

News

More hearings slated on North Lake boat launch

Launch opponents win another round over DNR

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North Lake - Opponents of a proposed public boat launch on the west side of North Lake have apparently won another round in state court against the Wisconsin Department of Natural Resources.

Waukesha County Circuit Judge Mac Davis in a verbal ruling issued Monday has told the DNR that it must conduct a contested case hearing over a stormwater-control permit it issued to itself as part of the proposed construction of a public boat launch on property owned by former Merton Town Chairman Tom Krause. The site is on the west side of North Lake.

The Reddellen Road Neighborhood Association (RRNA) and the North Lake Management District (NLMD) are opposed to locating the boat launch on the west side of the lake. The department has refused to accept a proposal from the lake management district to build an alternative facility on the east side of the lake near the North Lake business district.

The judge overruled a decision by the DNR denying a contested-case hearing on a stormwater control permit for the project. The DNR contended that the RRNA failed to file a request for a hearing before a filing deadline.

William C. Gleisner III, attorney for the RRNA, argued that the association failed to file the request in a timely manner because the agency failed to inform the association, before the deadline, that it has issued itself the permit.

Gleisner predicted that the contested-case hearing probably could not be conducted before late spring or early summer of 2012.

The hearing is a quasijudicial procedure in which a state administrative law judge hears testimony and reviews evidence to determine whether a state agency abided by state law in rendering a decision.

The NLMD and the RRNA have contended the agency did not follow its own rules regarding completing environmental impact assessments before issuing the permit.

There is another contested-case hearing ruling pending on whether the agency properly determined whether there were navigable waters in and around the proposed boat launch on the Kraus property.

The boat launch would include parking facilities for about 20 vehicles and boat trailers in addition to restroom and picnic facilities on the site.

Opponents of the boat launch have asserted that its construction and operation would do irreparable environmental harm to the lake and lakeshore as well as alter stormwater drainage on neighboring properties.

The contested-hearing decisions are likely to be appealed to state courts, according to lawyers representing both sides.

In addition, the RRNA is preparing to file a federal lawsuit against the United State Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers, which asserts the two agencies violated federal laws when they relied on environmental assessments performed by the DNR before the corps issued a permit to the state for the project.

Federal law, according to RRNA lawyers, requires that the Corps of Engineers conduct its own environmental assessment rather than depending upon the DNR, and the EPA is responsible for making sure the Corps abides by federal law in its decisions regarding federal water-quality-control permits.

The RRNA contends that the DNR did not fully inform the federal agencies of the environmental implications of the proposed project.

DNR officials could not be reached for comment.