deer fly, mosquito, crows. In summary, you state:

The primary impacts associated with the Project involve the removal of forested lands and native vegetation and the grading that would be required to shape the landscape to accommodate the golf course. The grading and vegetation changes will alter the hydrology of the site. The project will result in loss of wildlife habitat

This is too high a price to pay! This is contrary to your mission as a Department of Natural Resources. I am very opposed to granting of the wetlands permits as well. The EIS states:

The proposed project will result in filling of approximately 1.36 acres of [REDACTED] wetland (Table 10). Loss or degradation of [REDACTED] wetlands would reduce habitat for numerous species, including amphibian and reptile breeding habitat, increase habitat fragmentation for many species of wildlife, decrease bird habitat through tree removal, and reduce tag alder habitat that supports state special concern blue-winged teal and kingfisher species. The loss of wetlands in their native state is too great a loss and cannot be “mitigated” by any amount of payment. All wetlands are not equal. These are unique and must be protected.

One thing that the report does not seem to address is the access to the public’s right to the shoreline of Lake Michigan (OHWM). The report states: **Work in and adjacent to waterways often requires determination of the ordinary highwater mark (OHWM). The OHWM, is the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognized characteristic. The OHWM establishes the boundary between public lakebed and private land. When water levels drop below the OHWM, the riparian property owner has exclusive use of the exposed lake or river bed.** However, what was done at Whistling Straits? Kohler not only took the exposed lake bed, but also put a huge rock barrier INTO THE LAKE that restricted access to the public lake. Even though this was clearly a violation of what was permitted, they did it anyway and there was no consequence. What will they be allowed to do THIS time?

What is driving this project seems to be the perceived economic benefit. I have serious reservations about the figures that have been given. I would like to see concrete evidence of the full time permanent jobs that were provided at Whistling Straits. For this proposal Kohler states that 88% of the full time permanent jobs will go to Sheboygan County residents. Is that true for Whistling Straits? **Where is the data?** (Just in my casual knowledge of its operations, I know that many of the grounds crew are seasonal workers who are not permanent residents. Even some of the caddies come here to work for the summer and their primary residence is out of state). To my knowledge, Kohler has not even yet employed a Sheboygan County firm in its preliminary work (work on the wells, for example).

The report concludes with a summary of adverse impacts that cannot be avoided. What I would say to you is that these adverse impacts **can be avoided** by doing what is right by ALL the people of the

state of Wisconsin and that would be to deny the permits that would make this ecosystem destruction possible. You have a trust from ALL the citizens and you are not to serve the wealthy businessman at the expense of the rest of us and at the expense of an irreplaceable natural resource.

The report does not address the profound psychological trauma that this project will cause to those of us who chose to live in this area because of the quiet, the natural beauty of the Creation, and the wonder of observing the wildlife on a daily basis. We will be subject to three years of hearing and seeing the destruction of all of what attracted us to choose to live here, knowing that it is lost forever to us, our children, our grandchildren, and the generations to come. There is absolutely no way any amount of money justifies this destruction.

To protect and enhance our natural resources:

**our air, land and water;
our wildlife, fish and forests
and the ecosystems that sustain all life.**

To provide a healthy, sustainable environment

and a full range of outdoor opportunities.

To ensure the right of all people

to use and enjoy these resources
in their work and leisure.

To work with people

to understand each other's views
and to carry out the public will.

And in this partnership

**consider the future
and generations to follow.**

This is your mission. I see nothing in this mission about building a tax base or providing jobs. Please protect this land.

Sincerely,
Lois A. Otten

Sent from [Mail](#) for Windows 10

From: Andrew Pirrung
To: [DNR Kohler Proposal](#)
Subject: Updated Kohler DEIS Comments
Date: Monday, December 18, 2017 6:49:28 PM

Hello,

I'd like to voice my comments on the updated Draft Environmental Impact Statement for the proposed Kohler golf course. I have many concerns regarding the wording of parts of this DEIS and gray areas in potential plans for this project.

Firstly, I was at the DNR Public Hearing on Nov. 30th, and while I greatly appreciate the opportunity to hear fellow community members and elected officials speak face-to-face with DNR employees, I feel like it was unfair to include the excerpt on the handed out sheet, as well as verbally stated by speakers, that the Department will not be taking testimony pertaining to the use of an easement and alteration of state park lands. This issue is inherently connected to the feasibility of the proposed project and I can not and do not see any other viable option that Kohler can take to avoid the use of an easement on state land. With so many impacts riding on this easement, including but not limited to the roundabout proposal, floodplain wetlands, utility installation, tree cutting, and public right of access on publicly owned land, I ask for the opportunity to fairly address this easement issue at a future time in a public hearing.

With that being said, I believe that the "low potential for precedent" rating (pg 70) is inaccurate as the issuance of an easement of public land to be completely altered for for-profit private business would set the ultimate precedent. I have never heard of this happening before in Wisconsin history. It opens the door for businesses everywhere to negatively alter public lands for their own self-interests.

I'd also like to state that I believe it is a great shortfall of this report not to take into account the effect of a major golfing tournament. Will the access road into this golf course suffice? Do they plan on busing people in? Where will all of these people be parking their cars. I fear that more land will be taken or negatively transformed to accommodate tournament traffic. The impact this type of tournament will have to the state park is also extremely concerning.

I don't believe there was a mention of the floodplain filling of the area by Hole #2 in the report. It was mentioned filling would occur in the access road area within (I believe) the proposed easement area. On a similar note, there's little to no mention of the impact of golfers on the surrounding natural areas. Can we be assured that the golfers and public spectators will not be standing or walking through sensitive dune areas or wetland floodplains? I'm not very familiar with the golf spectating protocol but that was absent in the report as well. These holes seem fairly close together, where are spectators supposed to stand and what impact might that have to the already extremely fragmented natural areas and the threatened and endangered species found on the property?

If this golf course goes through, I believe that a baseline study of the groundwater should be conducted for the presence and amount of pesticides, herbicides, and fertilizer. Then a quarterly groundwater sampling event should be conducted at Kohler's expense to ensure that they are not contaminating groundwater every year. Likewise, a sample should be taken from the irrigation pond. I noticed wording in the comment section of a previous draft by Stantec

stating that, "Surface runoff is directed away from the irrigation pond to avoid potential nutrient runoff." Well that seems mighty difficult to accomplish considering an irrigation pond is going to be lower elevation than the surrounding topography, and if the runoff isn't directed there then where is it directed? The nearest wetland? The Black River? Is the groundwater the preferred outlet? I highly doubt that these plants are maintaining a 100% retention rate, so baseline sampling and concurrent sampling to chemical application should be done.

In conclusion, I believe this proposed golf course would be detrimental to the Town of Black River, Kohler-Andrae State Park, and the future of Wisconsin state parks. We are dealing with an extremely rare and exquisite resource along one of the longest stretches of unpreserved natural areas left in Lake Michigan and quite possibly all of the Great Lakes. I respect Mr. Kohler and his family for all that they have contributed in terms of conservation, art, and philanthropic initiatives, but with great power comes great responsibility. This golf course would adversely affect our natural world, our public lands, and our neighbors. We only have so many opportunities left to preserve these wild and semi-wild places, and to squander this opportunity of preservation in favor of another polluting golf course of a dying industry seems to be the opposite of progress.

Thank you for your time and considerations.

From: Jackie Thiry
To: [DNR Kohler Proposal](#)
Subject: Wetland permit application for the proposed Kohler golf course
Date: Monday, December 11, 2017 10:03:37 PM

I am requesting a complete scientific environmental impact study to be completed with the public's interest given at least the same consideration as a private landowner. The DNR study must include a "no build alternative" instead of writing a non-scientific explanation of what Kohler's planned destruction "may" affect. The Wisconsin Wetland Association indicates the proposed project poses a threat to rare or exceptionally high quality wetland resources and the decision will establish a precedent for how regulatory agencies implement existing wetland protection laws.

Thank you,

Jackie Thiry
1600 Rustic Oaks Ct. #8
Green Bay, WI 54301

From: Kris Aaron
To: [DNR Kohler Proposal](#)
Subject: Where is the scientific data?
Date: Thursday, November 23, 2017 8:38:34 AM

The DNR's Updated Draft Environmental Impact Statement to approve a wetland permit application for the proposed Kohler golf course is unacceptable. No scientific study has been cited to justify this "modification" other than the fact that Kohler wants it.

Not good enough.

As Wisconsin taxpayers and residents, we request a complete and detailed INDEPENDENT study of this wetland permit application *before* it is granted.

Norm and Kris Aaron-Benedum
W9423 Hwy. C
Cambridge, WI 53523
608/332-0420

From: Stacey Bahr
To: [DNR Kohler Proposal](#)
Subject: written comment on updated draft EIS and proposed wetland impacts
Date: Friday, December 22, 2017 3:01:28 PM

Dear Wisconsin DNR,

Once again the DNR has presented a DEIS based on incomplete information, and therefore has again failed at their mission to protect and enhance our natural resources. Without complete information, it is impossible to make a valid determination as to the impacts the proposed Kohler golf course will have. There is no doubt as to the amount of devastation that would be caused to the wetlands, the forest, the flora and fauna, the rare invertebrates and mammal, the sand dunes, the Native American artifacts, and such.

Why did the updated DEIS remove the word “rare” in the section about wetlands? We did “significance of” change to “potential” or “degree”? To make it easier to stomach? Why was potential traffic impacts removed from risk?

One thing the DNR was clear about was the drawdown of surrounding wells by at least 7 feet. I have lived within 2 miles of the proposed golf course site for 18 years now. I have a well, and I love my well water. Selfishly, this is my greatest concern, not to downsize other concerns. The updated DEIS speaks of the source of water the golf course may choose, that being City of Sheboygan water or high capacity irrigation well. I attended a meeting Kohler held at 3 Sheeps Brewery, at which Kohler representative Steve Cassady stated “we prefer, and the City would, too, not to use city water to irrigate, but in case of need, we would.” So basically they are saying regardless of having City water, the high capacity irrigation well would be the first go to source. And thereby, our local wells continue to be at risk. Who will pay for the lowering of pumps or deepening of our wells? Does Kohler even care people, if not other living things?

I agree that Kohler should be able to do what he wants on his property, WITHIN THE LAW, not within his pocketbook, just like I have to do on my mere 20 acres (which has a creek and wetland). My husband and I have chosen to plant trees, raise honey bees, put in a pollinator habitat, and do organic gardening on our property. Kohler could do great things with his property, to the benefit of all living kind. He could do the right thing and leave a lasting legacy for nature and humankind. If he continues to bullrush, as a bully/pimp would, the people, the DNR and other agencies/officials, to build this golf course, I will see him as nothing more than a rapist of the land, and you, the WI DNR, as one of his whores.

Stacey Rajchel-Bahr

“Only when the last tree has died, the last river has been poisoned, and the last fish has been caught will we realize that we can’t eat money.” —Cree proverb

From: John Holtz
To: [DNR Kohler Proposal](#)
Subject: Updated Draft Environmental Impact Statement and Wetland Permit for the Proposed Kohler Golf Course in Sheboygan County
Date: Monday, December 04, 2017 7:08:51 PM

My name is John Holtz, I live at 206 6th St Sheboygan Falls WI 53085. I would like to make a written comment on the Updated Draft Environmental Impact Statement and Wetland Permit for the Proposed Kohler Golf Course in Sheboygan County.

I work for the Sheboygan County Highway Department, and have assisted in data collection for the purpose of applying for permits for projects around the county. I have also worked on projects that were restrained by the restrictions of wetland permits, and wetlands themselves. During the open hearing on November 30, there were plenty of comments about the wildlife impact for the site. I feel that we should preserve that land that belongs to the state as it exist currently. Kohler has requested an easement from the state for the entrance road effecting the master plan for the park. Kohler has hosted several major golf events at their other courses in the county. Kohler utilizes property that they own to handle the parking areas need for these major tournaments. I feel that traffic planning for major events, should be part of the consideration of this permit.

Furthermore, I feel that the main access road that leads to the campsites of Kohler-Andrae State Park could flood due to the filling of 3.7 acres of wetland to the north of the state park. It was vaguely noted on page 33 of the Updated Draft Environmental Impact Statement and Wetland Permit. The Black River follows a pattern of creating a dune at the mouth of the river, thus creating a damming effect until enough head pressure is reached to breach the dam. During this event, the Black River backs up to submerge Old Park Road. I feel that if the wetlands surrounding the Black River are filled in this would enhance the flooding of the state park and access for park users.

John Holtz

206 6th St Sheboygan Falls WI 53085

From: Heather McGowen
To: [DNR Kohler Proposal](#)
Cc: [Christa Westerberg](#)
Subject: Comments on the Kohler Proposed Golf Course Draft DEIS and Wetland Individual Permit Application
Date: Friday, December 22, 2017 5:04:14 PM
Attachments: [image001.png](#)
[31P5474-Comments on the Kohler Proposed Golf Course Draft DEIS.PDF](#)

Please see the attached correspondence.

Thank you.

Heather McGowen

Legal Assistant

608.251.0101 Phone
608.251.2883 Fax
hmcgowen@pinesbach.com

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Attorney Christa O. Westerberg
cwesterberg@pinesbach.com

December 22, 2017

VIA E-MAIL

dnrkohlerproposal@wisconsin.gov

Jay Schiefelbein
Wisconsin Department of Natural
Resources
2984 Shawano Ave.
Green Bay, WI 54313-6727Re: Comments on the Kohler Proposed Golf Course Draft DEIS and Wetland
Individual Permit Application

Dear Mr. Schiefelbein:

On behalf of members and supporters of the Friends of the Black River Forest (FBRF), this firm submits the following comments on the revised draft environmental impact statement (DEIS) and individual wetland permit application for the Kohler Company's proposed golf course in Sheboygan County.¹

The Kohler project will fundamentally transform an ecological gem into an altered environment that will eliminate – either immediately or in the near future – the rare wetlands, plants, birds, and animals that make the site so special. The DEIS inadequately describes these impacts and overstates means to mitigate them, while the permit would put the DNR's seal of approval on the loss of globally- and state-imperiled wetlands and the flora and fauna they host. Neither document meets applicable legal standards. The DNR should amend the revised DEIS to better reflect the anticipated environmental effects of the Kohler proposal and deny Kohler's wetland individual permit application and accompanying water quality certification.²

¹ By agreement with the DNR, the deadline for comments was extended from December 18, 2017, to December 22, 2017, to accommodate the public's ability to comment on information about this project that was not released until the week of December 11, 2017. FBRF appreciates the extension.

² For the purposes of these comments, we assume that the golf course will be located within the City of Sheboygan's jurisdiction, though its annexation of Kohler's proposed project site from the Town of Wilson is currently in litigation.

I. The Revised DEIS Does Not Adequately Address the Environmental Impacts of the Kohler Proposal.

The environmental impact statement (EIS) process is mandated by the Wisconsin Environmental Policy Act (WEPA). Wis. Stat. § 1.11(2). Its purpose is “to inform decision-makers and the public of the anticipated effects on the quality of the human environment of a proposed action or project and alternatives to the proposed action or project.” Wis. Admin. Code § NR 150.30(1)(b). The EIS must consider the project, its alternatives, and anticipated environmental effects in a “dispassionate manner,” without advocating for any particular outcome. *Id.* § NR 150.30(1)(c). Importantly, it must provide “a level of detail commensurate with the complexity of the project.” *Id.*; § NR 150.30(2).

While we appreciate that the DNR has prepared a revised DEIS, and that it has not relied on the DEIS created before Kohler had even submitted any applications, the revised draft EIS remains legally deficient, containing inconsistencies, omissions, and unsupported conclusions that misrepresent the scope of the project and its alternatives. It obscures the true anticipated environmental effects of Kohler’s drastic proposal – to convert a previously undeveloped natural landscape along Lake Michigan into an 18-hole golf course and clubhouse.

In *Town of Centerville v. Dep’t of Nat. Res.*, the court soundly rejected an EIS that “leap[ed] from premise to conclusion” without analysis demonstrating that the DNR’s expertise “ha[d] actually been applied.” For example, the court explained:

The department's treatment of this consideration consists of a statement of the potential environmental danger, followed by an observation that technological ability exists to address it. This approach “leap-frogs” over any analysis of the potential problem or the solution... We, as a reviewing court, are left to speculate as to what investigation permitted the department to reach this conclusion.

142 Wis. 2d 240, 251-253, 417 N.W.2d 901, 906-907 (Ct. App. 1987). In several key areas of the EIS, the DNR had recognized specific environmental concerns and then dismissed them by suggesting that proper management and/or engineering “should” address each problem. *Id.* at 250-253. The court found these superficial, noting “[a]bsent is any analysis as to what ‘proper water management techniques’ and ‘erosion and sediment control measures’ are required and necessary” to avoid the anticipated impact. *Id.* at 253. “These unspecified hypothetical engineering and operational techniques are, in our judgment, insufficient to demonstrate that the department has

developed a reviewable record of sufficient depth to permit a reasonably informed preliminary judgment of the environmental consequences." *Id.* at 251.

The revised DEIS here makes several of these "leap-frog" conclusions and hypothetical "should" analyses. For example, Kohler proposes to develop a nutrient management plan and an integrated pest management plan, each incorporating "best management practices." (Revised DEIS at 7, 8.) The revised DEIS then simply states that the nutrient and pest management practices proposed by Kohler will be sufficient to avoid adverse impacts to nearby water bodies and wetlands. (Revised DEIS at 6-9.) The section provides no substantive analysis of how these particular practices would or would not be effective on this particular landscape. Instead, it describes – generically – the regulations that apply to such plans, without any indication of how or whether they may be appropriate or effective for this property. (*Id.*)

This entirely misses the point of an EIS, which is to evaluate the probable effects of the particular proposal to the *particular* environment. How, for example, might a "best management practices" integrated pest management plan fare on the soils of this specific site which, earlier in the revised DEIS, the DNR identifies as having "somewhat limited" to "very limited" suitability for golf course use under NRCS pesticide ratings? (Revised DEIS at 22.) What potential impact will the use of fertilizers and pesticides under these plans have on nearby surface water quality, particularly in light of the fact that the Black River already contains over three times the maximum standard for total phosphorous and is already included on the federal list of impaired waters? (Revised DEIS at 42-43.) Rather than the "dispassionate" evaluation required by § NR 150.30(1)(c), the revised DEIS endorses, without examination, each course of action proposed by Kohler, even where Kohler's proposals contradict the conclusions of DNR's own scientists within the same document.

In addition, the revised DEIS makes only superficial mention of the secondary and cumulative impacts Kohler's proposal will have on the existing landscape. Although a discussion of these impacts is an integral requirement of a DEIS under § NR 150.30(2)(g), here they receive only a sentence or two in passing. For example, 47 of the 67 rare [REDACTED] wetlands located on the Kohler property will be directly impacted by the project. (Revised DEIS at 38.) For the remaining 20, the revised DEIS discussion simply states, "[s]econdary impacts are likely to occur from tree clearing and grading activities, which can alter the local hydrology of these wetlands. Additional secondary impacts from irrigation and fertilizer application are also possible." (*Id.*) The revised DEIS lacks any substantive discussion of the likelihood or extent of these impacts, or whether they are minimized in the proposal, while other evidence indicates both secondary and cumulative impacts will be significant and

permanent. (See [REDACTED] WRAM at 9; [REDACTED] WRAM at 9; [REDACTED] WRAM at 11; Carpenter Cmets. submitted 12/20/17, at 3.) This cursory treatment of secondary and cumulative impacts is echoed in other sections as well. (See, e.g., Revised DEIS at 40-42, 66.) This is certainly not the “level of detail commensurate with the complexity of the project,” as required by § NR 150.30(2).

In other areas, the revised DEIS fails to acknowledge that relevant information is incomplete and, thus, a comprehensive environmental evaluation cannot be made. For example, at one point the revised DEIS states that Kohler “will pursue use of municipal water for potable and irrigation water” due to the City of Sheboygan’s recent annexation of the property. (Revised DEIS at 9.) However, there is no discussion of when or how municipal water would be supplied to the property, or how that may alter the anticipated environmental effects of the proposal before or after municipal water is connected to the Kohler site. The revised DEIS instead goes on to detail the water use proposal – wells – which Kohler has now abandoned. The same is true for sanitary sewer services, which the City may someday supply, but in the interim Kohler suggests on page 33 that it will use a septic system – a poor choice on the area’s sandy soils and given a high water table, which is used by neighboring private well owners. What will the construction and operational impacts of this septic system be on the environment and public health, if the DNR has even *seen* a plan for this aspect of the project at all? With these and other pieces of information missing or improperly analyzed, many of DNR’s conclusions on the overall impacts of the project lack evidentiary basis. This fails to meet the requirement of § NR 150.30(2)(g), which requires an EIS to include “identification of information that is incomplete....and a description of the relevance of such information.”

The EIS process is not simply a procedural box for DNR to check off; it is a significant document that should adequately inform decision-makers and the public of the true environmental effects to be expected for a particular project. For the reasons described above and others, the revised DEIS understates and/or fails to describe the true environmental effects of Kohler’s proposal. As such, it fails to serve its WEPA purpose under Wis. Stat. § 1.11 and § NR ch. 150, and should be amended.

II. The DNR Should Deny Kohler’s Individual Wetland Permit Application.

Before DNR may grant a wetland individual permit, it must find that (1) no practicable alternative exists which would avoid adverse impacts to wetlands, (2) all practicable measures to minimize adverse impacts to the functional values of the affected wetlands have been taken, and (3) that the proposed activity will not result in significant adverse impacts to wetland functional values, significant adverse impacts to water quality, or

other significant adverse environmental consequences. Wis. Stat. § 281.36(3n)(c); Wis. Admin. Code § NR 103.08(4)(a). DNR cannot make this finding because Kohler's wetland individual permit application fails to show any of the three requirements are met for the rare and exceptional wetlands present on the Kohler site. Even if it could, DNR must still deny the permit because the wetland mitigation plan is incomplete.

As an initial matter, in reviewing Kohler's permit application for compliance with Wis. Stat. § 281.36(3n)(c), DNR must consider all of the following factors:

- (a) Wetland dependency of the proposal;
- (b) Practicable alternatives to the proposal which will avoid and minimize adverse impacts to wetlands and will not result in other significant adverse environmental consequences;
- (c) Impacts which may result from the activity on the maintenance, protection, restoration or enhancement of standards under s. NR 103.03 [wetland water quality standards];
- (d) Cumulative impacts attributable to the proposed activity which may occur, based upon past or reasonably anticipated impacts on wetland functional values of similar activities in the affected area;
- (e) Potential secondary impacts on wetland functional values from the proposed activity;
- (f) Any potential adverse impacts to wetlands in areas of special natural resource interest as listed in s. NR 103.04; and
- (g) Any potential adverse impact to wetlands in environmentally sensitive areas and environmental corridors identified in areawide water quality management plans.

NR 103.08(3) (emphasis added).

Importantly, the wetlands within Kohler's proposed project site meet DNR's definition of "wetlands in areas of special natural resource interest" because they are within the boundaries and/or proximity of Lake Michigan; habitat used by state or federal threatened or endangered species; a state park; a state wildlife refuge; and a designated state natural area (Kohler Park Dunes). *See* Wis. Admin. Code §§ NR 103.04(2), (6-8), (10); *see also id.* § NR 15.01(16)(b). Nowhere in the wetland individual permit application does Kohler recognize this special status, despite the fact that it is a specific consideration that must be taken into account under § NR 103.08(3)(f) above. At any rate, because Kohler's proposal would adversely affect wetlands in an area of special natural resource interest, DNR may not consider any potential functional values provided by any proposed mitigation efforts. NR § 103.08(4)(b). In other words, DNR's inquiry is limited to the wetland functional values adversely impacted by Kohler's activity itself, and not any mitigation plan submitted by Kohler.

FBRF is also troubled by the fact that the DNR's newspaper notice (but not the one sent by "blast" email to interested parties) noted the DNR's intent to issue the wetland permit with conditions. It has neither produced a draft permit nor identified any applicable conditions, so the public may understand the basis for the agency's interpretation or how DNR believes conditions will address this project's impacts and show compliance with applicable standards. The DNR has also not identified what mitigation may be appropriate for this project, again depriving the public of the chance to comment on the agency's preferred mitigation measures. In any case, Kohler cannot meet the requirements for a permit, as shown below, and it should be denied.

- a. **Kohler's Proposal Does Not Meet The Requirements of Wis. Stat. § 281.36(3n)(c).**
 - i. **Kohler has not shown that there are no practicable alternatives to its current proposal, or that it has taken all practicable measures to minimize adverse impacts to the functional values of the affected wetlands.**

Kohler's application fails to explain with specificity why there are no practicable alternatives to the current proposal or why no further measures can be taken to minimize adverse impacts to wetlands on the property.

Kohler's practicable alternatives analysis (PAA) has been inadequate from the start, as DNR implicitly acknowledged through its request for additional information on alternatives following Kohler's initial application. In response, it received a PAA that is cursory and shallow at best. It fails to analyze with any detail the impacts of alternatives, and why the preferred choice, F-4, cannot be varied. For example, DNR requested further detail of the current golf course design criteria, specifying "the criteria proposed should be based on quantifiable information to demonstrate why they cannot be varied." (Kohler August 18, 2017 Additional Information for Permit Application, hereinafter "Kohler Supplement," at 10.) Kohler instead responded with a summary of golf course architect Pete Dye's resume and credentials, and with the current national rankings of Kohler's four other golf courses. (*Id.* at 11.)

In addition, the supplementary PAA attempts to justify its selection of F-4 by relying on terms that are vague and undefined; for example, "[r]elocating the hole to the East was investigated but not practicable as it would not provide for playability." (Kohler PAA Supplement at 2.) "Playability" is not an excuse for rejecting a practicable alternative that would avoid destroying globally rare wetlands. These types of explanations also fail to give DNR or the public a more thorough understanding of the

reasoning behind F-4 or why its wetlands impacts cannot be avoided. The obvious alternative – of moving the golf course to a less ecologically sensitive site – is not even discussed, even though hundreds of golf course operators across the state, Kohler included, have shown it is possible to operate an economically successful golf course on properties away from Lake Michigan dunes and ridges, rare wetlands, migrating bird habitat, and endangered species.

Kohler also fails to explain why it cannot make even minor adjustments to its course layout to avoid direct impacts to rare wetlands. The DNR has conducted multiple Wisconsin Rapid Assessment Methodology (WRAM) studies to determine the functional values of the existing wetlands that will be affected by Kohler's proposal. These show that the wetlands' primary functional value is as habitat for rare plants and wildlife species. For example, the WRAM repeatedly notes the "high to exceptional" quality of the rare plant species observed in the [REDACTED] wetland complex. [REDACTED] WRAM at 8.) Likewise, the [REDACTED] WRAM notes the dominant presence of a plant community rapidly disappearing in Wisconsin. [REDACTED] WRAM at 8.) Despite this, Kohler's application does not consider slight relocation of the clubhouse, parking lot, irrigation pond, or practice range, which could avoid these wetlands.

Overall, much of Kohler's response to DNR's list of follow-up questions on wetland impact minimization is evasive and unhelpful at best. For example, the DNR asked Kohler to verify that no imported fill would be used in the project and, if imported fill would be used, to identify the specific borrow site as such a site must be "considered part of the overall project." Kohler responded that its "current plan is to balance on-site materials" and, if additional fill is needed, to source it from "an existing permitted site." (Kohler Supplement at ¶ 15.) This answer neither commits to using no imported fill, nor provides information about where other fill would be sourced from. Such vague and inconsequential answers deprive DNR of the statutorily-required information it must have in order to substantively review the application, and confirm that Kohler has not thought out all ways to minimize adverse impacts to wetlands.

In any case, as the next section shows, it is impossible to minimize the impacts of a project of this magnitude, because it will fully and completely transform the site.

- ii. **Kohler's proposal will result in significant adverse impacts to wetland functional values, significant adverse impacts to water quality, and other significant adverse environmental consequences.**

Kohler's wetland individual permit application clearly demonstrates that the project will have significant adverse impacts on wetland functional values, water quality, and the remaining environment, both on its own property and in Kohler-Andrae state park.

The DNR's own scientists concluded that various functional values of the wetlands within the Kohler project are high to exceptional, and that these functional values will be permanently destroyed through direct and secondary impacts. In DNR's [REDACTED] WRAM, scientists concluded that the wetlands provide, *inter alia*, "unique habitat for rare species" of wildlife, "high value for amphibians and invertebrates," and a native plant community that is elsewhere "increasingly threatened in the state." [REDACTED] WRAM at 8.) The [REDACTED] Complex Wetlands WRAM concluded that the wetlands on the Kohler property contain a plant community with very high to exceptional integrity, and of a quality "imperiled in the state because of its rarity." [REDACTED] WRAM at 6, 8.) The [REDACTED] WRAM concluded that these wetlands also contained a rare plant community of very high to exceptional integrity with few invasive species, and unique wildlife habitat for rare dune species. [REDACTED] WRAM at 9, 10.) In the [REDACTED] and [REDACTED] WRAMs, DNR scientists predict that the Kohler proposal will have permanent effects of the highest level on all categories surveyed: direct, secondary and cumulative impacts, as well as habitat fragmentation and plant community degradation. [REDACTED] WRAM at 9-10; [REDACTED] WRAM at 9-10.) The [REDACTED] WRAM concludes all secondary and cumulative impacts will be permanent and at the highest level possible, including for critically imperiled state plant communities. [REDACTED] WRAM at 11-12.) These impacts demonstrate the standard in Wis. Stat. § 281.36(3n)(c)3. cannot be met.

Secondary impacts to wetland functional values are certain to result from Kohler's activity, but are almost entirely unaccounted-for in the application. To this end, the application grossly underestimates the wetland acreage that will be adversely impacted by Kohler's proposal. Kohler now claims 3.69 acres of wetlands will be directly impacted by the golf course and that just 2.94 acres will suffer secondary impacts. This defies decades of wetland research, best summarized by wetland scientist Dr. Quentin Carpenter in his comments on the wetland application:

This is 'missing the forest for the trees' or 'ignoring the 5-ton elephant in the room'...[T]he secondary effects are the major problem here. Minor tinkering with the design that reduces slightly the direct impacts on wetlands will not help the essential problem, which is that this proposal, if permitted, will transform this rare and irreplaceable ecosystem...into a quasi-agricultural eutrophic (high nutrient) system dominated by exotic plants growing on imported soils...

The experiment of placing a high-nutrient ecosystem next to a low-nutrient system has already been run and studied many times. The outcome is always the same: the low-nutrient system loses. This proposal is not for a golf course on the edge of a rare upland/wetland complex, it is a golf course woven into the fabric of such a system. The edge effects will be overwhelming.

(Carpenter Cmts., submitted 12/20/17.) These comments confirm that not only will secondary impacts be severe contrary to the standard in Wis. Stat. § 281.36(3n)(c)3., but that these impacts are much more widespread than Kohler admits.

Kohler also claims that only 0.034 acres of wetlands will be even *temporarily* impacted in any way by construction of an 18-hole golf course on this previously untouched land. (Kohler Supplement at Table A.) This self-serving understatement ignores the sheer magnitude of Kohler's plans. The project will involve large-scale disturbance of existing vegetation, soil excavation, and soil erosion and/or compaction, all of which are certain to have a multitude of temporary impacts on adjacent wetlands. Not all infrastructure improvements have been accounted for in the application, which would of course increase construction impacts. Like its estimation of secondary impacts, Kohler's estimate of temporary impacts is grossly understated and without scientific support.

As further example of underestimating the project's impacts, Kohler claims that "[t]here are currently no plans to host a specific spectator event." This directly contradicts the intentions it has conveyed to the public and to DNR. As DNR states in its revised DEIS, "[I]t is anticipated that the proposed golf course may host golf tournaments including but not limited to the PGA Championship, U.S. Senior Open, the Ryder Cup, and the U.S. Women's Open." (Revised DEIS at 6.) Kohler's own publicity declares repeatedly that Kohler intends the golf course to be among the top 50 in the world, making Sheboygan County a "top 10, world-class golf destination." (*See, e.g.*, <http://www.proposedgolfcourse.com/>, accessed 12 December 2017.) While no events may be "currently planned" because the golf course is not yet permitted or constructed,

Kohler clearly aims to host spectator events at its new world-class facility. The significant crowds and high traffic associated with these events would present a host of potential secondary impacts to wetlands which should be acknowledged, addressed in the permit application, and applied against the standards in Wis. Stat. § 281.36(3n)(c). Based on the current record, there is no way to assure these standards will be satisfied for site alterations associated with spectator events.

In addition to adverse impacts to wetland functional values, Kohler's proposal will have other significant adverse environmental consequences. As discussed in section I. above, the revised DEIS identifies many of these consequences, albeit superficially. The site is home to many rare or endangered plants, mammals, birds, bats, and invertebrates identified in surveys by both DNR and Kohler. (See, e.g., Revised DEIS at Table 7.) It also currently serves as crucial stopover habitat for migratory birds, as both DNR and the Wisconsin Society for Ornithology have found. (Revised DEIS at 45; verbal testimony of Michael John Jaegar, Wisconsin Society for Ornithology President (Nov. 30, 2017). Kohler proposes to cut down at least half of the trees on this currently undeveloped land, substantially fragmenting the remaining half. DNR has acknowledged that this will severely diminish the habitat value of the site for rare or endangered species and for migratory birds, in an area where few suitable habitats exist already. (Revised DEIS at 46-47.) These adverse environmental consequences are not only certain, but permanent. (See ██████████ WRAM at 11-12 (noting permanent impacts to critically imperiled plant community; ██████████ WRAM at 8, 11 (noting unique habitat for rare ██████████ species and permanent impact to plant community with ██████████ "making it very vulnerable to extirpation from the state"; ██████████ WRAM at 8, 10 (noting permanent impacts to high quality ██████████ rare within the ecoregion). Indeed, Kohler and DNR acknowledge Kohler will need to seek an incidental take permit for certain threatened and endangered species, implicitly acknowledging that impacts to these species are total and irreversible. Once the property is converted from its natural state to a golf course, its environmental value cannot be retained or redeemed.

For these reasons and the many others identified in the permit application and revised DEIS, Kohler's proposal does not meet Wis. Stat. § 281.36(3n)(c)(3).

B. Even If Kohler Has Met The Requirements of Wis. Stat. § 281.36(3n)(c), Which It Has Not, The Proposal Cannot Be Approved Because Its Mitigation Plan Is Incomplete.

The DNR should deny Kohler's permit application because the three criteria of Wis. Stat. § 281.36(3n)(c) are not met. Even if they were, DNR still could not approve the permit without a more significant mitigation plan than that proposed by Kohler.

The DNR must require a wetland individual permittee to engage in mitigation through the program established under Wis. Stat. § 281.36(3r). *See* Wis. Stat. § 281.36(3n)(d). In its March application, Kohler proposed permittee-responsible wetland creation at a nearby site, Amsterdam Dunes. However, Kohler has now abandoned the Amsterdam Dunes proposal and plans to mitigate the destroyed [REDACTED] wetlands via the in-lieu fee program, and the remaining wetlands via wetland bank credits. Based on publicly-available information, Kohler has not completed a revised Mitigation Summary Worksheet to DNR, which would reflect (1) why Kohler chose this type of mitigation, and (2) whether appropriate credits are available. Kohler also did not provide these specifics on its changed plans in its August 9, 2017 packet of additional information. Without this information, DNR cannot verify that Kohler will be able to fulfill its mitigation obligations under Wis. Stat. § 281.36(3n)(d), and the public has no opportunity to comment on whether the credits or banking site proposed are appropriate.

Furthermore, the total acreage Kohler proposes for mitigation through these programs is just 6.63 acres (3.69 acres of direct impacts and 2.94 of secondary impacts). As described in section II.A.i. above, Kohler grossly underestimates the secondary, cumulative, and temporary impacts its total transformation of this ecosystem will have on existing wetlands. Kohler's application, therefore, is inadequate and Kohler should be required to expand its efforts in order to mitigate all of the anticipated adverse wetland impacts. Better yet, Kohler should avoid the impacts entirely, given the

III. The Kohler Proposal Should Not Receive The Required Water Quality Certification.

The Kohler golf course would have significant adverse impacts to water quality, which means not only that Kohler has not met the requirements of Wis. Stat. § 281.36(3n)(c)(3), but that it should not receive the required water quality certification under Section 401 of the Clean Water Act or Wis. Admin. Code ch. NR 299. The DNR must deny certification "for any activity where the department does not have reasonable assurance that any discharge will comply with effluent limitations or water

quality related concerns or any other appropriate requirements of state law.” § NR 299.01(2)(a). Put simply, Kohler must demonstrate it will comply with a broad range of laws and regulations in order to receive certification.

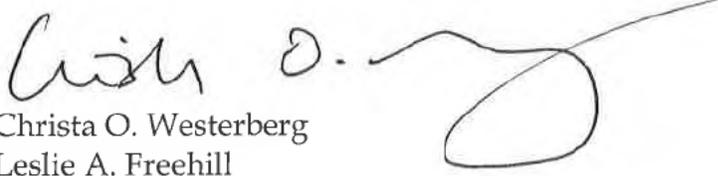
Kohler’s wetland individual permit application offers no substantive discussion of how water quality standards will be met. Conversely, DNR scientists concluded unequivocally that the Kohler property’s predominantly sandy soils have high infiltration rates and high hydraulic conductivity, and that “[t]his combined with a shallow depth to the surficial groundwater aquifer increases the potential for pesticides and fertilizers to leach into the shallow aquifer, which may additionally reach the Black River, Lake Michigan, and the associated wetlands.” (Revised DEIS at 67.) In light of those scientific findings and those mentioned in Section I and II, supra, Kohler has not provided a “reasonable assurance” that the project meets all applicable water quality standards and other applicable standards.

Moreover, the November 9, 2017 notice of the revised DEIS and wetland permit public comment period makes just one oblique reference to the fact that DNR intends to use the wetland individual permit application for purposes of water quality certification. A brief mention of “CWA 401” does not convey to the public in clear and unequivocal terms that the current public comment period is also serving the significant procedural step for federal permitting and water quality certification purposes. The public, then, has been deprived of a meaningful opportunity to comment on Kohler’s compliance in this important respect.

Thank you for the opportunity to provide these comments. Please let me know if you have any questions or need further information.

Sincerely,

PINES BACH LLP


Christa O. Westerberg
Leslie A. Freehill

COW:hmm

cc: Friends of the Black River Forest