

**BEFORE THE
DEPARTMENT OF NATURAL RESOURCES
DETERMINATION ON
WISCONSIN ENVIRONMENTAL POLICY ACT (WEPA) COMPLIANCE
For
Proposed Kohler Golf Course
January, 2018**

INTRODUCTION

The Wisconsin Environmental Policy Act (WEPA), s. 1.11. Wis. Stats., requires state agencies to fully consider and disclose the environmental impacts of agency actions. Chapter NR 150, Wis. Admin. Code, outlines policy and procedures for implementing WEPA for the Department of Natural Resources (DNR). Section NR 150.35, Wis. Admin. Code, requires a final written determination regarding WEPA compliance.

The Kohler Company (Kohler) has proposed to develop an 18-hole, daily-fee public golf course, a clubhouse, and support amenities (the Project) on 247 acres of undeveloped private land (the Kohler Property) on Lake Michigan frontage adjacent to the northern boundary of the John Michael Kohler and Terry Andrae State Parks (Kohler-Andrae) in Sheboygan County. A maintenance facility and the access road to the golf course are proposed on state land within Kohler-Andrae, and Kohler is currently requesting an approximate five-acre easement from the Wisconsin Department of Natural Resources (the Department).

FINDINGS OF FACT

1. On August 6, 2014, the Department became aware of a proposal for a golf course on Kohler Company property in Sheboygan County.
2. Section NR 150.20, Wis. Admin. Code, establishes procedures to fulfill the requirements of s. 1.11 (2) (c), Wis. Stats., setting minimum procedural requirements for WEPA compliance. Pursuant to s. NR 150.20 (4), Wis. Admin. Code, the Department determined to follow the Environmental Impact Statement (EIS) process as outlined in s. NR 150.30, Wis. Admin. Code, for the proposed project.
3. The Department notified the applicant of its determination to complete an environmental impact statement (EIS) process for the proposed project and requested the applicant submit an environmental impact report (EIR).
4. On April 14, 2015, the Department received an EIR from the applicant providing a description of their proposed project and their analysis of the potential environmental effects of the proposal.
5. On June 23, 2015, the Department announced public scoping for the EIS. On July 14, 2015, the Department held a public informational EIS scoping meeting at UW–Sheboygan. The public scoping comment period was open through July 24, 2015.

6. To determine the scope of the EIS analysis, the Department relied on its expertise and conferred with other agencies, including: the United States Army Corps of Engineers, the Wisconsin Department of Transportation, and the Wisconsin State Historical Society. The Department also relied on public scoping comments, the applicant's EIR, and other information.
7. The Department developed a draft EIS under s. NR 150.30.
8. On June 29, 2016, the Department of Natural Resources completed and announced the availability of the draft EIS for public review and comment, and announced a public informational hearing to receive comments on the project and draft EIS. As required by s. 1.11 (2) (d), Wis. Stats., the hearing announcement was provided by a class 1 notice, as defined by ch. 985, Wis. Stats., which was published in the Sheboygan Press. The public review period on the draft EIS was set to run until August 26, 2016.
9. Copies of the draft EIS were made available to the Governor's office and the public through the Department's internet site.
10. The Department held a public informational hearing on the project and draft EIS on July 20, 2016, at Sheboygan Falls High School.
11. Verbal comments on the draft EIS were received at the hearing, and written comments were accepted in letter or electronic mail formats through August 26, 2016.
12. Due to substantial new information that became available regarding the project between mid-2016 and 2017, the Department decided to prepare an updated draft EIS.
13. On November 14, 2017, the Department completed the updated draft EIS and announced the availability of the updated draft EIS for public review and comment. As required by s. 1.11 (2) (d), Wis. Stats., the hearing announcement was provided by a class 1 notice, as defined by ch. 985, Wis. Stats., which was published in the Sheboygan Press. The public review period on the draft EIS was set to run until December 15, 2017.
14. The Department held a public hearing on the project and updated draft EIS on November 30, 2017, at UW-Sheboygan.
15. On December 13, 2017, the Department received a request from Attorney Christa O. Westerberg, of Pines Bach LLP to extend the public comment period on the updated draft EIS to December 22, 2017. The Department granted this request.
16. Verbal comments on the updated draft EIS were received at the hearing, and written comments were accepted in letter or electronic mail formats through December 22, 2017.
17. The Department prepared a final EIS.
18. The final EIS and a summary of all public comments received on the updated draft EIS and the Department's responses to those comments are available on Department's project website at: <http://dnr.wi.gov/topic/EIA/Kohler.htm>.

CONCLUSIONS OF LAW

1. The Department of Natural Resources, pursuant to s. 1.11 Wis. Stats., and ch. NR 150, Wis. Admin. Code, has the responsibility to comply with WEPA and the authority to

determine its compliance with that Act. The proposed project received environmental analysis through the EIS process under s. NR 150.30, Wis. Admin. Code. The procedure and analysis identified in the Findings of Fact complies with the requirements of s.1.11, Wis. Stats., and ch. NR 150, Wis. Admin. Code.

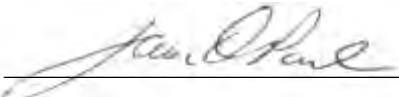
Dated at Madison, Wisconsin, this 16th day of January 2018.

STATE OF WISCONSIN

Department of Natural Resources

For the Secretary

By:

A handwritten signature in cursive script, appearing to read "James Pardee", is written over a horizontal line.

James Pardee

WEPA Coordinator

Environmental Analysis and Sustainability Program