

North Lake boat launch issue going to federal court

Neighborhood group intends to sue federal agencies

By [Kelly Smith](#)

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North Lake - A group of Reddelien Road residents plan to take the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency (EPA) to federal court in a dispute over a federal permit issued to the state for the construction of a controversial proposed public boat launch on the west side of North Lake.

The Reddelien Road Neighborhood Association (RRNA) asserts that the Corps of Engineers and the EPA failed to follow federal laws when the corps issued the Wisconsin Department of Natural Resources (DNR) a permit that would allow the state to fill about a fifth of an acre of wetlands in order to build the facility.

The association's lawyers, attorney William C. Gleisner III of Hartland, a resident of Reddelien Road, and William Harbeck, an environmental specialist with Quarles and Brady, filed a notice last week that they intend to file suit against the two agencies within 60 days.

Some Reddelien Road area residents, along with the North Lake Management District (NLMD), have waged a nearly decadelong battle to block the DNR's construction of a public boat launch site large enough to accommodate about 20 vehicles and trailers on shoreland formerly owned by former Merton Town Chairman Tom Krause

Opponents of the so-called "Krause site" have argued that locating the launch on the east side of the lake near downtown North Lake, on property owned by the Kuchler family, would provide a safer site that would be less harmful to the environment and the lake's ecosystem.

But the DNR says it prefers the Krause site because it more efficiently accommodates a larger number of boats and is available for year-round use. Construction of the boat launch, scheduled for this year, has been blocked by a series of legal and administrative disputes between the DNR, NLMD and North Lake residents.

Lawyers for the RRNA argued that the corps and EPA failed to do independent environmental analysis, required by federal law, and relied solely on information provided by the DNR when the Corps of Engineers issued the permit.

The RRNA maintains that the DNR failed to disclose to the Corps of Engineers a number of facts relevant to the extent of the wetlands on the site and the navigable water adjacent to the wetlands.

"The corps relied on the DNR as a neutral arbiter without taking sufficient note of the fact that the DNR is in fact itself the property owner applying for a permit to build a launch on its own property. In

addition, the corps also failed in its nondiscretionary duty to make independent reasoned wetlands determinations based on its mandatory duty to ascertain the relevant facts regarding the wetlands," according to the notice of intent to file the lawsuit.

The EPA failed to exercise its required oversight of the corps decision to issue the permit, according to the notice.

The lawyers for the neighborhood association assert that the EPA and the corps failed to identify all of the wetlands on the site, failed to assess the impact of the project on wetlands and failed to take note of important wildlife and habitat near the wetlands and proposed site.