

**DRAFT GENERIC ENVIRONMENTAL ASSESSMENT (EA)**

Public access site development and renovation projects for the State of Wisconsin.

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## **1. Purpose and Need**

### **1.1 Purpose**

The project purpose is to develop public access sites on navigable waters in the State of Wisconsin. The project purpose is also to renovate or rehabilitate existing public access sites in the state to ensure safe boating access for the public.

### **1.2 Need**

Under the authority of Chapter NR 1.90, Wisconsin Administrative Code, it is the goal of the State of Wisconsin to provide, maintain, and improve access to navigable waters of the state. Under this law, the Department of Natural Resources (DNR) shall work with local units of government, other state and federal agencies, and citizens, to acquire, develop, maintain and improve public access sites.

### **1.3 Decisions that Need to be Made**

The U.S. Fish and Wildlife Service's (USFWS) Regional Director at Bloomington, MN will select an alternative and will determine, based on the facts and recommendations contained herein, whether this Environmental Assessment (EA) is adequate to support a Finding of No Significant Impact decision, or whether an Environmental Impact Statement (EIS) will need to be prepared.

### **1.4 Background**

Wisconsin is home to over 15,000 inland lakes. In Vilas County alone, there are more than 1,300 lakes. About 3,620 of the state's lakes are larger than 20 acres, constituting more than 93 percent of the surface area of Wisconsin's inland lakes. In addition to the inland lakes, portions of Lakes Michigan and Superior lie within Wisconsin's boundaries. These Great Lakes are two of the largest freshwater bodies in the world, and they add nearly 6.5 million acres of water and 659 miles of shoreline to Wisconsin.

Rivers also play an important role in water-based recreation. Wisconsin has over 43,000 miles of rivers in the state. The Mississippi River is a natural boundary between Wisconsin and Minnesota. Almost 238 miles of Wisconsin's shoreline borders the Mississippi. The Wisconsin River is the longest river in the state at 430 miles. Several large reservoirs are located on the Wisconsin including the Petenwell Flowage (23,040 acres), the second largest inland lake in Wisconsin, and Castle Rock Flowage (13,955 acres), the fifth largest.

Wisconsin has over 679,000 registered boats. This equates to 1 boat for every 9 state residents. Access to lakes is very important as more boats are registered each year. A vast array of recreational vessels competes heavily for the limited number of parking spots at public access sites. Vessels commonly used by the public include fishing boats, high-powered ski boats, leisure (pontoon) boats, sail boats, personal watercraft, rowboats, kayaks, and canoes. It is common for access sites in heavily populated areas to be filled to capacity early in the day. Wait times of over two hours can be encountered and are expected during weekends and holidays.

## Laws and Directives

The Wisconsin Supreme Court has declared that the state holds navigable lakes and streams in trust for all citizens. As trustee, the state is responsible for protecting commercial navigation and specified public rights in navigable water, including boating, fishing, hunting, swimming, and enjoyment of natural scenic beauty. Private intrusions into navigable waters are limited to what is necessary for the exercise of riparian rights (water use rights associated with ownership of land adjacent to the water). In addition, the public's rights are given priority over riparian rights.

Chapter NR 1.91, Wisconsin Administrative Code, applies to DNR decisions related to acquiring, developing, maintaining, and improving boating access sites. The State of Wisconsin has set forth minimum access standards that must be met in order for the DNR to provide natural resource enhancement services. These services include but are not limited to fish stocking, removal or other fish population management, habitat development, financial assistance for aquatic plant harvesting and lake restoration grants. These types of services are an integral component of the DNR Mission to (in part) "protect and enhance our natural resources--our air, land and water; our wildlife, fish and forests" and "provide a clean environment and a full range of outdoor activities."

When new launching facilities are being developed on a lake, certain standards must be met. For lakes greater than 50 acres, a boat launch site must be provided with facilities capable of launching a trailered boat. The amount of parking for vehicle-trailer units is dependent on the size of the lake or the length of a river. For example, a public access facility being developed on a 700-acre lake must have a boat ramp, and between 20 and 47 parking spaces for vehicle-trailer units. In addition, parking for persons with disabilities must be provided for universal access pursuant to the Americans with Disabilities Act (ADA). This state code also addresses the hours of operation for access facilities and sets standards for launch fees.

Chapter NR 1.91, Wisconsin Administrative Code (Appendix A), was developed in concert with DNR representatives, boating safety experts, fishing clubs, conservation groups, law enforcement officials, the Wisconsin Association of Lakes, and other interested parties.

## Location of Work

This project covers all navigable waters throughout the State of Wisconsin. Access development and renovation projects will occur on state-owned lands. Development and renovation projects will also take place on locally controlled public access sites. A locally controlled site may be operated by counties, local units of government, lake management districts, lake protection and rehabilitation districts, or any other entity that formally agrees to operate a public access site.

In the State of Wisconsin, public access to navigable waters is addressed through several mechanisms:

- Wisconsin DNR owns and operates access sites throughout the state. Some of the areas are properties specifically purchased for public access while other launch facilities exist in state parks, forests, or other recreational areas.
- Wisconsin DNR occasionally enters into lease agreements with local units of government to operate and maintain state owned access sites.

- Local units of government operate many public access facilities. In many cases, villages, towns, cities, counties, or lake districts have agreed to develop and operate public access sites.
- Private provider agreements are used on certain circumstances. These agreements are formalized and ensure that the minimum standards of Chapter NR 1.91, Wisconsin Administrative Code, are being met. Private provider agreements can be signed with resorts, taverns, restaurants, marinas or other businesses that can provide access to water.

Access project priorities are determined on regional basis within the DNR. Regional projects then compete on a statewide basis for the Federal Sport Fish Restoration (SFR) funds allocated to Wisconsin, with the best projects selected for funding.

### Access Project Funding

The SFR Program is funded by a 10 percent Federal excise tax (some select items taxed at 3 percent) on fishing equipment, which includes, but is not limited to, rods, reels, line, spears, terminal tackle, and fishing supplies/accessories. Additional funding sources are import duties and excise taxes on motorboat and small engine fuels. The taxes are collected by the Federal government and distributed to the states based on the area of each state and the number of individuals holding paid licenses to fish. Over the past five years, Wisconsin's SFR apportionment has averaged \$8.2 million. The Sport Fish Restoration Act requires states to allocate 15% of their apportionment be used for the acquisition, development, renovation, or improvement of motorboat access facilities. Therefore, approximately \$1.23 million in SFR funds are budgeted annually by the DNR for these activities. In the last 10 years, the State of Wisconsin has used over \$6.3 million in SFR funding to develop or renovate 74 public access facilities.

### Types of Projects

New developments and renovation projects will address the increase in boat ownership, the increase in the size of boats, and the increase in boating pressure to navigable waters of the state. New developments will take place on lakes/rivers without adequate boat launching facilities or on lakes/rivers that need additional public access sites to meet the minimum standards outlined in chapter NR 1.91, Wisconsin Administrative Code. Renovation projects will improve parking areas and boat ramps, develop restroom facilities and other amenities, ensure compliance with ADA standards, and enhance the overall safety of existing sites.

### Issues and Concerns

Suitable properties to develop access sites on state waters are decreasing at an alarming rate. Parcels once home to resorts and commercial businesses are now being transformed into luxury homes and condominiums. Property values on lakes continue to soar. In many cases, existing improvements have little or no monetary value at all since the lake frontage is so valuable.

Many times the size of available lots is not favorable for development of a public access site. In some cases residential properties are located adjacent to proposed public access sites. Topography of the site, availability of parking areas, environmental factors, and local use are just a few of the variables that must be taken into consideration when determining the feasibility of property for use as a public access site.

In some cases there has been significant public controversy over proposed public access projects. These controversies are usually a result of the state or a local municipality proposing to develop a public access site on a lake that lacks any type of public access. Local concerns may include changes in the site appearance, public use of the site, increased traffic, increased boats on the waterway, and project costs.

## **1.5 Project Duration**

This environmental assessment will cover the time period 2016-2020.

## **2.0 Development and Funding Alternatives**

### **2.1 Alternative A - No Action / No Federal Funding for Access Sites**

This alternative would involve the disapproval of SFR funding for proposed access site development and renovation projects. The State of Wisconsin would continue to fund projects with state grant money; however the number of access projects would likely be scaled back. Currently, local units of government are allowed to match state grant funds with Federal SFR money to reduce the financial burden placed on local governments. Without the added incentive of SFR funding, local units of government may not be willing to develop new sites or renovate older sites.

Wisconsin DNR manages many access sites throughout the state. Without SFR funding, renovation projects needed to correct human health and safety issues would be done at the expense of other services provided in state parks or forests (i.e. trail maintenance, interpretive programs, etc.).

### **2.2 Alternative B - Dependence on Private Access Sites**

Under Alternative B existing state and local sites would continue to function. However, the development of new sites would rely primarily on private providers. Facilities would only be constructed where a profit would be likely. The remote regions of Northern Wisconsin (as well as other areas of the state) would be at a distinct disadvantage if public access were left to private businesses. Chapter NR 1.91, Wisconsin Administrative Code, limits the amount of launch fees that can be charged at public access site. Pursuant to this code, fees may only be charged for the purpose of operating and maintaining a boat access site. Operation and maintenance expenses would include, but are not limited to, items such as re-paving or re-striping of parking areas, lawn maintenance, snow plowing, wages for launch attendants, servicing of restroom facilities, boarding dock repairs, and removal of trash. Fees collected in excess of the amount needed to operate and maintain the public access facility may not be pocketed for profit. As such, it is very unlikely that private business can be counted on to provide public access to lakes on a large-scale basis.

## **2.3 Alternative C - No Change / Continued Federal Funding for Access Sites**

### **(Preferred Action)**

This alternative would continue to allow the State of Wisconsin to use SFR funds to develop new access facilities and renovate outdated or unsafe public access sites. Facilities that are not currently universally accessible for persons with disabilities will be modified to ensure that all members of the general public can use access sites. Alternative C will ensure that the public's needs for safe recreational boating facilities are met.

Compliance with NEPA and Section 7 will be an integral part of the process. Federal laws applicable to Federally funded activities and projects provides assurance that projects will not negatively impact endangered species, cultural resources, floodplains or wetlands. Any public controversy, invasive species, environmental justice, no access waterway, or traffic flow and safety issues that surface would also be reviewed and addressed. Criteria in Chapter 4 identifies when conditions of possible negative impact exist and circumstances that indicate a specific site EA should be considered. In accordance with Federal requirements, a written site specific review will be provided for each proposed site. This written review will address each issue listed in attached Table 1 and specifically state the status of the issue and whether the site specific situation "triggers" the need for additional review concerning the need for a site specific EA.

This site specific review will be submitted in a tabular form that states the site situation for each issue (see example, Appendix C). Compliance will be assured through the NEPA and Section 7 processes.

Continued use of SFR funds, along with the State of Wisconsin's grant program, will provide local units of government additional resources. Any additional monies that can be provided to these entities will provide an incentive to develop and renovate public access facilities. The general public will reap the rewards from these partnerships.

### **2.3.1 Avoidance and Mitigation of Impacts for Alternative C**

#### Listed Species

Section 7 of the Endangered Species Act requires every Federal agency to ensure that any action it funds is not likely to jeopardize the continued existence of any listed species, or result in the destruction or adverse modification of critical habitat. Prior to approval of each Grant Agreement, a two phase consultation process is completed: Phase I involves completion of a Phase I Federal Aid Section 7 Evaluation Form for the project, and signed by the Natural Heritage Division's Endangered Species Coordinator and the Federal Aid Coordinator. The Phase I Form includes: 1) Identification of Federally listed, proposed, or candidate endangered or threatened species, and/or designated critical habitat that occur within the project area; 2) a project description consisting of a State review and recommendation about the effects of the proposed project on species and/or designated critical habitat occurring within the project area and; 3) documentation of the State's recommendation, if the project is either "not likely to adversely affect", or

"likely to adversely affect" species or critical habitat. A "likely to adversely affect" designation would indicate the need for further consultation with the USFWS to determine if a site specific document is necessary. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration. Phase II involves documentation of USFWS concurrence with the State's recommendation.

### Cultural Resources

All development sites are reviewed by the State Historic Preservation Officer (SHPO) to ensure that the project will not impact any important cultural or architectural resource protected under Section 106, National Historic Preservation Act. The DNR archaeologist will review projects to ensure that cultural and architectural resources are not impacted. In addition, DNR has entered into a cooperative agreement with the Wisconsin Historical Society's Museum Archaeology Program (MAP), whereby MAP, acting as the DNR's agent, conducts archival research, carries out phase I field investigations if warranted, and submits compliance documentation to the SHPO. MAP will be utilized when workload is too great for the DNR archaeologist. In either case, no project proceeds without clearance from the SHPO. Copies of these clearances will be provided to the USFWS Regional WFSR Office prior to approval of Grant Agreements. Where potentially important sites are present, the DNR contracts to conduct cultural resources surveys to better define the nature and extent of those resources. In almost every case, it has been possible to avoid important cultural resources sites. In those rare instances where avoidance is impossible, the DNR negotiates site mitigation with the SHPO and the National Advisory Council on Historic Preservation. If important cultural resources exist that cannot be addressed to SHPO satisfaction, the USFWS will be consulted concerning the need for a site specific EA.

If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration.

Native American Tribes who have requested that they be notified of Federal Aid activities within the project area will be contacted, to identify concerns that the Tribe might have about potential impacts from the project to traditional cultural properties, sacred sites, or cultural items (human remains, funerary objects, sacred objects, and objects of cultural patrimony).

### Floodplain Management

Executive Order 11988 requires, to the extent possible, the avoidance of adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative. By their purpose, all access facilities are located in floodplains, and there is no practicable alternative to their location. Access construction involving any modification to the floodplain is designed to avoid or minimize impacts to property and facilities. Access design is certified as "no rise" by the engineers charged with facility design so that no increase in flood peak is caused by the access development. Facilities will be modified to the extent possible to minimize any negative impacts to the flood plain. If major floodplain problems exist that cannot be addressed, the USFWS will be consulted for advice and guidance for the need for a site specific EA. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration.

### Protection of Wetlands

Executive Order 11990 requires, to the extent possible, the avoidance of adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands whenever there is a practicable alternative. Wetland impacts are avoided where possible when planning boating access sites. Any impacts that may occur are resolved through the Section 404 permit process with the Corps of Engineers (COE), usually through mitigation. If the net loss of wetlands is more than 5 acres or if any net loss of wetlands occurs due to any access development project that can't be adequately mitigated, the USFWS will be consulted on the need for a site specific EA. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration.

### Invasive Species

Executive Order 13112 is to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause. The DNR has developed numerous invasive species awareness initiatives including; brochures, print articles, signs, and use of summer interns to provide outreach to transient boaters. Signs placed at boat access sites advise users to check their boats, trailers and other equipment prior to transport. The DNR and the University of Wisconsin Extension have implemented a new program called Clean Boats, Clean Waters, aimed at reducing the spread of aquatic invasive species from boats at access sites throughout the state. The Clean Boats, Clean Waters volunteers conduct watercraft inspections and a boater education program on steps that can be taken to prevent the transport of invasive species from one water body to another. Should it be shown that providing access may pose an unreasonable risk of introducing invasive species to sensitive areas, the USFWS will be consulted on the need for a site specific EA. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration.

### Environmental Justice

Executive Order 12898 is to prevent activities or developments that have an adverse effect on minorities and low income populations and communities. Construction of boat access facilities in Wisconsin is not likely to create environmental justice problems. In those areas where a large percentage of the community is made up of low income and minority citizens, it has been our experience that these types of developments will generally be of benefit. Public access to the resources is very limited and access areas will make the resources available to all. Under these types of conditions we generally try to provide shore-fishing opportunities, if the site is favorable, to accommodate those who cannot afford or choose not to own a boat. If situations arise that indicate a possible adverse effect on minorities or low income individuals, the USFWS will be consulted on the need for a site specific EA. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration.

## Public Involvement

DNR is required to comply with the Wisconsin Environmental Policy Act (WEPA) for "all department actions which may affect the quality of the human environment." (NR150.015, Wis. Adm. Code.) This includes the acquisition and development of boat access sites. One of the purposes of WEPA is to provide an opportunity for public input to the decision-making process. [NR150.01(5)] Public access acquisition and development projects would minimally be classified as Type III projects, which require the DNR to issue a news release or other notification deemed appropriate containing the information specified in the code (NR 150.21 1-6). These news releases or other notifications explain the acquisition and outlines the proposed development of the property. In addition, the notification provides contact addresses and specified time frame for further information or comment. Chapter NR 150, Wisconsin Administrative Code is found in Appendix B. For all projects conducted under this generic EA, a press release will be issued providing a minimum of a 30 day public comment period. DNR's procedures to solicit verbal and written comments on access site acquisition typically wait until after the option is signed due to the sensitivity of real estate negotiations.

In cases where an access development project does not involve the acquisition of land and the development is simply a redevelopment of an existing facility, public notification will be given through news releases as required by WEPA. In many instances, DNR will go above and beyond WEPA requirements and host an "open house" type meeting for the benefit of the public. Any affected parties issues and concerns associated with proposed developments will be addressed to the extent possible through accommodations, such as special regulations or design modifications, buffers or screening, and, if necessary, formal negotiations or additional public meetings. In addition, all news releases are posted on the DNR web site.

If more than five years has passed since the land was acquired, or if there is substantial change in the design since it was publicly presented, public notification will again take place as outlined. Substantial change is defined as an increase of 50% or more in the number of vehicle-trailer parking spaces at the site.

Chapter 30 waterway and wetland permits are required for access renovation or development projects. A Chapter 30 permit would need to be issued before construction could commence. Public notification is normally part of the Chapter 30 permitting process and is implemented in addition to WEPA requirements. Federal waterway and wetland permits may also be required.

Storm water discharge permits required for access renovation or development projects that disturb one acre or more of land under Chapter NR 216, Wisconsin Administrative Code. Best management practices that remove runoff pollution are required. Storm water discharge permits are general permits and do not require additional public notification.

If public controversy persists after all appropriate avenues have been explored, the USFWS will be consulted on the need for a site specific EA. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration.

### No Access Waterway

On certain projects, the DNR will attempt to acquire and develop access sites on lakes without any type of public access. While these navigable waters are owned by residents of the State of Wisconsin (see Laws and Directives, page 2), they may only be utilized by riparian landowners through private facilities.

It is very common for local landowners to complain about any type of access project, especially on bodies of water which lack any type of public access. The DNR will make every effort to address local concerns and issues.

The site specific worksheet submitted to the Service for each project will indicate if the proposed project is a no access waterway. If this generic EA is determined not to be adequate to address this issue, a site specific document will be prepared or the project will be dropped from consideration.

### Traffic Flow and Safety

Access developments are located on improved high use roadways when possible. Guidance on these developments is usually obtained from the local unit of government to insure hazard conditions are not created. Consideration is also given to addressing any issues associated with major increase in traffic, both land and water based. Issues concerning drastically increased vehicle use on secondary roads and overcrowding and congestion on the water way are evaluated on a case by case basis. If the situation arises where public complaint cannot be satisfactorily addressed or there appears that unacceptable safety concerns exist, the USFWS will be consulted on the need for a site specific EA. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration.

Minimum and maximum parking standards are defined in Chapter NR 1.91, Wisconsin Administrative Code (Appendix A). This code was developed in concert with DNR representatives, boating safety experts, fishing clubs, conservation groups, law enforcement officials, the Wisconsin Association of Lakes, and other interested parties.

The parking standards set forth in this code are not excessive and ensure safe recreational boating for all users. Access projects which adhere to Ch. NR 1.91, Wis. Adm. Code, standards will not need a site specific EA or be dropped from consideration for boating traffic concerns.

## **3. Affected Environment**

### **3.1 Statewide Natural Divisions**

#### Wisconsin Basins and Water Management Units (WMUs)

Wisconsin practices place-based resource management, organizing its water activities around "basins" and its land, forestry and remediation activities based on county and regional boundaries. The framework for Water Management is the Watershed Approach and the framework for water, land, forestry, and wildlife together is the "Ecosystem Approach".

Wisconsin has redesigned its natural resource management approach around the concepts of ecological landscapes and basins or watersheds. Management of resources around the concepts of ecological landscapes and basins or watersheds recognizes that working with the natural structure and functions of resources, as opposed to strictly political or social boundaries, will provide more successful results.

Basins and Water Management Units

Wisconsin has 32 river “basins” that are divided into 23 Water Management Units, for example the Sugar-Pecatonica are two basins that together form one Water Management Unit. These geographic areas are the basis for carrying out resource management work in selected programs in the state.

Below is map of the geographic basins:



### **3.2 Site Selection Review**

Careful consideration is given to all potential access sites located within the State of Wisconsin. Representatives from each part of the state rate proposed access-related projects and compile a list of projects to be funded. The best projects are selected for funding. Remaining projects are put on hold until a later date. The current method for determining project eligibility has been deemed effective by participants.

### **3.3 Description of a Typical Public Access Site**

A property that is to be developed into a public access site will likely include the following:

- Asphalt or gravel parking lot.
- Parking spaces for vehicle-trailer units that comply with minimum and maximum standards pursuant to ch. NR 1.91, Wis. Adm. Code.
- Car-only parking.
- Concrete launch pad.
- Boarding dock.
- Restroom facilities (most likely permanent facilities, portable facilities or pit toilets).
- Appropriate landscaping.
- Stormwater controls.
- Screening for neighboring properties.
- Shoreline protection / riprap.

In addition, the site will comply with ADA regulations (accessible boarding dock, slope, parking spaces, restrooms, etc.)

## **4. Environmental Consequences**

### **4.1 Alternative A – No Action / No Federal Funding for Access Sites**

This Alternative would continue the DNR's Public Access Program, albeit through a diminished capacity. Where work could be accomplished, quality public access would be provided that takes into account the numerous environmental and social considerations that need to be incorporated into such developments. The DNR's internal operational guidelines would ensure that access development is up to current environmental standards. However, with fewer funds to work with, and less work getting done, problems would soon develop with a diminished program. Possible adverse environmental consequences are addressed for Alternative A through the following processes and procedures, minimizing impact as much as possible:

#### **4.1.1 Avoidance and Mitigation of Impacts for Alternative A**

##### Listed Species

Listed species considerations are reviewed within the state to meet obligations required by law and avoid adverse impacts. The limited new developments would continue to be designed and constructed to minimize detrimental effects on species or habitats of concern.

##### Cultural Resources

All development sites are reviewed and approved by the State Historic Preservation Officer (SHPO) to ensure that the project will not impact any important cultural or architectural resource. When necessary, the DNR modifies design plans to avoid important cultural resources sites. In those rare instances where avoidance is impossible, the DNR negotiates site mitigation with the SHPO and the National Advisory Council on Historic Preservation. This process would continue.

##### Floodplain Management

By their purpose, all access facilities are located in floodplains, and there is no practicable alternative to their location. Regulations and permit requirements would continue to dictate the avoidance of adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative. Access construction involving any modification to the floodplain is designed to avoid or minimize impacts to property and facilities. Access design is certified as "no rise" by the engineers charged with facility design so that no increase in flood peak is caused by the access development. Plans will continue to be changed and facilities modified when necessary to minimize any negative impacts to the flood plain.

##### Protection of Wetlands

Regulations and permitting requirements also assure the avoidance of adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands whenever there is a practicable alternative. Wetland impacts are avoided where possible when planning boating access sites. Any impacts that may occur would continue to be resolved through the Section 404 permit process with the Corps of Engineers, usually through mitigation.

##### Invasive Species

The DNR would continue to attempt to minimize the chance of introductions that would have detrimental impacts through public education and facility design considerations.

##### Environmental Justice

Construction of boat access facilities in Wisconsin is not likely to have an adverse effect on minorities and low income populations and communities. The DNR would still attempt to address any identified issues.

## Public Involvement

DNR is required to comply with the Wisconsin Environmental Policy Act (WEPA) for "all department actions which may negatively affect the quality of the human environment." (NR150.02, Wis. Adm. Code.) This includes the acquisition and development of boat access sites. One of the purposes of WEPA is to provide an opportunity for public input to the decision-making process. [NR150.01] Public access acquisition and development projects on DNR property would typically involve more than one Department action, which may include project funding approval and a Chapter 30 manual code approval. If the project is not on DNR property then it would typically involve a Chapter 30 permit, perhaps a stormwater permit, and potentially real estate acquisition. Real estate actions are minor actions under NR 150.20(1m), and include property boundary establishment or modification, purchase, sale, easement, lease, or designation. Minor actions do not require environmental analysis under NR 150. For typical projects the Chapter 30 permit would be an integrated analysis action under NR 150.20(2)(a), and would not require environmental analysis beyond the permit review. A stormwater permit would be a minor action, as described above. DNR also has the discretion to prepare an Environmental Impact Statement (EIS) under ch. NR 150.20(4)(b) for any project if it is deemed necessary. There may be boat access projects for which an EIS would be recommended (e.g., unusually large projects, projects involving important/sensitive resources, projects involving broad public interest, etc.). If public controversy persists after all appropriate avenues have been explored, the USFWS will be consulted on the need for a site specific EA. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration.

## No Access Waterway

On certain projects, the DNR will attempt to acquire and develop access sites on lakes without any type of public access. While these navigable waters are owned by residents of the State of Wisconsin (see Laws and Directives, page 2), they may only be utilized by riparian landowners through private facilities.

It is very common for local landowners to express concerns about any type of access project, especially on bodies of water which lack any type of public access. The DNR will make every effort to address local concerns and issues.

The site specific worksheet submitted to the Service for each project will indicate if the proposed project is a no access waterway. If this generic EA is determined not to be adequate to address this issue, a site specific document will be prepared or the project will be dropped from consideration.

## Traffic Flow and Safety

Access developments are located on improved high use roadways when possible. Guidance on these developments is usually obtained from the local unit of government to insure hazard conditions are not created. Consideration is also given to addressing any issues associated with major increase in traffic, both land and water based. Issues concerning drastically increased vehicle use on secondary roads and overcrowding and congestion on the water way are evaluated on a case by case basis. The DNR would continue to give consideration and look for alternative options if an issue.

Minimum and maximum parking standards are defined in Chapter NR 1.91, Wisconsin Administrative Code (Appendix A). This code was developed in concert with DNR representatives, boating safety experts, fishing clubs, conservation groups, law enforcement officials, the Wisconsin Association of Lakes, and other interested parties. The parking standards set forth in this code are not excessive and ensure safe recreational boating for all users.

#### **4.1.2 Cumulative Impacts**

Between five and 15 access site developments/renovations are planned per year. This has been a very effective objective over the past twenty years, with positive results. Without Federal funding this schedule would have to be drastically reduced. This reduction will not allow us the flexibility to spread resource use as we have in the past. With fewer funds to work with and less work getting done, problems associated with overcrowding will soon develop. Public health and safety may also become an issue. A diminished program would likely result in the public's alternative use of private sites and/or by trespass on private property. Site erosion, abuse and misuse, and social problems would occur in such places. The DNR would also have concerns about anglers giving up their hobby out of frustration, reducing the amount of license fees collected. It is anticipated that boating access in the state would not meet boater and angler needs. As such, complaints regarding public access would rise.

#### **4.2 Alternative 8 -Dependence on Private Access**

Through this alternative the majority of new access facilities provided would be left up to private concerns. Private development would likely not be concerned with state regulations concerning the development of access sites pursuant to Chapter NR 1.91, Wisconsin Administrative Code. Consideration for social concerns would be spotty, at best, with often an absence of planning. Private development on or adjacent to waters of the state would still be subject to state regulation pursuant to Ch. 30, Wis. Stats. Possible adverse environmental consequences for Alternative B and how they would be addressed are:

##### **4.2.1 Avoidance and Mitigation of Impacts for Alternative B**

###### Listed Species

Listed species considerations would likely be reviewed as part of the Ch. 30, Wis. Stats. permitting process. Chapter 30 permits are required for construction or development projects that are located on or adjacent to waters of the state.

###### Cultural Resources

Cultural resource considerations would likely be reviewed as part of the Ch. 30, Wis. Stats. permitting process. Chapter 30 permits are required for construction or development projects that are located on or adjacent to waters of the state.

###### Floodplain Management

Floodplain management receives no consideration under normal circumstances unless COE permitting is involved. Lack of knowledge concerning appropriate design and facility construction can lead to detrimental environmental actions and conditions.

### Protection of Wetlands

Wetland considerations would likely be reviewed as part of the Ch. 30, Wis. Stats. permitting process. Chapter 30 permits are required for construction or development projects that are located on or adjacent to waters of the state. Federal permits may also be required.

### Invasive Species

Introduction of invasive species issues is given little, if any consideration.

### Environmental Justice

This issue generally would not be given consideration. Fees, and in some cases attitudes, associated with private enterprises sometimes excludes minorities and low-income citizens from access opportunities. Private providers can be selective as far as the customers they allow to use the facility.

### Public Involvement

Some opportunity for comment may through COE or local permitting. Chapter 30 permits are generally required for access renovation or development projects. A Chapter 30 permit would need to be issued before construction could commence. Public notification is normally part of the Chapter 30 permitting process.

### No Access Waterway

There is no consideration given and the only recourse for objection would be litigation.

### Traffic Flow and Safety

No consideration is normally given, except in cases where a driveway permit is necessary to exit a major highway.

## **4.2.2 Cumulative Impacts**

With private access development, facility design and construction often is inappropriate for the site and private access developments often create intrusive visual impacts, bank erosion, and pollution sources not usually associated with or created by properly designed and constructed public access sites. While compliance with Chapter 30 permitting is required for all projects on or adjacent to land, regulatory compliance with s. NR. 1.91, Wis. Adm. Code is inadequate, if adhered to at all. Private business would likely be concerned more with profit than providing adequate public access.

Compliance with social concerns would be spotty, at best. Provision of ADA compliance would likely be driven only by complaint or litigation. All aspects associated with boat access opportunities in Wisconsin would likely suffer. The needs of state boaters and anglers would not be met.

### **4.3 Alternative C - No Change / Continued Federal Funding for Access Sites**

Alternative C is the proposed action. This alternative would provide sufficient funds through utilization of dedicated Federal Aid boating access funds to provide quality public access while ensuring that there will be no major impacts on the environment. Adverse environmental consequences will be avoided and minimized for Alternative C as described in Section 2.3.1. Therefore, there will be minimal impacts to areas of concern as discussed below:

#### **4.3.1 Impacts for Alternative C Listed Species**

All sites will undergo a Section 7 review. A "likely to adversely affect" designation on the Section 7 form would indicate the need for further consultation with the USFWS to determine if a site specific document is necessary. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration. Phase II involves documentation of Fish and Wildlife Service concurrence with the State's recommendation.

#### Cultural Resources

All development sites are reviewed by the State Historic Preservation Officer (SHPO) to ensure that the project will not impact any important cultural or architectural resource protected under Section 106, National Historic Preservation Act. No project proceeds without clearance from the SHPO. In almost every case, it has been possible to avoid important cultural resources sites. If important cultural resources exist that cannot be addressed to SHPO satisfaction, the USFWS will be consulted concerning the need for a site specific EA. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration.

#### Floodplain Management

If major floodplain problems exist that cannot be addressed, the USFWS will be consulted for advice and guidance for the need for a site specific EA. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration.

#### Protection of Wetlands

If the net loss of wetlands is more than 5 acres or if any net loss of wetlands occurs due to any access development project that can't be adequately mitigated, the USFWS will be consulted on the need for a site specific EA. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration.

#### Invasive Species

If there is an unreasonable risk of introducing invasive species to sensitive areas, the USFWS will be consulted on the need for a site specific EA. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration.

## Environmental Justice

If situations arise that indicate a possible adverse effect on minorities or low income individuals, the USFWS will be consulted on the need for a site specific EA. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration.

## Public Involvement

DNR is required to comply with the Wisconsin Environmental Policy Act (WEPA) for "all department actions which may affect the quality of the human environment." (NR150.015, Wis. Adm. Code.) This includes the acquisition and development of boat access sites. One of the purposes of WEPA is to provide an opportunity for public input to the decision-making process. [NR150.01(5)] Public access acquisition and development projects would minimally be classified as Type II projects, which require the DNR to issue a news release or other notification deemed appropriate containing the information specified in the code (NR 150.21 1-6) These news releases or other notifications explain the acquisition and outlines the proposed development of the property. In addition, the notification provides contact addresses and specified time frame for further information or comment. Chapter NR 150, Wisconsin Administrative Code is found in Appendix B. For all projects conducted under this generic EA, a press release will be issued providing a minimum of a 30 day public comment period. DNR's procedures to solicit verbal and written comments on access site acquisition typically wait until after the option is signed due to the sensitivity of real estate negotiations.

In cases where an access development project does not involve the acquisition of land and the development is simply a redevelopment of an existing facility, public notification will be given through news releases as required by WEPA. In many instances, DNR will go above and beyond WEPA requirements and host an "open house" type meeting for the benefit of the public. Any affected parties issues and concerns associated with proposed developments will be addressed to the extent possible through accommodations, such as special regulations or design modifications, buffers or screening, and, if necessary, formal negotiations or additional public meetings. In addition, all news releases are posted on the DNR web site.

If more than five years has passed since the land was acquired, or if there is substantial change in the design since it was publicly presented, public notification will again take place as outlined. Substantial change is defined as an increase of 50% or more in the number of vehicle-trailer parking spaces at the site.

Chapter 30 waterway and wetland permits are required for access renovation or development projects. A Chapter 30 permit would need to be issued before construction could commence. Public notification is normally part of the Chapter 30 permitting process and is implemented in addition to WEPA requirements. Federal waterway and wetland permits may also be required.

Storm water discharge permits are required for access renovation or development projects that disturb one acre or more of land under Chapter NR 216, Wisconsin Administrative Code. Best management practices that remove runoff pollution are required. Storm water discharge permits are general permits and do not require additional public notification.

If public controversy persists after all appropriate avenues have been explored, the USFWS will be consulted on the need for a site specific EA. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration.

#### No Access Waterway

If the situation arises where it is possible this could be an issue, the USFWS will be consulted on the need for a site specific EA. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration.

It is very common for local landowners to express concerns about any type of access project, especially on bodies of water which lack any type of public access. The DNR will make every effort to address local concerns and issues.

The site specific worksheet submitted to the Service for each project will indicate if the proposed project is a no access waterway. If this generic EA is determined not to be adequate to address this issue, a site specific document will be prepared or the project will be dropped from consideration.

#### Traffic Flow and Safety

If the situation arises where public complaint cannot be satisfactorily addressed or there appears that unacceptable safety concerns exist, the USFWS will be consulted on the need for a site specific EA. If this generic EA is determined not to be adequate, a site specific document will be prepared or the project will be dropped from consideration.

Minimum and maximum parking standards are defined in Chapter NR 1.91, Wisconsin Administrative Code (Appendix A). This code was developed in concert with DNR representatives, boating safety experts, fishing clubs, conservation groups, law enforcement officials, the Wisconsin Association of Lakes, and other interested parties. The parking standards set forth in this code are not excessive and ensure safe recreational boating for all users.

### **4.3.2 Cumulative Impacts**

Between 10 and 15 access site developments are planned per year. The area of actual development for a typical site ranges from less than one acre, to two and one half acres. If an average of two acres is applied, using an average of nine sites per year, the annual cumulative impact for development of access facilities would affect approximately 18 acres of land. Over a ten year period, it is then estimated that less than 200 acres would be impacted. In-water effects are negligible as long as compliance with the Chapter 30 permitting process is adhered to, and are short term. This alternative would also allow us to better address heavy use issues and environmental special concerns, such as exotic species dispersion.

The access program has been conducted under this scenario over the past 20 years with positive results. Public supported boater and angler access sites have been provided that has helped to spread resource use rather than concentrate it. Since each development is designed and built to minimize impacts on the

environment, there is little if any environmental degradation. Any problems that arise are treated effectively in a timely manner. Extensive planning and periodic review insures that public accesses are targeted at appropriate lakes and streams in the proper locations. State and local regulations and permitting requirements also help minimize conflicts and abuse of the natural environment.

Environmental consequences for the three alternatives are summarized in attached Table 2.

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## **6. Consultation and Coordination**

This EA was originally prepared in consultation and coordination with the USFWS Region 3 Wildlife and Sportfish Restoration Program and the USFWS Region 3 Regional Environmental Coordinator. Updates and revisions were made in 2016 by the Wisconsin DNR Environmental Analysis and Review Specialist and Federal Aid Coordinator, in consultation with the USFWS Region 3 Wildlife and Sportfish Restoration Program.

The DNR's public boating access program has been in existence for a long time. Consequently the program is well known to the public and resource professionals throughout the state. Within the DNR, the access program consults with Lands and Facilities Staff, Fisheries Biologists, Water Regulation and Zoning Staff, Fish Habitat Staff, Law Enforcement, Government Outreach Staff, Community Financial Assistance Staff, Management and Budget Staff, and Legal Services.

Program field staff throughout the state, on a routine basis, consult and coordinate with a vast network of government officials, fishing clubs, lake associations, sportsmen's clubs, and the public at large as they plan and implement access site development.

In addition, the DNR works closely with local governments, regional planning efforts, and agencies of the federal government such as the U.S. Forest Service, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service to help plan and provide access development as efficiently and wisely as possible.

## **7. Public Comment and Response**

## **8. Appendices, Links, and Tables**

Table 1 Summary of Triggers that may lead to Closer Environmental Review

Table 2 Summary of Environmental Consequences

Appendix A (Link) - [Chapter NR 1.91, Wisconsin Administrative Code](#)

Appendix B (Link) - [Chapter NR 150, Wisconsin Administrative Code](#)

Appendix C - Example: Site Specific Review

Table 1. Summary of Triggers That May Lead to Closer Environmental Review.

Listed Species	A "likely to adversely affect" designation would indicate the need for further consultation with the USFWS to determine if a site specific document is needed.
Cultural Resources	If significant cultural resources exist that cannot be addressed to SHPO satisfaction, the USFWS will be consulted concerning the need for a site specific EA.
Floodplains	If major floodplain problems exist that cannot be addressed, the USFWS will be consulted for advice and guidance concerning the need for a site specific EA.
Wetlands	If any net loss of wetlands exceeds five (5) acres or can't be adequately mitigated resulting from any access development project, the USFWS will be consulted on the need for a site specific EA.
Invasive Species	Should it be shown that providing access may pose an unreasonable risk of introducing invasive species to sensitive areas, the USFWS will be consulted on the need for a site specific EA.
Environmental Justice	If situations arise that indicate a possible adverse effect on minorities or low income individuals, the USFWS will be consulted on the need for a site specific EA.
Public Involvement	If major public controversy persists, the USFWS will be consulted on the need for a site specific EA.
No Access Waterway	If the situation arises where it is possible that this could be an issue, the USFWS will be consulted on the need for a site specific EA.
Cumulative Impacts	If cumulative impacts are determined to be a possible problem, the USFWS will be consulted on the need for a site specific EA.
Traffic Flow and Safety	If the situation arises where public complaint cannot be satisfactorily addressed or there appears that unacceptable safety concerns exist, the USFWS will be consulted on the need for a site specific EA. Access projects which adhere to Ch. NR 1.91, Wis. Adm. Code, standards will not need a site specific EA or be dropped from consideration for boating traffic concerns.

Table 2. Summary of Environmental Consequences.

	Alternative A (No Action / No Federal	Alternative B (Dependence on Private Access Sites)	
Listed species	Would be reviewed within state to avoid adverse impacts.	Would be reviewed under Chapter 30 permitting authority.	Would be reviewed by both Wisconsin DNR and USFWS personnel to ensure no adverse impact. If possibility of unacceptable impact, closer environmental review may be done. DNR review would be done under Chapter 30 permitting authority.
Cultural resources	Would be reviewed by SHPO	Would be reviewed under Chapter	Would be reviewed by SHPO under both State and Federal law. If possibility of adverse impact, closer environmental review may be done. DNR review would be done under Chapter 30 permitting authority.
Floodplains	Would be reviewed within State under Wisconsin laws and permitting process.	Protection only through Corps permitting.	Would be reviewed by both Wisconsin DNR and USFWS personnel to ensure no adverse impact. If possibility of unacceptable impact, closer environmental review may be done. DNR review would be done under Chapter 30 permitting authority.
Wetlands	Would be reviewed within State under Wisconsin laws and permitting process.	Largely protected through Corps permitting and Chapter 30 permitting authority.	Would be reviewed by both Wisconsin DNR and USFWS personnel to ensure no adverse impact. If possibility of unacceptable impact, closer environmental review may be done.
Invasive Species	State would attempt to minimize the chance of introductions through public education and facility design considerations.	Little if any consideration given. Provision to control invasive species during construction activities would be required under Chapter 30 permitting authority.	Would be reviewed by both Wisconsin DNR and USFWS personnel to minimize risk of adverse impact. If possibility of unreasonable risk to sensitive areas, closer environmental review may be done.
Environmental Justice	State would address identified issues.	Little if any consideration given.	Would be reviewed by both Wisconsin DNR and USFWS to ensure that all issues are identified. If possibility of adverse impact, closer review maybe done.
Public Involvement	State would still address controversy.	Public would typically have minimal input.	Public notification of intended plans, if controversy continues, may result in site specific NEPA process that would tend to be more open because it has both State and Federal oversight.
No Access Waterway	State would give consideration if an issue.	Little if any consideration given.	Would be reviewed by both Wisconsin DNR and USFWS to determine if an issue. If possibility of adverse impact, closer review may be done.

Issue	Alternative A	Alternative B (Dependence on Private Access Sites)	Alternative C
Cumulative Impacts	State would give consideration if an issue.	Little if any consideration given.	Would be reviewed by both Wisconsin DNR and USFWS to determine if an issue. If possibility of adverse impact, closer review may be done.
Traffic Flow and Safety	State would give consideration if an issue.	Little if any consideration given.	Would be reviewed by both Wisconsin DNR and USFWS to determine if an issue. If possibility of adverse impact, closer review may be done.
Accessibility	State would still design sites to be accessible according to law.	Legally required to provide, only enforcement is civil suits.	Would assure compliance and provide more funds to allow opportunity to consider additional options.
Ability to meet public demand for more facilities	Diminished because of reduced funding available.	Would be large unmet except in few instances where it would be economically viable.	Would maximize the ability to address the current demand.
Ability to utilize dedicated Federal Aid boating funds	Would not be done through construction, some may be utilized for maintenance.	Funds may be reverted or if not, would be underutilized.	Would ensure that all boating funds were fully utilized.

Appendix C - Example: Site Specific Review

Anywhere Boat Launch

Issue	Trigger	Site Status	Issue Triggered
Listed Species	A "likely to adversely affect" designation would indicate the need for further consultation with USFWS to determine if a site specific document is needed.	No listed species present, Section 7 form dated 11/20/02.	No
Cultural Resources	If significant cultural resources exist that cannot be addressed to SHPO satisfaction, USFWS will be consulted concerning the need for a site specific EA.	SHPO stated project may proceed on 12/10/01.	No
Floodplains	If major floodplain problems exist that cannot be addressed, USFWS will be consulted for advice and guidance concerning the need for a site specific EA.	There will be no meaningful change to the floodplains.	No
Wetlands	If net loss of wetlands exceeds 5 acres or if any net loss of wetlands that can't be adequately mitigated is likely to result from an access development project, USFWS will be consulted on the need for a site specific EA.	The only wetland impacted will be directly under the launch ramp, which currently is a barren gravel area.	No
Invasive Species	Should it be shown that providing access may pose an unreasonable risk of introducing invasive species to sensitive areas, USFWS will be consulted on the need for a site specific EA.	The lake currently contains Eurasian Milfoil. It is not a sensitive area and the launch will not cause a major risk in introducing additional species.	No
Environmental Justice	If situations arise that indicate a possible adverse effect on minorities or low income individuals, USFWS will be consulted on the need for a site specific EA.	Launch is located near an area that does have a high minority and low income population. This will be the only free launch in the area and will be a positive benefit to these groups.	No
Public Involvement	If public controversy persists, USFWS will be consulted on the need for a site specific EA.	During the public review period, 20 written comments and 10 verbal comments were received. Fifteen of the comments were positive and the remaining comments were resolved through discussions.	No
No Access Waterway	If the rare situation arises where it is possible that this could be an issue, USFWS will be consulted on the need for a site specific EA.	Lake already has two public access sites on it.	No
Cumulative Impacts	If cumulative impacts are determined to be a possible issue, USFWS will be consulted on the need for a site specific EA.	No problems associated with this issue have been identified at this site.	No
Traffic Flow and Safety	If construction of the site would cause problems to existing traffic flow or create safety problems with regard to vehicle or boat traffic, USFWS will be consulted on the need for a site specific EA.	Consultation with Wisconsin DOT indicated that creation of the launch site would not be a concern provided that a turn lane was added from the westbound lane. That has been incorporated into the design.	No