

News

Launch could go to federal court

DNR loses North Lake court decision

By [Kelly Smith](#)

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North Lake - The specter of the federal courts becoming involved in the North Lake boat launch controversy has been raised by an attorney for the Reddelien Road Neighborhood Association (RRNA).

Attorney William C. Gleisner III alleges that the Wisconsin Department of Natural Resources (DNR) and the U.S. Army Corps of Engineers may have violated federal environmental standards in making decisions regarding permits for the boat launch project east of Reddelien Road, on the west shore of the lake.

Gleisner, a resident of Reddelien Road, told Lake Country Publications that some of the evidence supporting his allegations is included in exhibits filed in Waukesha County Circuit Court.

On July 26, Circuit Court Judge J. Mac Davis rejected a request by the DNR to dismiss a legal action filed against the agency by the RRNA.

The RRNA is contending that the DNR failed to properly notify Fritz and Margo Hanson, who own property adjacent to the site, of the agency's intention to issue itself a storm water control permit for the project. The RRNA is also contending that the Hansons repeatedly warned the agency that it was underestimating the wetlands on the land DNR purchased from former Merton Town Chairman Tom Krause.

As a result of Davis's decision, the neighborhood association now has several legal options that Gleisner declined to discuss publicly.

He acknowledged that seeking legal action against the two agencies in federal court is one of those options. Another option is to ask state courts to require the DNR to hold a contested hearing, presided over by a neutral hearing officer, into whether the agency should issue itself a storm water control permit for the project.

The agency can issue itself a permit for a project provided it follows procedures outlined in its own regulations.. Attorneys for both the RRNA and the North Lake Management District (NLMD) have argued the agency has failed to follow those procedures.

Gleisner asserted in the interview that experts hired by the RRNA and the lake management district have determined the DNR significantly understated the amount of wetlands that could be potentially destroyed by the construction of a boat launch with the capacity for about 20 vehicles and boat trailers.

Gleisner said the DNR's failure to provide the U.S. Army Corps of Engineers with complete and accurate information may have violated federal standards that require the state agency to protect wetlands.

In addition, he said the U.S. Army Corps of Engineers' decision not to require the DNR to seek a federal permit for the project may have violated the National Environmental Policy Act.

Furthermore, it appears that the proposed parking lot for the boat launch ramp might also be located over navigable waters, which is in violation of state law, according to Gleisner.

The DNR has rejected a proposal from the North Lake Management district for two public boat launch ramps on the lake.

DNR officials have insisted that one boat launch site on the Krause property - for both motorized boats and smaller craft that can be carried onto the water - would be the most cost-effective alternative and result in the least amount of environmental damage.

Management district officials argue that a motorized site on the Krause property would harm environmentally sensitive areas along the lakeshore and would be difficult to access by emergency vehicles in case of a incident at the boat launch.

Instead, the management district has proposed a smaller site on the Krause property restricted to carry-on craft and a larger launch for motorized craft on the east side of the lake in the North Lake business district.

The DNR argued in court last month that the Hansons could not seek legal action against the agency because they were not directly harmed by the project. In addition, the agency said it posted its decision to issue the storm water permit on its website.

But Davis ruled that the notice was not sufficient and the Hansons do have a legal interest in the project .