

Boat launch battle costing millions

Opponents open deep pockets in fight against DNR

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North Lake - Lakeshore property owners have spent about \$1.2 million during the past seven years to block the Wisconsin Department of Natural Resource's (DNR) plans to build a public access boat launch on the west shore of North Lake, and leaders of the opposition concede they do not know when the costs and controversy will end.

The North Lake Management District (NLMD) reported last week it has spent about \$750,000 in legal and consulting fees. The lake management district has argued in court and at agency hearings that the boat launch ought to be located on the east side of lake where it will do less environmental damage to the lake.

Another approximately \$340,000 has been spent by a group of residents living on the lake to purchase and maintain the land where the NLMD says the boat launch should be located

A lawyer for the Reddelien Road Neighborhood Association (RRNA), which is also opposed to the west shore site, estimated that organization has spent more than \$150,000 but less than \$200,000 in legal fees and consultants in the battle.

There have been no estimates regarding how much the controversy has cost the DNR, although the agency paid more than \$1 million to acquire the approximately five acres of land for the west shore site.

Fifty four members of the NLMD voted by an overwhelming majority Thursday night to authorize the district's commissioners to either borrow or obtain a line of credit totaling \$150,000 to continue the fight.

About \$90,000 will be used to pay off past or pending legal fees and the remaining \$60,000 will be available for possible legal and consulting fees in the future, according to NLMD commissioners.

The 234 lake front or lake access property owners will discuss at the their annual meeting in August whether to increase from \$400 to \$500 the annual membership assessment that is included with their real estate tax bills. The district is a local unit of government created for the purpose of preserving and protecting the lake.

Commission Chairman Gerald Heine told a special meeting of the membership at the Merton Town Hall that the commissioners would prefer to borrow money or levy special assessments to help pay the legal and consulting fees rather than increasing the annual membership fees. Heine said there are residents on the lake with limited incomes and increasing the annual membership fee could be a

hardship. He said the NLMD believed it would be more equitable to borrow the money and pay it off over a period of years. However, a majority of the members voted to consider fee increases at next year's annual meeting.

Opponents argue the DNR proposal will significantly harm the ecology of the lake and the environment that surrounds it. They contend construction of a road leading to a football field-size parking lot would disturb wetlands that protect the lake from pollution and siltation, significantly alter storm water drainage along the west shore and require the destruction of about 400 trees.

The NLMD and RRNA assert the east side location would do less environmental harm to the lake and be more accessible to emergency service personnel in the event of an accident or incident at the access ramp.

DNR officials argued that the east shore site is not acceptable because it cannot provide year-round fishing and would require dredging which causes more environmental harm than developing the west shore site. Some DNR officials and lobbyists for fish and wildlife organizations have argued for years that the residents of the lake are simply refusing to allow a public boat launch on the lake because they believe it interferes with their privacy and enjoyment of the lake.

The neighborhood association and the lake management district have managed to tie the DNR proposal into legal and bureaucratic knots by arguing that the agency failed to follow its own rules when it issued itself permits for the project and also sought permits from the U.S. Army Corps of Engineers.

There are two separate quasi judicial, "contested case hearings," pending before a state Department of Administration hearing officer.

There are two separate cases pending in Waukesha County Circuit Court in addition to a decision pending in the state court of appeals on a Waukesha County Circuit Court ruling that determined the environmental assessment conducted by the agency was adequate.

And, the RRNA is preparing to file suit in federal court that alleges the corps of engineers and the U.S. EPA violated federal law when the corps of engineers failed to conduct an independent environmental assessment rather than relying on data submitted by the DNR.

William C. Gleisner III, attorney for the RRNA, told the meeting that the DNR "lied through its teeth" when it provided the corps of engineers with an assessment of the environmental impact the project would have on nearby wetlands and navigable waters.

Behind the scenes efforts to strike a compromise between the agency and residents that have involved local state lawmakers, the governor's office, and the secretary of the agency, as well as NLMD officials have, so far, failed.

By the numbers

The North Lake Management District (NLMD) has spent \$750,000 fighting the state Department of Natural Resources' plans to construct a boat launch on the west side of the lake. Residents have spent about \$340,000, while the Reddelien Road Neighborhood Association has spent more than \$150,000. The NLMD may spend another \$150,000 after authorization at a meeting Dec. 15.

