

DNR says no to North Lake Management District, again

Agency won't negotiate over Hwy. 83 boat launch site

By [Kelly Smith](#)

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North Lake - Two top-ranking officials of the Wisconsin Department of Natural Resources (DNR) say the agency will not negotiate with the North Lake Management District over the construction of a public access launch for motorized boats on the east shore of North Lake near Highway 83.

The DNR will continue with plans to build a public launch on the Krause family property on the west shore of the lake, despite opposition from the lake management district and other local governments. Those entities want the launch built on land formerly owned by the Kuchler family near the North Lake Post Office adjacent to Highway 83 along the lake's east shore.

"We are always interested in participating in good-faith negotiations, but you cannot have good-faith negotiations over a site that is not permissible," said Timothy Andryk, chief legal counsel for the DNR.

"After gathering all of the information, we looked at the law and deemed that the location on the east side of the lake near Highway 83 is not permissible because of its adverse environmental impacts," added Deputy Secretary Matt Moroney, the second in command at the DNR.

Andryk said the Highway 83 site is not acceptable because it is too small, the access road leading to it is too narrow, the handicapped parking area is too far from the launch site, and the site would require more extensive dredging and maintenance than the west shore site.

North Lake Management District (NLMD) officials and members of the Reddelein Road Neighborhood Association (RRNA) argue the state violated its own permit procedures when it approved the west shore site. They also contend there would be less environmental damage if the DNR develops the site on the east shore in the North Lake business district rather than in the woods and wetlands on the west shore site.

Andryk and Moroney noted that a Wisconsin Court of Appeals decision on Jan. 11 determined "the record developed by the DNR was not only adequate, it was extensive. It addressed all relevant areas of concerns in sufficient detail to evaluate the project's consequences."

The court ruling added, "It (DNR) responded to comments from NLMD and thoroughly addressed the alternatives, including the Kuchler site ..."

Moroney and Andryk agreed to interviews with Lake Country Publication to clarify the agency's position after a Feb. 21 report in the Lake Country Reporter that the agency has refused to negotiate with NLMD.

The story also reported that DNR officials had threatened to seek economic sanctions against the NLMD for what the agency described as "frivolous" legal arguments and claims during a contested case hearing on the project.

Andryk said the agency has decided not to seek the sanctions against the NLMD. He said a motion for sanctions filed before Administrative Law Judge Jeffrey Boldt would only result in more litigation between the DNR and the NLMD.

"We are spending money defending ourselves because they keep filing lawsuits," Andryk said during a telephone interview.

In a separate email response, Moroney added the department has an obligation "to uphold the environmental laws of the state when making decisions."

"A fundamental guiding principle that we are using in the management of the Department of Natural Resources is to make decisions based upon the use of sound science and common sense when it comes to enforcing the law," Moroney added.

After Scott Walker's election as governor and Cathy Stepp's appointment as DNR secretary, the agency "conducted a thorough review of this case and the requests of the NLMD and the Reddelein Road Neighborhood Association," according to Moroney.

The review reinforced earlier department conclusions that the west-shore site was the preferable site with the least adverse environmental impacts, according to Moroney.

He said the department has been offered "many options" to settle the controversy but "all options presented thus far have required the state to own two sites on this lake, which comes with large upfront and ongoing costs."

A Waukesha County Circuit Court ruling and two contested case hearing decisions are still pending on the project. Andryk said the court decision and the quasi-judicial contested case hearings are part of the process of issuing permits for the project as defined by state law.