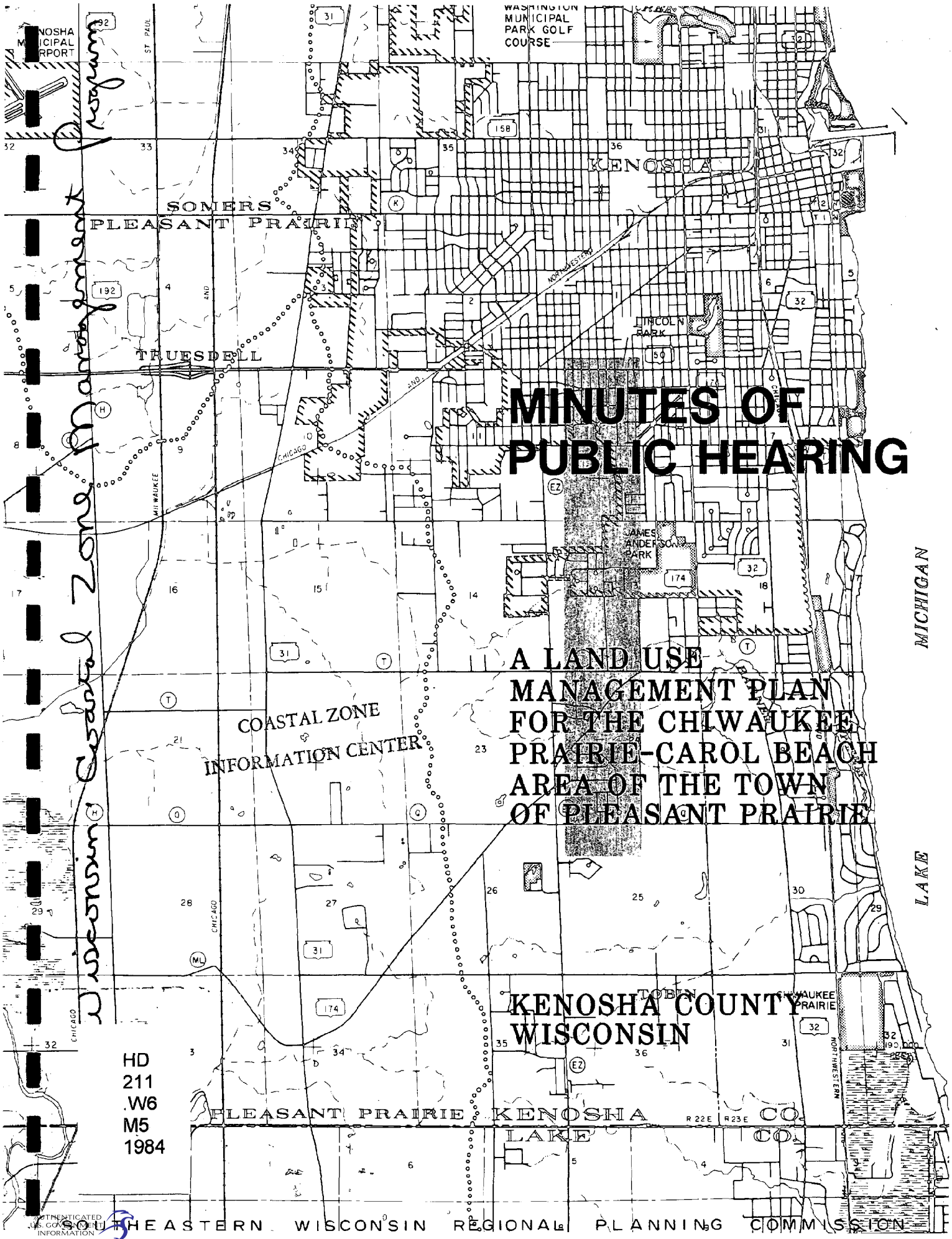
Wisconsin Coastal Zone Management Program

MINUTES OF PUBLIC HEARING

A LAND USE MANAGEMENT PLAN FOR THE CHIWAUKEE PRAIRIE-CAROL BEACH AREA OF THE TOWN OF PLEASANT PRAIRIE

KENOSHA COUNTY WISCONSIN



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MINUTES OF PUBLIC HEARING

A LAND USE MANAGEMENT PLAN FOR THE CHIWAUKEE PRAIRIE-CAROL BEACH AREA OF THE TOWN OF PLEASANT PRAIRIE

October 23, 1984

Southeastern Wisconsin Regional Planning Commission

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SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

MINUTES OF
PUBLIC HEARING[1]
ON THE LAND USE MANAGEMENT PLAN FOR THE CHIWAUKEE PRAIRIE-
CAROL BEACH AREA OF THE TOWN OF PLEASANT PRAIRIE

Lance Junior High School
Kenosha, Wisconsin
7:00 P.M.
TUESDAY, OCTOBER 23, 1984

Mr. Kurt W. Bauer, Executive Director, Southeastern Wisconsin Regional Planning Commission, opened the hearing at 7:03 p.m., CDST.

MR. KURT W. BAUER:

Good evening, Ladies and Gentlemen.

It is a little bit after 7 o'clock and time to begin this public hearing.

My name is Kurt Bauer, and I am the Executive Director of the Southeastern Wisconsin Regional Planning Commission, which is the agency holding this hearing. The Commission is charged by law with assisting the state and local governments in planning for the development of the rapidly urbanizing southeastern region of the State. The Commission's plans are advisory to the local, state, and federal units of government concerned.

The purpose of the hearing tonight is to obtain public reaction to a proposed land use management plan for the Chiwaukee Prairie-Carol Beach area of the Town of Pleasant Prairie. Because of conflicting natural resource preservation and urban development objectives, the future of this area has been uncertain for many years. The Town of Pleasant Prairie and Kenosha County, recognizing the problems created by this uncertainty, in 1981 asked the Regional Planning Commission to prepare a land use plan for the area. The plan was to be prepared by the Commission with the help of an Advisory Committee comprised of representatives of the Town, the County, the Wisconsin Department of Natural Resources, the U. S. Army Corps of Engineers, private citizens, and affected landowners, among others. Members of that Advisory Committee are here tonight to learn about the public reaction, as are a number of elected officials. At this point it is customary to introduce those members of the Advisory Committee and the elected officials in attendance. I will not do that tonight, however, in order to give the many individuals who have expressed a desire to speak as much time as possible to do so.

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[1] For a list of attendees who signed the attendance roster, see Appendix B.

A few words may be in order as to why agreement on a plan would be to the advantage of both the property owners of the area and of those concerned with environmental protection. Everyone here tonight should understand that, in the absence of an agreed-upon plan that can serve as a basis for future governmental actions, the existing federal-state regulatory process will prevail in the area. This means, among other things, that:

1. Residents owning lots defined by the federal government as wetlands may not be able to fill and develop those lots. This could affect up to about 800 lots in the area;

2. Residents owning lots defined by the state government as wetlands in the Lake Michigan shoreland area will have those lots zoned for conservancy and may be unable to fill and develop those lots. This would also affect up to about 800 lots;

3. Except where The Nature Conservancy may choose to spend its limited funds, residents of lots adversely affected by the federal and state exercise of the police power would not be compensated for any losses; and

4. In spite of this heavy burden on private owners and the potential for costly litigation, the resource base of the area would not be properly protected.

Accordingly, a plan is needed both to mitigate the potentially harsh impacts of the existing federal and state regulatory processes on the landowners of the study area and to properly protect the unique natural resource features of the area.

Since the Regional Planning Commission would like to have a complete record of who was present here tonight and of what was said here tonight, we would ask that you register your attendance. This should have been done as you entered the auditorium, and we hope all of you have cooperated in this respect. In addition, you should have been given handout materials which summarize the plan that is the subject of this hearing. [Copy of materials attached as Appendix A]. These materials will be referred to in the course of the hearing here tonight. If you do not have a copy of these materials, please raise your hand, and we will see that you get them.

The hearing will begin with a short presentation on the proposed plan. That presentation will be given by Mr. Philip Evenson of the Commission staff. He will use slides in his presentation. The key slides that you will see have also been reproduced for your convenience in the handout materials.

Following Mr. Evenson's presentation, the hearing will be opened to receive your comments on the proposed plan. Your comments tonight will be recorded so that they can be considered by the Advisory Committee and the Commission in the preparation of a final version of a land use management plan for the area. To the extent warranted, your comments on the preliminary plan will be reflected by changes in the final plan.

In order to ensure a fair, as well as orderly, hearing, we would ask that all of you observe a few simple requests. We would ask, first of all, that you fill out appearance slips indicating your desire to speak. The appearance slips should be turned in to one of the staff members present, who will bring them to me. I will then call on the speakers in the order in which the slips are received.

When I call your name, please come up to one of the microphones in the front of the room and speak into it slowly and clearly. In this way, not only can a good record be made; but everyone will be able to hear your comments or questions. Please begin by stating your name and address for the record, indicating whether you are appearing as an individual or on behalf of a group. If you have prepared your comments in written form, please give a copy to us. This will greatly ease the difficult job which the Recorder, Mrs. Margaret Shanley, has and help to ensure that an accurate hearing record is provided.

In order to ensure that everyone has a chance to be heard, we would ask that you confine your initial comments at the microphone to no more than five minutes. If five minutes is not sufficient, you will be accorded additional time after everybody else who wishes has had an initial chance to speak.

The hearing record will be kept open for a period of 10 calendar days, or until Friday, November 2, 1984. The Commission will accept for inclusion in the record of the hearing written comments mailed to its offices and postmarked on or before that date. The Commission's mailing address is given at the bottom of the last page of the handout materials.

We would very much appreciate your cooperation in observing these procedures. I will now ask Mr. Evenson to provide a brief presentation of the proposed plan.

MR. PHILIP C. EVENSON, ASSISTANT DIRECTOR, SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

Thank you, and good evening, ladies and gentlemen.

STUDY AREA

The Chiwaukee Prairie-Carol Beach area of the Town of Pleasant Prairie is bounded on the east by Lake Michigan, on the south by the Wisconsin-Illinois state line, on the west by Sheridan Road, and on the north by 80th Street. The area totals about 1,825 acres, or nearly 3 square miles, and represents about 8 percent of the Town. About 1,400 persons live in this area.

ENVIRONMENTAL SIGNIFICANCE OF AREA

From an environmental point of view, the Chiwaukee Prairie-Carol Beach area contains some of the most outstanding natural resource features remaining in southeastern Wisconsin. It is characterized by a relatively uncommon

series of alternating beach dune ridges and lower, wetter swales. Associated with these ridges and swales are high-quality wetlands and high-quality upland prairies, both of which are growing increasingly scarce in southeastern Wisconsin and elsewhere.

The area contains a State Scientific Area that is a national natural landmark and is recognized as one of the best remaining examples of lowland prairie in the upper Midwest. The State Scientific Area and national landmark is located south of 116th Street and east of the Chicago & North Western Railway trackage. The overall study area contains six additional natural areas of either statewide or regional significance located along both sides of the railroad tracks. At the north end is the Kenosha Sand Dunes natural area, which is owned by the Wisconsin Electric Power Company.

The lands in the study area that are either wetlands or environmentally significant uplands are shown on this slide. There are in the area nearly 750 acres of wetlands--shown in green--of which about 650 acres have been deemed to be particularly important in terms of providing critical plant habitat, providing quality wildlife habitat, having a special natural area value, or for maintaining water quality and low streamflows.

The important upland areas total about 160 acres and are shown in brown. These lands provide important plant habitat, quality wildlife habitat, or have a special natural area value. Because of the current emphasis at the federal and state levels on wetland protection through regulation, much of the discussion concerning the Carol Beach area has been on protecting the wetlands; yet, it is important also to protect the significant uplands which in this particular location often are intermixed with the wetlands.

HISTORICAL DEVELOPMENT

The earliest plans to develop portions of the Chiwaukee Prairie-Carol Beach area date back to 1921. The most intensive efforts to subdivide, however, occurred after World War II, with the subdivision activity being completed by the mid-1950's. The current pattern of land ownership and building development is shown on this slide. There are a total of 2,785 parcels in the study area, of which nearly 2,750 constitute lots platted for residential development. Yet, after more than 60 years, only about 640 lots, or about 23 percent of the lots platted, have been built upon.

Housing units are found scattered throughout the area, with relatively heavy concentrations at the north end just south of the Kenosha Sand Dunes and toward the south end west of the railroad tracks. Certain streets platted in the original subdivisions have not been constructed; others are little used and have fallen into disrepair. There is no public sanitary sewer service in the area and, except for the concentration of housing just south of the Kenosha Sand Dunes, no public water supply service. With few exceptions, the soils in the study area are unsuitable for development with septic tank systems.

The current status of the study area, then, is one of partial urban development--much of it highly scattered--existing side-by-side with high-quality wetlands, prairies, and important wildlife habitat areas.

REGULATORY REQUIREMENTS

In recent years, both the federal and state governments have moved to establish regulatory programs that will significantly impact upon the future pattern of urban development in the Chiwaukee Prairie-Carol Beach area. At the federal level, the U. S. Army Corps of Engineers regulates the placement of fill into lakes, rivers, and adjacent wetlands. The Corps of Engineers has determined that most of the wetlands located east of the railroad tracks in the study area are subject to federal regulation and that these wetlands are generally unsuitable for the placement of fill materials. The lands impacted by this regulation are shown in light green on this slide. While the Corps has not ruled out the granting of permits for filling of these lands, the Corps' action to date does provide a preliminary indication that the granting of permits would be unlikely, particularly in the absence of a land use plan for the area.

At the state level, the Department of Natural Resources administers a program designed to protect wetlands in shoreland areas. The shoreland areas of Carol Beach are shown in blue on this slide. These lands lie within 1,000 feet of Lake Michigan or an inland navigable pond, or within 300 feet of Barnes Creek, Tobin Creek, or other minor creeks in the study area. Under the state program, Kenosha County is required to place in a conservancy zoning district all wetlands lying within the blue area. That zoning district would prohibit filling and development.

Clearly, as indicated earlier, the impacts of these federal and state regulations would be severe on those owners of lots previously platted for development and lying within federal and state designated wetlands in the study area.

PURPOSE OF THE PLANNING PROGRAM

The primary purpose of the planning effort for Chiwaukee Prairie-Carol Beach, then, was to develop a plan which would identify those lands, both wetlands and uplands, which should be protected and preserved in the public interest, and those lands upon which urban growth should be accommodated. The attempt would be to achieve a sound balance between the conflicting open space preservation and urban development objectives within the area. Furthermore, the planning process was intended to seek a way to fairly compensate those residential lot owners whose land would be placed in an open space preservation area. Right from the very beginning, it was recognized that the plan would have to represent a compromise. Those who advocate intensive urban development in the area would have to concede that some lands should be permanently preserved in open space uses. Those who advocate permanent protection and preservation of the entire area would have to concede that some development in the area should be accommodated. Without such a compromise, the regulatory process will prevail and there would be no compensation.

THE RECOMMENDED PLAN

The Advisory Committee assisting the Commission in this planning effort considered three alternative plans: 1) a maximum development plan; 2) a maximum preservation plan; and 3) a combination development-preservation plan. After considering these three alternatives, the Committee selected the development-preservation alternative as the basis for preparing a preliminary recommended plan. That plan is shown on the accompanying slide.

Open Space Preservation Area

The recommended plan proposes an open space preservation area consisting of a continuous corridor connecting the Kenosha Sand Dunes on the north with the Chiwaukee Prairie on the south end. The proposed preservation area, shown in green, consists of about 803 acres. Of that total, about 215 acres, or 27 percent, is already owned either by the Town, the County, the University of Wisconsin, or The Nature Conservancy. With respect to the remaining 588 acres, the plan proposes the following:

1. About 640 undeveloped platted lots would be acquired at fair market value by the Department of Natural Resources or by The Nature Conservancy. Fair market value is proposed to be determined through an appraisal process that would use for comparison a similar lot, or lots, located in the urban development area and not proposed to be acquired.

2. An additional 20 lots are proposed to be acquired by the Town to preserve open drainageways along creeks.

3. There are 30 existing homes within the open space preservation area. These are shown by black dots in the green area. The plan proposes that these homes be left in private ownership and be maintained indefinitely. No one would be forced to leave their home under the plan. However, should the owners of these 30 homes wish to sell and not be able to find a purchaser in the private market, the plan recommends that the homes be acquired by the Department of Natural Resources.

4. All of the lands in the open space preservation area--both wetlands and uplands--would be placed in a newly created conservancy zoning district in the Kenosha County Zoning Ordinance. That district would prohibit filling, draining, building, and other activities that would tend to destroy the natural environment.

5. Nearly two miles of existing streets would be vacated and revegetated.

6. Utility construction corridors would be provided along 7th Avenue and 85th Street.

Urban Development Area

The recommended plan proposes an urban development area of about 860 acres, or slightly less than half of the study area. This area is shown in yellow on the slide. Most of the area would be devoted to single-family residential use as is permitted under the current zoning. The key factors of this aspect of the plan are:

1. Assuming full development of the areas shown in yellow, housing units in the area would increase from the current level of about 500 to nearly 1,500. Population would increase from about 1,400 to about 4,300.

2. As needed and as finances will permit, the Town would provide public sanitary sewer service, public water supply service, improved drainage systems, and new or improved roads within the urban areas.

3. All platted lots in the urban areas would be zoned for development and be placed in a residential, commercial, institutional, or recreational district, as appropriate. None of the wetlands in the yellow area would be placed in a conservancy district.

4. An 18-acre area just south of the Kenosha sewage treatment plant would be set aside for the possible expansion of that plant to meet unknown future needs.

5. A 36-acre area adjacent to the existing Trident Marina would be set aside for the possible expansion and further development of that marina.

6. The Town would, on behalf of all property owners within the yellow area whose lots have been classified as wetlands, apply for a collective permit from the Corps of Engineers to fill and develop those wetlands. This will avoid the need for individual landowners to deal with the federal government.

CONCLUSION

In conclusion, it is important to reiterate that the recommended plan is an attempt to lift the cloud of uncertainty which has for many years been attendant to the Chiwaukee Prairie-Carol Beach area of the Town of Pleasant Prairie.

The plan would ensure the preservation of valuable plant and animal communities, while at the same time enhancing the potential for good urban development in the area and fostering the establishment of neighborhoods which offer a unique opportunity for living in proximity to a natural prairie environment. If this plan--or something similar to it--is not accepted by all parties concerned, both those who advocate future development in the area and those who advocate preservation of the area will lose. The preservationists will lose important uplands over time as additional

development takes place on unregulated lands. The development advocates will lose the ability to create sound neighborhoods with proper utility services, and further will lose the ability to compensate individual lot owners whose lands would be placed in a conservancy zoning district.

Thank you for your attention during this briefing.

MR. BAUER:

Thank you, Mr. Evenson, for that presentation. I hope that all of you present were able to clearly identify in your minds the problems addressed by, and the recommendations being made in, the proposed plan. I will now open the hearing to comments and questions from those present.

I would again ask that you assist the Recorder by speaking slowly and clearly as you make your comments or ask your questions and that you submit copies of any written statement that you may have prepared.

In order to give as much time as we can to the speakers, I am going to follow the practice of calling not only the next speaker but also the following speaker. While the first speaker is making his remarks, the second can be coming up to the microphone to save time. Please try to limit your initial remarks to three minutes because, with the number of people registered to speak, it will be a long hearing. If you feel that is not enough time, we will come back to you after everybody has had his first chance to speak. The first speaker desiring to be heard is Mr. Wallace Piroyan, and the second speaker will be Mr. John Crosetto.

Q. MR. WALLACE PIROYAN, CHAIRMAN, CHIWAUKEE-CAROL BEACH CITIZENS ORGANIZATION, INC.

My name is Wallace Piroyan. I am a property owner and Chairman of the Chiwaukee-Carol Beach Citizens Organization, Inc. Before I start to toot my own horn--and I feel like David welcoming Goliath--I would like to sincerely welcome The Nature Conservancy, the Sierra Club, the Audubon Society, the Hoy Nature Club, and, of course, the Public Intervenor, Kathleen Falk. To those of you who traveled from Madison, Milwaukee, and Racine, we, the property owners, are delighted that you have taken so much interest in our homes and backyards. I hope your interest is not seasonal. I hope that you understand that we do not want to destroy our area and our prairie any more than you do. I hope your interest will not fade, but remain constant like ours. I hope you are open minded and seek the truth.

A typical property owner in the area is a true conservationist. He pays his taxes. He protects the prairie. He cares for his home and his family, and likes to be left alone by government bureaucrats that threaten his economic well being.

The definition of a compromise plan, according to the Southeastern Wisconsin Regional Planning Commission, is you give it and they take it. The plan is full of errors and flaws. It is inconsistent. The complex legal issues, which will be addressed by our Counsel, are not addressed in the

plan. The wetland inventory done by the Southeastern Wisconsin Regional Planning Commission on which the plan is based is not accurate. It was agreed that a field inspection would be conducted by the Southeastern Wisconsin Regional Planning Commission Biologist and myself for the purpose of identifying the wetlands. The DNR initially classified the entire area as wetlands. A large number--296--owners requested that their property be field inspected. We spent seven days inspecting 296 lots. We found an alarming margin of error, and this was confirmed by two independent biologists. I believe the Commission Biologist--Don Reed--under a lot of pressure, has tried to do a fair job. But it is important that a complete and accurate inventory of the wetlands be made. This should be your concern and our concern also. This has not been done. The short-term solutions depend on such an inventory. The long-term solutions require good neighbors and caretakers, as can be confirmed by The Nature Conservancy, and a showing of sensitivity for the people of the area.

For many years I have enjoyed the prairie. When spring comes, from every room in my house, I see the colors changing. Oftentimes when the going gets rough, I start my day by walking through the prairie. The experience takes me to another time, another place, and puts me in touch with my soul. Let me make an analogy--one day I was crossing the culvert at my house and a small bird flew down like a phantom jet, weighing only a few ounces, and for a moment I thought he had been sent by my friend, Mr. Don Reed--who proposed a four-lane highway across my house--to attack me. I then saw a nest under the culvert, a mother sitting on her nest, the father attacking me who was many times bigger to defend his home. A man's home is his castle and we will defend it. I hope you will recognize the deep differences between residents of and visitors to the area. I ask those visitors who are our guests to treat us with respect and courtesy.

Let us talk about mutual concerns and make this a strong foundation for fair and just compromise, and not just a political football game. If not, a long legal battle will ensue. We want to work toward a complete compromise that man and nature can both live in harmony and peace with. Thank you for listening.

[Recorder's Note: At the Public Hearing, Mr. Piroyan submitted the "Statement and Recommendations" of the Chiwaukee-Carol Beach Citizens Organization, Inc., along with five supporting exhibits. These materials are contained in Appendix E-1.]

A. MR. BAUER:

The next speaker is Mr. John Crosetto. Mr. Warren Buchanan will follow Mr. Crosetto.

Q. MR. JOHN CROSETTO, ATTORNEY:

I am John Crosetto, a member of the law firm of Crosetto & Vash, S.C. We have been retained by the Chiwaukee-Carol Beach Citizens Organization, Inc., to make sure that whatever is done to their property in the Chiwaukee Prairie-Carol Beach area be within the law. The questions which are before

you, the Committee, are complicated and controversial. You have devoted much time and energy to laudable ends: the protection of valuable land and water interests while balancing the concerns of private landowners. In these difficult proceedings, my role as attorney for the Citizens Organization will be legally to stop any rezoning of the Chiwaukee-Carol Beach area which: one, would legally deprive the citizen-property owners of the area of the use of their property without just compensation; and two, would deprive them of certain uses of their property through zoning which was based on erroneous facts and illegal proceedings.

The Chiwaukee-Carol Beach Citizens Organization has asked my law firm, and we intend to use every legal means available to us, to see that our client has its interests protected and to see that all governmental agencies concerned go through the legally required decision-making process fairly and justly, using accurate facts and legal procedures. What we hope to accomplish tonight is to point out some of the problems with the proposed zoning plan. We believe the present plan is flawed because it incorporates zoning which is unconstitutional and which is based on erroneous facts. Furthermore, the procedures used both to create and to support the plan in its present form are subject to serious legal and factual questions. If the plan in its present form is adopted, the County and State can be certain of expensive and time-consuming litigation by, among others, the Chiwaukee-Carol Beach Citizens Organization.

If the County or State adopts the proposed conservancy zoning district, the limitations on the property owners will be so severe as to deprive them of all practical value in the use or marketability of their real estate. In reality, the property owners will have had their property taken from them without having been justly compensated for the lost value due to the imposition of the conservancy zoning. This violates present state and United States constitutional law. Furthermore, in Kenosha County there are pending several lawsuits against the conservancy zoning districts. With litigation already instituted against a portion of the conservancy district zoning ordinance, it does not seem wise for the Technical and Citizen Advisory Committee tonight to adopt a zoning plan which incorporates the illegally flawed zoning categories. If the Advisory Committee decides to adopt policies to keep the Chiwaukee-Carol Beach land in its natural state, then it should recommend that the County or State purchase the land from private property owners for just compensation. Zoning cannot legally be used as a means to preserve land in a way which limits private owner usage to a substantial degree.

Any zoning plan for the Chiwaukee-Carol Beach area cannot be finalized or approved without an accurate map which shows what areas need to be preserved as wetlands. It is uncertain as to whether or not the county zoning agency has held a public hearing as required under NR 115. There are substantial questions as to whether or not the county zoning agency and the Department of Natural Resources have followed the correct Wisconsin administrative procedures in developing and adopting a wetlands map. Any zoning plan which incorporates a nonfinal wetlands may be subject to legal challenge.

The Chiwaukee-Carol Beach Citizens Organization has substantial questions and objections to both the factual accuracy used to support the zoning proposal under consideration, as well as the procedures used by the Southeastern Wisconsin Regional Planning Commission in the formation of the zoning plan. If we will be given access to the Southeastern Wisconsin Regional Planning Commission's field notes and onsite evaluations of the land within Chiwaukee Prairie and Carol Beach, some of the potential disputes may be avoided. My client expects, and we will see to it, that the property owners in the Chiwaukee Prairie-Carol Beach area be treated fairly and lawfully. Thank you.

[Recorder's Note: The foregoing statement was as made by Mr. Crosetto at the hearing in the time allotted; a more complete written statement, as filed by Mr. Crosetto, is contained in Appendix E-2.)

A. MR. BAUER:

Mr. Buchanan. Following Mr. Buchanan will be Mr. Bob Deutsche.

Q. MR. WARREN J. BUCHANAN, JR., CHIWAUKEE-CAROL BEACH CITIZENS ORGANIZATION, INC.:

My name is Warren J. Buchanan, Jr. I am a professional consultant in environmental sciences and have been in this profession for 12 years. I have an undergraduate degree in botany and a masters degree from the University of Wisconsin-Madison, Institute for Environmental Studies, in land resources. I have performed ecological assessments of many wetlands in Wisconsin for quite a few years, both as part of my graduate research and as an environmental consultant.

I became involved in this project at the invitation of the Chiwaukee-Carol Beach Citizens Organization because they said they were concerned about inaccuracies in the wetland maps being used as a basis for planning the zoning of their land. They asked me to make an independent judgment whether or not inaccuracies existed and to recommend any studies to rectify the situation, if necessary.

I visited the area in August, and I qualitatively looked over several areas. I concentrated on the area south of 116th Street and west of 1st Court, which the residents said had been an old golf course. I observed many areas of grassland which were not wetland and had little ecological value. Based on these observations, I recommended further detailed studies of the hydrology, soils, and vegetation in the area because these three factors are how wetlands are defined in the State of Wisconsin.

Another motivation in recommending further studies is that I also observed in the area many areas that had very high ecological value, including wetlands. To protect those areas--and it was obvious the wetland maps were inaccurate--further studies were necessary.

Based on my recommendations, the homeowners association--the citizens organization--hired IDP out of Waukesha, Wisconsin, an environmental consulting firm specializing in wetland mapping. They sampled three different

areas totaling 17 acres and used the definition of wetland specified by Wisconsin State Statutes. Based on their studies, which I reviewed and found to be technically sound and unbiased, they in one area found that 80 percent of the area mapped by SEWRPC was incorrect; in another area sampled 50 percent incorrect, and in the third area 40 percent incorrect.

SEWRPC went back, at the request of owners of 296 lots; and they ended up reducing the wetland acreage by 71 acres. That ended up being a net reduction of 71 acres; there were 35 acres of wetlands incorrectly omitted from the survey, and 106 acres that were mapped as wetlands that were found not to be. The numbers suggest that almost the whole area rechecked was incorrect. This strongly supports my recommendation that an independent, unbiased biologist accompanied by SEWRPC staff go back and recheck the inventories.

[Recorder's Note: The foregoing statement was as made by Mr. Buchanan at the hearing in the time allotted; a more complete written statement as filed by Mr. Buchanan is contained in Appendix E-3.]

A. MR. BAUER:

Your time is up. The next person to speak is Mr. Deutsche. After him will be Nancy Barasch.

Q. MR. ROBERT DEUTSCHE, SKOKIE, ILLINOIS:

My name is Robert Deutsche. I am a property owner at 104th Street and Sheridan Road. I am stunned by all that is going on here. Yes, stunned beyond belief. My property is now designated for preservation. It has been in the family for 64 years and passed from father to son. In the Depression of 1929--and I see some people in the audience that remember that Depression--we had a hard time paying the taxes; but we did and have been paying ever since. Last year I had a 22.5 percent tax increase, a $10,000 assessment increase. Every year the taxes have gone up and up. It's a joke. Now some DNR botanist claims the property is wetland. I question his qualifications. My property is higher above sea level than the City of Kenosha. And it is wetland? I refuse to believe that.

Ladies and gentlemen, here tonight you are seeing "Big Brother" at work. Remember, the government who is powerful enough to give you everything is powerful enough to take everything away. I am going to fight this outright tyranny even if I have to take it to the Supreme Court.

Someone said, "United they stand, divided they fall." How many in the audience really care about me and the other Carol Beach property owners? Well you had better, because tomorrow it could be you. We are going to be picked off one by one unless we unite and stop "Big Brother" now and fast.

In closing let me say, if you think your tax bill will only increase 68 cents, as said here tonight, with all this acreage removed from the tax rolls, I have a bridge in Brooklyn I would like to sell you.

A. MR. BAUER:

Ms. Nancy Barasch and then next will be Ms. Margaret Kramer.

Q. MRS. NANCY BARASCH, CHIWAUKEE-CAROL BEACH CITIZENS ORGANIZATION, INC.:

Thank you. I am Mrs. Barasch. I will try to make it short because I know what we are really interested in was hearing from our Attorney and Biologist.

I realize this is not a hearing on the wetland maps. We have been told by the County Zoning Office and the newspaper reports that this is a courtesy hearing and nonstatutory hearing used to provide the citizens with an opportunity to be heard. However, I do want to talk about the wetland maps because they are an important component of this proposal. Their accuracy or inaccuracy is the factual underpinings of this proposal.

The County has been mandated by the State to adopt zoning that protects wetlands. In addition, the County has discretion to adopt other zoning.

I am concerned about the theory of the area as a "complex." Does the theory of an area as a "complex" mean anything other than some areas are wet and other areas are dry? How much wetlands must occur in a complex before the mixed area is declared a wetland? The DNR guidelines seem to recommend a lot-by-lot analysis, but this hasn't been done. By not holding the wetland hearings, the proposal has left open areas of rumor and speculation.

We can recognize the importance in a complicated plan of addressing the comprehensive issues. We ask now at this stage an opportunity to ask factual questions. The citizens have real questions that need to be addressed. We would like an opportunity to share factual information. We have attempted to be open in sharing the field work of our biologists, and we request a similar opportunity to examine the results and the field work of Mr. Don Reed. Perhaps we will find there is no disagreement.

I realize there are valuable resources in the area. Let us participate by allowing us to examine the studies which have led to your conclusion.

Finally, since our situation is unique, and we do not seem to fit a statutory definition of wetlands, perhaps the interest of the State in providing park and open space preservation and the interest of the citizens are best served by an eminent domain proceeding in which everyone would be assured that just compensation would be paid.

I think the worst thing that could possibly happen in a plan of this nature is if some areas were zoned, a few scattered lots were bought, and other people took the plan to court and the plan was declared unconstitutional because no final wetland map had been adopted by the County and the proper procedures had not been followed and the definition used of wetlands was not correct. We wish to ask questions and to find out and share in your concerns. Thank you.

A. MR. BAUER:

Ms. Margaret Kramer, and then next will be Mr. Ray Felton.

Q. MS. MARGARET A. KRAMER, KENOSHA, WISCONSIN:

Ladies and gentlemen, I am here this evening to protect my home. My name is Margaret Kramer, and I am one of the many Carol Beach residents present here tonight to fight for our homes. Speaking strictly for myself, I am not here for sympathy, but rather to fight to keep what I have invested six and a half years of my life in.

My ex-husband and I bought our house in 1978 on our limited budget. It's a small house originally built as a summer cottage. We almost immediately learned of all of its quirks and idiosyncracies, such as the fact that it had no insulation, needed a new kitchen and bathroom, and many other things. Despite all of its shortcomings, it was still our home. A year and a half later my daughter was born, and we all resided there until a year and a half ago when my husband and I divorced. Since then I have worked hard and long to keep my home, and I have no intention of rolling over and letting the DNR or anybody else take it away from me.

Our home was purchased through the Wisconsin Veterans Administration secured loan program. My husband had served his country by doing a tour of duty in Germany. The house was located in Wisconsin; and my husband was a resident of the State of Wisconsin prior to enlisting, thereby qualifying us for the V.A. program. At the time the V.A. offered us 6.25 percent interest on the $31,000 mortgage we took out. If I am forced out of my home and attempt to buy another, the present interest rate is 13.75 percent. This would increase my monthly house payment a whopping 46 percent! How many of you would like to take that big a chunk out of your paychecks? Let me give you some real numbers. My present mortgage payment is $281 per month; if I am even able to secure a new mortgage for the same amount, my monthly payment jumps to $410.15 per month. That is an increase of $129.15 per month, or 46 percent.

If I attempt to buy another home by taking the equity I have accrued on my existing home as a down payment and put into an equivalent mortgage to avoid capital gains, this 46 percent will probably push me over the edge. I could apply to the Aid for Dependent Children program; but do you, as taxpayers, wish to support me when, if left alone, I could manage on my own? I think not!

Then, as if to add insult to injury, the DNR is offering to buy me out for the 1981 assessed value of my home. In 1981 my property was assessed at $42,800. In 1984 it was assessed at $44,700, a difference of $1,900, or about 5 percent. Five percent is a lot of money to me.

Our laws provide for just compensation when property is siezed by the State as is stated in the Constitution of the United States of America in Amendment 5; and I quote: "Nor shall private property be taken for public use, without just compensation." In light of the current offer of the 1981 assessed value, how "just" do you find that?

To demonstrate the inequity here, the other side of the coin if they allow me to stay is equally grim. I will not be entitled to sewer service since I live off 1st Avenue. First Avenue may not be maintained so that I run the risk of no police, fire, or ambulance service. Not to mention that access in the winter will be possible only by snowmobile or airlift. Some deal, huh?

I would like to thank everyone for your patience and listening. As I said at the beginning, I am not looking for sympathy, but for fairness. I appreciate my independence, my freedom, and the rights which are mine by law in this country. I do not think that due process has been followed; I do not think we have been offered fair and viable alternatives, and I do not think we are being treated as honest, tax-paying citizens. If the State of Wisconsin insists on taking my home or isolating me in such a fashion that I have no choice but to sell my home, I feel these are some of the rights I have:

1. A subsidized mortgage for the difference between the 6¼ percent mortgage I presently have at whatever rate I would be able to obtain in purchasing a new home.

2. Assistance in finding new accommodations equivalent to what I now have so that I am not forced into mssing work to find a home for my daughter and myself; and

3. Payment for the inconvenience of relocating.

Ladies and gentlemen, I love my home and have worked hard to keep it. I have no intention of letting anyone railroad me out of it, and I will fight with all my resources and strength not to become another trod-upon resident of Carol Beach. Thank you for your time and patience.

A. MR. BAUER:

Mr. Ray Felton, and then Ms. Kathleen Falk.

Q. MR. RAY FELTON, WISCONSIN WILDLIFE FEDERATION:

This prairie started at the beginning of time; and like all good things in life, we'll make it better--or will we?

I am Ray Felton. I live at 2513 Hamilton Avenue in Racine, Wisconsin. I am a Director for the Wisconsin Wildlife Federation. This is a statewide organization, and I was given permission to represent them on October 6 in Stevens Point. I am also President of the Wisconsin Sportsman's Association, and the authority to represent them on all issues of importance was granted in January. Both of these agencies or clubs or organizations have authorized me to be here.

This very beach area is something that is very, very old and very delicate. A footprint will leave its imprint for a long time. If developed, there will be many, many footprints and things to follow. It will never be put back where it was before.

That is part of my statement, but I am filing this written statement. Thank you.

[Recorder's Note: The foregoing statement was as made by Mr. Felton at the hearing in the time allotted; the written statement, as filed by Mr. Felton, is contained in Appendix E-4.]

A. MR. BAUER:

Next will be Ms. Kathleen Falk, and following her will be Ms. Linda Monroe.

Q. MS. KATHLEEN M. FALK, PUBLIC INTERVENOR, WISCONSIN DEPARTMENT OF JUSTICE:

Thank you, Mr. Chairman. I will be submitting comments in writing at a later date. I appreciated the remarks that Mr. Crosetto made.....I appreciate the remarks by Margaret Kramer, and others like her here tonight. It looks to me like we are reading different plans. I am not used to representing the government, I am used to suing the government. I think the plan should be explained better. I have not heard or read in the plan that anyone is going to get kicked out of their home. That is not in the plan. I think we need to get rid of some misconceptions. We are talking about what to do with the undeveloped lands in the area, not about existing homes. Professor Cherkauer--a wetland expert and a soil scientist--will explain later on why the area should not be developed. I will not go into that detail.

What I want to do is to talk about what is going to happen in the next couple of years. There is a lot of emotion on both sides, and a lot of steps need to be gone through. The choice isn't simply accepting the plan or accepting government regulation as was stated by Mr. Bauer. This is a system of law, and we cannot say which law we like and which we don't, and throw out the law we don't like, and take the plan. In our democratic society if we don't like the law, we change it. There are laws we have to follow--a number of state and federal laws. The State has to make a decision on this whole process and on the whole plan. There are important questions involved: What should be a wetland? What should be taken? Where are they going to put sewers, private wells, roads? What is going to be protected by the county zoning ordinance? Unfortunately, it is a long process. There are many legitimate conflicting interests. The federal government--the Army Corps of Engineers--has a responsibility to look at the big picture. There are important natural resources at stake--and they are not going to be inclined to grant federal permits.

Mr. Bauer, your plan is in big trouble and not likely to be permitted. Let's sit down with the various groups and try to come out with solutions. We should do a greater hydrological study to determine exactly what development can occur without sapping the groundwater and affecting the prairie, an archaeological study to find out where development can be permitted--we should come to some kind of agreement--a compromise--and I don't think the plan is a compromise--and resolve this so we don't have to take up the threats of the lawyer. We have the laws to follow; we must deal with facts. Thank you.

A. MR. BAUER:

Next is Ms. Linda Monroe, who will be followed by Mr. Edward Ganek.

Q. MS. LINDA MONROE, MADISON, WISCONSIN:

My name is Linda Monroe. I live in Madison. I am speaking on my own behalf. I have a healthy respect for the nearly unique prairie and ridge and swale complex. This provides an important habitat for plants and animals. There are at least two dozen on the endangered, threatened, or watch list.

The Southeastern Wisconsin Regional Planning Commission has already recognized just how valuable and fragile this resource is. In 1980 it designated much of the area as environmental corridor. In 1981 the Commission published a report which said destruction of one element of the corridor would bring a chain reaction of deterioration. Also, the U. S. Army Corps of Engineers made an advanced identification study. That study concluded that this area is not generally suitable for filling of wetlands. Now the Southeastern Wisconsin Regional Planning Commission is considering a proposed plan which fails to protect this most valuable resource in four ways. I am most concerned that this plan is not a compromise between maximum development and maximum preservation, but a compromise between some damaging development and minimum preservation. The first way the plan fails to protect the resources is due to the fact that all of the plans considered in the Advisory Committee would sewer much of the area around the prairie. The sewers and the accompanying development would change the hydrologic conditions. Once the sewers are in, water would be channeled in different directions out of the prairie, and the wetlands would be dewatered. Some endangered species would lose the water they depend on to exist.

The plan proposes a three-fold increase in population, for which additional roads will have to be built--with further damage to the prairie water system, and with the use of road salt toxic to endangered species. Drain tiles would be required for houses adding to the dewatering problem. Professor Cherkauer will give further information on this.

The second way the plan fails to protect the resources, it allows an enormous expansion of the Trident Marina. There are two types of endangered species where the plan would expand the marina into an important wetland. A road would go through a part of the prairie designated a natural landmark, or along the state line, which has been a nesting area. Again, we would have road contaminants, which would affect the prairie.

The third threat in the plan is the Wisconsin Electric Power Company utility corridor. They asked for 400 feet. I don't think the plan has adequately addressed this. I don't see the need for an additional 400 feet. They have an existing corridor. Let them put their new intake lines above or below the existing lines.

The fourth threat is the Kenosha wastewater treatment plant expansion to accommodate another 20 years of growth with an expansion into the sand dunes. Isn't there a better place for it?

I would like to conclude by saying this proposed plan is going to be terribly expensive--the sewers and roads will cost something like $721,000. The average annual public improvement cost over 20 years doesn't include the sewer in Sheridan Road, or the wastewater treatment plant expansion if that is necessary. Compared to that the very small tax increase--even under the maximum preservation plan according to the plan report--seems unrealistic. We have an increase in property tax of $3.23 for a $50,000 house for a Pleasant Prairie homeowner and an improvement cost of over $14 million. We have a very expensive, very damaging, very unnecessary plan.

A. MR. BAUER:

Mr. Edward Ganek, and following Mr. Ganek will be Ms. Mary Ellen Johnson.

Q. MR. EDWARD R. GANEK, KENOSHA, WISCONSIN:

Thank you. I am a resident of Carol Beach, and I would like to rebut all of those people who wrote letters to the Kenosha News calling the residents greedy, selfish, and who don't care anything about wildlife or rare species. The ones who love the area are the ones who live in it and protect it. I have called the police several times when boys have come out with high-speed motorcycles and hunters shooting anything that moves. I am a nature lover.

Also, about 15 years ago, Illinois conservationists began a propaganda campaign to save the dunes and wetlands of northeastern Illinois, north of Illinois Beach State Park. After a few years they convinced the Illinois State Legislature to condemn and purchase all property east of the Chicago & North Western Railroad north of the Illinois Beach State Park to the Wisconsin border. They purchased all the property and homes; and Zion with Winthrop Harbor lost 178 families, with all the business that brings, lost revenues of property taxes, sales taxes, and the heartbreak of losing 178 friends and neighbors.

Now after 10 years, Illinois finds that the wetlands and all the treasure of rare plants, grasses, and flowers aren't so rare or such a treasure after all. So now they are planning to build a 1,500-boat marina and convention center with all other "marine-related" businesses. To quote Lake County Economic Development Commission Chairman, William Baker: "The project is a golden egg in the Illinois coho coast. It can be a springboard of dynamic new economy for North East Illinois."

Now 15 years later, the DNR of Wisconsin, the Sierra Club, and all the others discover a rare dune and wetland area here in danger of overdevelopment. It is supposed to contain all kinds of precious grasses and plants nowhere else to be seen. Let them go to the Des Plaines Valley, Fox River Valley, Horicon, or Bong.

So they are hell-bent on acquiring 812 vacant lots at confiscation prices, not market value as they say, but for $300 per lot for lots originally bought for $1,500 to $3,000 each and taxes paid for how many years--15, 20, or whenever they were purchased--just to save this rare treasure for posterity. It seems we have heard this somewhere before. I think Wisconsin or Kenosha may be just 15 or 20 years behind Illinois. Thank you.

A. MR. BAUER:

Next will be Ms. Mary Ellen Johnson, and following her will be Mr. Richard Harthun.

Q. MS. MARY ELLEN JOHNSON, CHIWAUKEE PRAIRIE RESCUE COALITION:

My name is Mary Ellen Johnson. I am a member of the Chiwaukee Prairie Rescue Coalition. We are opposed to the proposed plan as a threat to the native plants and species in the Chiwaukee Prairie. So many of you who live in the area have expressed your love for it. You seem to share in our interest and enthusiasm for the preservation of the area, and this should lead to a compromise down the road. The reason I am speaking tonight, and the reason we formed a coalition, is that throughout this whole planning process, there has been adequate knowledge conveyed of the unique value of the area, the value of the natural resource which has over 400 species of native plants, has rare and endangered species, species very hard to save in case they get much rarer. It is cheaper to save them now than 20 years down the road. The time to save these species is now by preserving their habitat. You can't leave a narrow corridor and expect them to survive. The reason they live there and survive is because of the particular features of the habitat, the swells and swales that exist there. We believe a larger area should be preserved. At the same time we recognize that the area was platted. A lot of you have a misunderstanding of the plans. The homeowners are all under every plan to be left to live in their houses. Many will be left with lots. You see those lots being taken by a government bureaucracy. We feel the landowners should be recognized with adequate compensation, fair and equitable compensation, for the lands to be preserved in conservancy. We would like to see a larger area preserved--virtually all of the remaining open space preserved--to protect the prairie, but at the same time the landowners should be compensated at a fair and equitable value. The figure of $300 has been mentioned. I think that might have been the amount The Nature Conservancy offered at one time. I don't think anybody is taking $300. The price has gone up. That price--a fair price would have to be negotiated. I think the DNR is prepared to buy. The Nature Conservancy is also prepared to buy. But the money used to buy land doesn't come from nowhere. It is given by people who love the prairie and want to preserve it. I have given over $200 to buy land in Chiwaukee Prairie. If we divided it all up, it won't be good. It will destroy the prairie. It won't be good wetland. We will all lose.

A. MR. BAUER:

Next will be Mr. Richard Harthun, and the next speaker will then be Ms. Carol Owens.

Q. MR. RICHARD A. HARTHUN, NATURE AND HER INHABITANTS:

I would prefer to send in my comments at a later date, please.

A. MR. BAUER:

Thank you Mr. Harthun. Your written comments will be made a part of the record of the hearing and will have the same force and effect as would your oral testimony. Ms. Carol Owens.

Q. MS. CAROL OWENS, WAUKESHA ENVIRONMENTAL ACTION LEAGUE:

I would like to do the same thing.

A. MR. BAUER:

Thank you. Next then will be Mr. Richard Marciniak, and following him will be Mr. Charles Graf.

Q. MR. RICHARD MARCINIAK, CHIWAUKEE PRAIRIE RESCUE COALITION:

I am a representative of the Chiwaukee Prairie Rescue Coalition. I would like to give a summary of what we would like to see done with the area. We will present to the Commission a detailed plan within 10 days. The Coalition has found the Advisory Committee plan unacceptable to us. We are not dissatisfied with the work of the Southeastern Wisconsin Regional Planning Commission but rather with the changes in that work that have been initiated by the Advisory Committee, the changes that I will address farther along.

Our plan is based on two principles--reasonable treatment of the existing property owners and also maximum preservation of the open prairie lands. To safeguard property owner rights, no existing homes should be moved or condemned in any fashion, and the DNR or any private organizations involved should provide reasonable guarantees that, if property owners wish to sell, they can but they cannot be forced to sell, and that monies will be available for purchase. Any purchases of property should be made at a fair market value to be determined by the parties involved, and WEPCo should be granted its desired utility corridor easement; but they should not be permitted to put a building on the corridor and should not be permitted to use herbicides in the area.

For natural resources protection, we have a number of proposals. One, we feel that the 18-acre wetland site immediately adjacent to the sewage treatment plant should not be preserved for expansion, but other areas be considered, possibly some areas across 7th Avenue, so that in the future we will not be forced to use that 18-acre site. Two, sewer service should not extend east of the railroad tracks. Three, no new roads should be built through the prairie to the Trident site, and no new lands should be put aside for the expansion of the marina. All open lands within the 825-acre study site should be zoned for conservancy.

A. MR. BAUER:

Thank you Mr. Marciniak. The next speaker will be Mr. Charles Graf, and then Mr. Thomas Terwall.

Q. MR. CHARLES GRAF:

I registered not so much to make a statement but to preserve my right to ask questions. I have no questions at this time, and my wife did the same thing. I might want to ask questions later.

A. MR. BAUER:

Mr. Terwall.

Q. MR. THOMAS W. TERWALL, SUPERVISOR, TOWN OF PLEASANT PRAIRIE:

My name is Thomas Terwall, and I am a Town Board Supervisor for the Town of Pleasant Prairie.

During the course of this study, many individuals and groups have expressed concern for the rare and endangered species thought to inhabit this area. Several agencies of both the state and federal governments have also stressed the importance of protecting these endangered species. While I share their concerns, I am more concerned about another specie that these governmental agencies and other special interest groups do not feel is entitled to similar protection. I am speaking about the 1,400 human beings that inhabit the study area in some 511 permanent dwellings.

Any plan for this area must include a solution to the problem of failing septic systems that many of these people face. This is a problem that is not limited to the boundaries of this study area. Many property owners in the southeast corner of the Town are experiencing similar problems and are facing forced abandonment of these failing systems. The solution lies in providing sanitary sewers to this area. It can only be accomplished if development of the nonwetland area is permitted with the full approval of all regulatory agencies involved. The Town of Pleasant Prairie is working diligently to resolve this serious problem for the entire area. Further study, as advocated by the Public Intervenor, will only increase the severity of the problem and delay a much-needed solution.

I believe that the interests of the property owners must be protected in any proposed solution if it is to succeed. This means fair compensation must be offered on a timely basis to the owners of land rendered unbuildable by wetland zoning and that written assurance be given that upland areas will be permitted to develop with the installation of public utilities. New roads that are proposed for the sole purpose of splitting lots that are partially wetland should be deleted from the plan and the lots retained in the development zone if the majority of the lot is upland. This will eliminate the cost of unnecessary new roads, as well as the risk of disturbing the hydrology of the area.

During the many months of deliberations that have taken place since the formation of the Technical Advisory Committee, I have been appalled at the lack of concern that has been shown by the state and federal government for the residents and property owners of this study area. SEWRPC is the only agency involved in this complex issue that has shown any regard for the

rights and welfare of the people most affected by these deliberations. I commend Mr. Bauer of SEWRPC and Mr. Fonk of the County Board for showing concern for these people. If this or any plan for the area is to succeed, I believe that the least protected animal specie--the human beings that inhabit the area--must receive at least the same consideration given to the white-fringed orchid and sand hill cranes that may or may not inhabit the area.

A. MR. BAUER:

The next speaker will be Mr. James Post, who will be followed by Ms. Rebecca Leighton.

Q. MR. JAMES W. POST, TOWN OF PLEASANT PRAIRIE:

I am James Post from 1st Avenue and 128th Street. I am going to take a half a minute and ask the other two minutes be donated. I read this thing [Recorder's Note: Indicating the handout materials] and heard it read back. I am learning a great deal. I would like to hear from some experts.

A. MR. BAUER:

After everybody else has had a chance to speak in the order in which the registration slips were received, we can come back to them.

Q. MR. POST:

Then I will take the rest of my two and one-half minutes now. It seems there is an awful lot of talk about wetlands and uplands. It all gets complicated. I am a pretty simple-minded person. Elevation is the key. I agree with the gentleman that said the nature lovers don't have to be people who live out of the area. It might be people who live there to enjoy it.

I have some questions to ask. First of all, I heard statistics about lots that weren't developed. Very deceiving. A lot of people like open area. When they build a house, they might buy two or three lots that they don't want to build on, but keep for open space. Many people have tried to build and found roadblocks in their paths. The perc tests don't turn out. No one wants to talk about new methods to accommodate septic systems. What will be the recourse assuming this board makes a recommendation? What recourse do we have for those of us who might not agree with the recommendation?

A. MR. BAUER:

I, Mr. Post, understood you to have only one question.

Q. MR. POST:

The question was whether or not you agree with my statement. I would like to know, you know.

A. MR. BAUER:

What part of your statement?

Q. MR. POST:

I heard this read back, and you were talking about vacant lots. Nobody wants to build there anyway. Why make a fuss. Well that may not necessarily be true; some people want to build and are discouraged. Many people own lots and want to keep them open.

A. MR. BAUER:

I think that your observation concerning the desire for open space is a valid comment. Clearly if there are adjacent multiple lots in a single ownership, they should be regarded as one site.

As far as your question concerning recourse is concerned, you should understand the Regional Planning Commission is an agency that tries to seek a consensus on a plan--that is, on a course of action--among often conflicting interests. We certainly see such conflict here. This is probably one of the most controversial issues the Commission has tried to address in some 20 years of work. As I said earlier, the Commission's plans are, however, entirely advisory. Assuming that the Committee that is helping the Commission in this matter can agree on a plan--which is not at all certain given the conflict in evidence tonight--and recommends a plan to the Commission, the Commission would consider, as will the Advisory Committee, the comments made here tonight. There were valid suggestions made that deserve careful consideration in arriving at a final plan. If the Regional Planning Commission adopts that final plan, it becomes advisory to the Town, the County, the State, and the federal government; and the elected and appointed officials at the town and county level would have to decide whether they want to adopt the plan and begin to carry it out. The Secretary of the Department of Natural Resources would have to decide whether he will adopt the plan and attempt to carry it out; and, of course, your legislators would have to decide whether they will provide monies to purchase the land that may be involved. Your recourse, then, will be through your elected officials. As was said earlier tonight, this will be a long process. Government in Wisconsin was designed to include many checks and balances so things do not happen quickly. The plan, if it is adopted, if a plan can be agreed upon, really becomes the point of beginning for the actions that would be required to carry it out. I don't know if that is a satisfactory answer.

Q. MR. POST:

Thank you.

A. MR. BAUER:

Ms. Rebecca Leighton will be next. She will be followed by Mr. Robert Ahrenhoerster.

Q. MS. REBECCA A. LEIGHTON, WISCONSIN AUDUBON COUNCIL AND BROWN COUNTY CONSERVATION ALLIANCE:

My name is Rebecca Leighton, and I am from Green Bay. I am speaking on behalf of two organizations--the Audubon Council, with 17 member chapters and 13,400 members, and the Brown County Conservation Alliance, with a combined membership of 3,300 memberships in Brown County. Both organizations are opposed to SEWRPC's development plan. We feel the Chiwaukee Prairie requires careful preservation and management. Prairies have become scarce, and a prairie at least the size of the Chiwaukee Prairie is needed to protect its endangered species. The long-term stability of these endangered species depends on there being a natural exchange of genetic varieties. There will be no such variety coming in from the outside, and the endangered species will have to make do with what they have in the area. Inbreeding makes the species more susceptible to loss, and the number of individuals can decrease considerably.

Though the people I am representing are not local people, we feel we have an important stake in the decision. We are sympathetic with the property owners' problems. Wetlands are not appropriate residential sites. These should be discouraged as not being in the public interest. Prairies are valuable and disappearing at a drastic rate around the country. Chiwaukee Prairie belongs to all citizens, and the native species have a right to exist. I will submit more information in writing later.

A. MR. BAUER:

Mr. Robert Ahrenhoerster will be next, who will be followed by Mr. Donald Wruck.

Q. MR. ROBERT AHRENHOERSTER, PRAIRIE SEED SOURCE, NORTH LAKE, WISCONSIN:

I have submitted a written statement. I don't wish to speak at this point.

A. MR. BAUER:

Thank you. Now Mr. Wruck, to be followed by Mr. Ed Nelson.

Q. MR. DONALD H. WRUCK, CHAIRMAN, TOWN OF PLEASANT PRAIRIE:

Mr. Bauer, I would like to thank you and your staff for holding this hearing tonight so that the public could be heard. I guess what I have to say is that the Town Board must look at both sides of the issue, and will be looking for a compromise that can satisfy the scrutiny of both sides. I would like to present this statement then, as the Town Chairman, to your Committee.

The Town of Pleasant Prairie wishes to advise the Committee of the urgency for a timely resolution of a compromise plan by all concerned regulatory agencies that addresses the concerns of all parties involved.

The Town is currently preparing a facilities plan that addresses the elimination of pollution caused by failing onsite waste disposal systems, both within the study area and areas to the west of Sheridan Road.

As an example, the Unit One Subdivision that lies within the Carol Beach/ Chiwaukee Prairie Study Area is also designated to be a part of the Facilities Planning Area. Many homes within this subdivision have been cited for violations by the County Sanitarian. Further legal action against these residents have been temporarily suspended pending progress toward the installation of a sanitary sewer system.

Any further delays in resolving these issues will likely result in the resumption of legal action against residents within Unit One as well as in other areas with failing septic systems, both east and west of Sheridan Road. In addition, further delays may jeopardize available funding for the sewerage system.

The Town strongly urges all groups to take a position of compromise as the only viable method of realizing each respective group's interests.

A. MR. BAUER:

Thank you, Mr. Wruck. The next speaker will be Mr. Ed Nelson, who will be followed by Mr. C. G. McAndrews.

Q. MR. ED NELSON, KETTLE MORAINE AUDUBON SOCIETY, INC.:

Good evening, I am from Hartland, Wisconsin. I am the Conservation Chairman of the Kettle Moraine Audubon Society, Inc. I have been sitting back here and getting hotter and hotter. I have a prepared statement. However, let me state a few observations.

I am sure some of you see me as the enemy. I am a homeowner on a septic system. You do not want your homes taken away. I have looked at the Cherkauer report. I have looked at the SEWRPC report and read CPR's recommendation from Chiwaukee. I would hope between those proposals, some compromise and modification can be reached, not lawsuits, not shouting, not rudeness, but compromise.

Furthermore, I am a homeowner. I would speak to the residents of the Carol Beach area. You said you like to live in the area; you enjoy that area; you watch the birds; you walk in the area to let off steam. It is something to appreciate. What some of these other people, the conservationists, are trying to tell you this evening is you should not be thinking of SEWRPC or DNR as bureaucratic monsters; that, if the prairie is infringed upon to a certain extent, the thing you most want to protect and enjoy will be harmed; and in some parts, it will be destroyed. Hopefully, somewhere between the plans that are being submitted this evening, there is going to be a compromise reached so the homeowners will not feel their homes will be taken away. I wouldn't want that; and the people who want the prairie reserved don't want that, but there are very few areas like this left in southeastern Wisconsin, if not in the Midwest. The area of Chiwaukee Prairie should

be allowed to continue. I have a written statement I will leave with you. Thank you.

[Recorder's Note: The foregoing statement was as made by Mr. Nelson at the hearing in the time allotted; a more complete written statement, as filed by Mr. Nelson, is contained in Appendix E-5.]

A. MR. BAUER:

We certainly share the hope that it will be possible to reach agreement on a plan. Next is Mr. C. G. McAndrews, who will be followed by Ms. Ione Graf.

Q. MR. C. GREGORY McANDREWS, KENOSHA, WISCONSIN:

I will submit a written statement. I will briefly summarize that statement. The compromise plan has taken into consideration many valid interests. The plan, which I have followed over the last two or three years, has shown considerable wisdom. I would like to reinforce two principal areas--first, compensation of those people whose properties are being set aside for scientific, recreational, or scenic reasons and, secondly, a reasonable time frame. Many things are being held in abeyance; a timely conclusion of this issue is needed.

Two specific things I would like to bring to the attention of the Advisory Committee. First of all, the statewide significance of this area. Mr. Bauer indicated that the people who will determine if this has statewide significance is the State Legislature. If the State Assembly does not allocate money within the next five years or eight years or whatever the time limit is set, then the land that is zoned into conservancy, but will not be purchased because the State decides not to, should return to its original zoning, or the zoning should follow some sort of gradual schedule as the money is available and when the owner says, yes, we will sell it, the State will buy it. So we are concerned about what happens if the Legislature decides the area is not of statewide significance.

One picky point in regard to the upland area north of 90th Street and 4th Avenue and the WEPCo utility corridor. On this Map 1, it is indicated as upland. Two or three years ago it was a swampy area, but it was simply filled with inert clay from under the City of Kenosha as a result of the sewer separation project. I would suggest, therefore, that the environmental corridor be stopped at 90th Street because there is no longer a minimum width of 200 feet north of there. The only significant change is between 7th Avenue and where this inert fill has been added. I would suggest that you do consider that particular area. Thank you for your patience with us. I would echo the need for a speedy solution of this very complex area.

[Recorder's Note: The foregoing statement was as made by Mr. McAndrews at the hearing in the time allotted; a more complete written statement, as filed by Mr. McAndrews, is contained in Appendix E-6.]

A. MR. BAUER:

Ms. Ione Graf will be next, and she will be followed by Ms. Bernice Popelka.

Q. MS. IONE GRAF, KENOSHA, WISCONSIN:

I will pass, thank you.

A. MR. BAUER:

The next speaker will then be Ms. Bernice Popelka, who will be followed by Mr. Joseph Shaffron.

Q. MS. BERNICE B. POPELKA, KETTLE MORAINE AUDUBON SOCIETY AND CHIWAUKEE PRAIRIE RESCUE COALITION:

I am Bernice Popelka representing the Kettle Moraine Audubon Society and the Chiwaukee Prairie Rescue Coalition. The Audubon Society has 450 members over three counties. I want to say that I have been a preservationist for natural areas since 1961. Some of these years I was in the Chicago area and helped save the prairie down there. I lived down there and appreciate what it can be like when you have nothing but houses and businesses and cement. I can remember many times taking our young family into the forest preserve. How grateful I was that somebody had the foresight to set aside that natural area. Many people in the Chicago area were grateful for that. I also recall the fight to save the Indiana sand dunes, and they were saved, and people are grateful that took place. There were people who had concerns about their rights and so forth, but in the end posterity is very grateful.

The prairie I worked on saving is now owned by the University--it is extremely valuable, a gem. When I was working on that, I became aware of Chiwaukee Prairie. I know it is of the highest quality in the Midwest. I know people from many states who are acquainted with the prairie. I mentioned to them that there was a possibility of the prairie being divided up among many interests. They were alarmed. They did not realize this could happen. I am concerned because I see here there are two forces fighting against each other--homeowners against preservationists. In the middle is SEWRPC. We are being played against each other. But I did know in Kurt Bauer's letter of September 19 that he appears to already have a position in support of this plan although in the Advisory Committee many people abstained from voting because they were from agencies and people whom I question their pursuit of facts. I also know that he made some statements that appeared to show he had a particular position, and we see Dr. Cherkauer's study of soil and water as it relates to preserving the prairie. I suggest SEWRPC go back to the drawing board and study all the facts before taking a position. We may some day be part of a megapolis. We should be concerned about saving such areas for the future.

[Recorder's Note: The foregoing statement was as made by Ms. Popelka at the hearing in the time allotted; a more complete written statement, as filed by Ms. Popelka, is contained in Appendix E-7.]

A. MR. BAUER:

Indeed, the plan before you tonight is a staff-recommended plan. We think it is a technically sound plan; but it is at this point a staff recommendation, and it will have to be acted upon by the Advisory Committee, the Commission, and ultimately the elected officials concerned.

The next speaker is Mr. Joseph Shaffron, who will be followed by Mr. David Hewitt.

Q. MR. JOSEPH E. SHAFFRON, DEVELOPER OF CAROL BEACH ESTATES:

Members of the Committee, my name is Joe Shaffron. I have to qualify myself to you folks so that you can credit my statement, and believe that I know what I am talking about. The qualification is this. I am head of the organization that developed Carol Beach Estates. It was acquired from Rockefeller-McCormick. On the day I closed the deal with them, my daughter was born. We named her Carol and the development then Carol Beach Estates. I am about the only land developer that lives on the land he developed, and I am not afraid to live there; I am proud of the area.

I am going to make some statements. I don't need three minutes. I am going to ask the Committee to stop and think what you are doing. First of all, I received several hundred telephone calls when this action started in my office asking me questions and accusing me and telling me what to do. I received a lot of mail. I am not an official and not on your Committee. I received nothing but complaints, and I had nothing to do with this. I was accused of agreeing to fight this action because I am in love with a lot of money invested in property. For your information, members of the Committee, my company doesn't own one lot except the building where I live. We are completely sold out. Financially I am not interested. Morally I am very much interested, and I believe that your Committee is doing the wrong thing.

I am sorry I have to make that statement. You are not doing what you are because you want to, you can't do otherwise. Carol Beach is not a wetland. I have built more than half the homes in that entire subdivision. We have had no problems except in a few houses where the septic tank was installed by somebody that didn't know what they were doing. We had to teach and correct. We have had no complaints and no problems. We have one of the finest developments in this part of the country. I am very proud of the development, and the residents make me feel proud. If you drive through especially the wooded sections, you would see what a wonderful development it is. Besides the residential area, we have also developed an industrial park right on the corner of 91st and Sheridan, which is part of the Carol Beach property. I am very proud of it, too.

I know that your Committee has got a big problem, but you don't know how to handle it because most of the things that apply to your work do not apply to Carol Beach Estates. It is not wetland. If anything at all, it is a desert property. It is dry. There is no trouble. I have lived there for 37 years, and I am not afraid to live on the property I developed. There are no problems except some credited by builders who made mistakes. Stop

bothering us with your wetland action. You have no right to do this because it is not wetland. I wish you would stop because if you don't, we will hire legal talent; and we will make you stop. Thank you very, very much.

(Applause from the audience)

A. MR. BAUER:

Mr. David Hewitt will be next, he will be followed by Ms. Helen Helgren.

Q. MR. DAVID H. HEWITT, SIERRA CLUB AND CHIWAUKEE PRAIRIE RESCUE COALITION:

My name is David Hewitt. I live in the Town of Bristol. I am the Conservation Chairman of the State Chapter of the Sierra Club and Vice-Chairman of the Chiwaukee Prairie Rescue Coalition. I appreciate the opportunity to appear here tonight, I think this hearing was long overdue. I know that many people would like to have spoken before. Generally speaking, we favor the maximum preservation plan. We will be submitting a detailed plan. I will also submit further written comments. I would like to read part of a letter that appeared in the Kenosha News on January 31 of this year from a concerned property owner. A woman and her husband and two sons live a couple of blocks from the lake. "We love it out here. We love raising our boys out here because it is so free and open." That speaks for a lot of people who live in Carol Beach.

After attending most of the Advisory Committee meetings, I didn't hear this point of view represented very well, if at all. I think that many people who live there would lose this openness with the urban enclaves set forth in the present plan. Therefore, we are recommending the maximum preservation plan, which would preserve more of the open space. I will stop there.

A. MR. BAUER:

Ms. Helen Helgren will be next, and will be followed by Mr. Preston Helgren.

Q. MS. HELEN HELGREN, GURNEE, ILLINOIS:

I didn't really have a statement. We came as long-time admirers of the prairie from Lake County. I wanted to verify something I understood or misunderstood from the opening presentation. In the event that this is not resolved by some kind of compromise plan, this would go to the Department of Natural Resources. Is that correct?

A. MR. BAUER:

If agreement cannot be reached on a compromise plan, the existing regulatory framework would be rigidly applied. That would have, at least the Commission staff believes, adverse effects on the property owners and adverse effects on the preservation of the resource base itself. The rigid application of the law would permit the State to zone the open wetlands against development without payment of compensation. That would probably lead to court action.

Q. MS. HELGREN:

I couldn't believe that zero compensation in that instance.

A. MR. BAUER:

There is case law in the State of Wisconsin which apparently upholds the State in the application of the police powers in this way. We think one of the things that is different in this area from the previous cases is the fact that it has been platted.

Q. MS. HELGREN:

Are you referring to acreage or platted land?

A. MR. BAUER:

The Commission staff believes the situation is different when dealing with platted lots.

Q. MS. HELGREN:

That was my question. I didn't know if I had heard it correctly. I found it difficult to believe that would be the case, but that is what you are saying. I think that is all I needed to know right now.

A. MR. BAUER:

Mr. Helgren will be next, followed by Mr. Stephen Barasch.

Q. MR. PRESTON HELGREN, GURNEE, ILLINOIS:

I am from Gurnee, Illinois. I didn't come up here to tell you what to do with your land. We value it and appreciate it very much.

A. MR. BAUER:

Mr. Stephen Barasch will be next. Mr. Barasch, I notice you have filed a written statement. Do you want to also make an oral statement?

Q. MR. STEPHEN BARASCH, KENOSHA, WISCONSIN:

Yes. I have been a resident of the study area for over 12 years. I am one of many that would be adversely affected by the study. In fact, one of the things I most object to is the whole concept of public ownership. Sensible stewardship is being denied simply due to the fact that we happen to own the land. I believe there has been a more or less systematic effort by certain state and county officials to perpetuate the myth that the land in the study area is mostly unbuildable and the concept of holding tanks is undesirable. In point of fact, I believe most of the lots are buildable. There are techniques that can be used, as for example, to require there be no basements. Our climate only requires a four-foot foundation be put underground. That is no problem at all.

From an environmental point of view, far from being undesirable, holding tanks would prevent sewers from being brought into the area. It is also the best solution environmentally. There would be no adverse effect on the surrounding soil. There are pumping charges; but for an average family today, they are a little more than 50 percent of what you would pay for city sewer and water.

I also want to point out sensible things could be put in the compromise plan. I do not believe single-family residence construction is incompatible with conservation. Special land use zoning could be passed restricting landscaping, paved driveways, planting of incompatible species of plant life. Houses could be built on stilts with the land underneath left natural.

Another compromise would be to limit sewer expansion to along Sheridan Road and the Trident Marina. If this limitation makes sewer expansion uneconomical, then it could be dropped. We don't need the sewers. The pumping costs with holding tanks are not prohibitive. It is a price many people are willing to pay to live in a less developed environment. The use of holding tanks will also keep the development pace low by use of free market factors rather than government coercion. If there are sewers put through, the urban areas will be more fully developed in the first year with more housing units than have been built south of 91st Street in the past 30 years.

I am glad to see the environmentalists are also beginning to see the light about the compromise plan. I also want to address myself to Mr. Evenson. What do you think of a plan that is offered in the spirit of compromise, yet you say, if you don't accept this plan, anybody who owns a lot within 1,000 feet of the lake you are going to lose this land. Is that a compromise?

(Applause from the audience)

That was a rhetorical question. I will tell you the answer. The public officials are not sincerely interested in the environment, but are interested in acquiring public parkland at basement prices, through forced sales and denying owners legal condemnation proceedings--what the public officials are interested in is sewers and large-scale development. I would say that next to small property owners the environment is the least of their concerns. Thank you.

[Recorder's Note: The foregoing statement was as made by Mr. Barasch at the hearing in the time allotted; a more complete written statement, as filed by Mr. Barasch, is contained in Appendix E-8.]

A. MR. BAUER:

Rhetorical or not, I think the question you posed needs to be answered. The Public Intervenor in effect answered it earlier with a much harder line, which perhaps you didn't catch. She said the law is the law. It was enacted duly by your elected legislative bodies. The proposed compromise plan is

intended to ameliorate the effects of the law. The only other course of action open is to get the law changed.

It is now after 9 o'clock. We have been at this for over two hours, and are only about halfway through the list of people who want to be heard. We will now recess for a short rest break to stretch and then promptly reconvene.

[Recorder's Note: Mr. Bauer recessed the public hearing at 9:04 p.m. and reconvened it at 9:13 p.m.]

May we have your attention, please. Let us resume the hearing. The next speaker will be Mr. John Allen, and following him will be Mr. Richard Christiansen.

Q. MR. JOHN ALLEN:

When this problem first came up, I was at one of the original meetings. I discussed the problems with members of your staff, but the answer received was rather indefinite. My concern is about the lands that I will refer to on these maps, and the staff member seemed to indicate that any land north of 90th Street was to be our land. He apparently recommended that that not be covered by the plan. My concern is--and I would refer to these maps--the site known as the Kenosha Towne Club, 25 acres between 84th and 90th Streets. This site has never been visited by any member of the DNR staff or by any member of the SEWRPC staff. You might ask me how I know that. Well, that land is posted against trespassing and has been patrolled. We bought some 25 acres some 20 years ago from an estate that existed in the metropolitan area of Chicago. The land prior to our procurement was used as a dump for cans, papers, logs, trash, and whatever. We purchased that land with the idea of building a tennis and swim club, which we thought would be for the betterment of Kenosha and our families. I will show you a map and aerial overlays of the area. Much of your judgment was made from aerial overlays. SEWRPC or the DNR have never set foot on this piece of land. For your identification and for the audience [pointing to map], this is 80th and this is 91st. It is the first piece of property south of the City. The only thing between us and the city limits are the Power Company lands. You propose to take this piece of land for utility corridor--for the Power Company--they own the land on 7th Avenue approximately 300 feet in depth. We own this. This piece of land is the Pleasant Prairie park and some property directly south of us.

This is the aerial overlay that I think the staff used for their inventory. At the north end of this area we built a road. They don't know that road is here. We thought that was where we would locate this club. We decided, however, that this was where we would build the club. This is where the club proper is. That area there, which I understand is to be put in conservancy area, about an acre in size, is not a natural pond, we built that pond which is 10-to-14 feet deep. Hundreds of yards of dirt were spread on this land, filling it for our use.

Also, the instrument building, when it burned downtown, the steel girders and brick were buried underneath this land. We invited builders in, but there was nothing but solid fill. Maybe 20 years ago there were some precious resources there. There aren't now. The tennis and swim club is private, and should not be included in any sort of conservancy area. I suggest to DNR and SEWRPC that we would meet with them any time to discuss this. We built that pond, stocked it with 1,000 bass fingerlings purchased from the State. I will be happy to meet with anybody out there that can show me something precious and unique in this land. Thank you for your courtesy.

[Recorder's Note: The maps referred to by Mr. Allen were submitted at the Hearing and are on file at the Commission offices.]

A. MR. BAUER:

Mr. Richard Christiansen will be the next speaker. He will be followed by Mr. Carl Salerno.

Q. MR. RICHARD CHRISTIANSEN, BRISTOL, WISCONSIN:

I am from Bristol, Wisconsin. I am a member of the Sierra Club and the Chiwaukee-Carol Beach Rescue Coalition. I am speaking for myself.

I came to this meeting thinking that I would have to spend at least five minutes going through a bunch of facts or reasons for saving the prairie. From what I have heard tonight, I can certainly see that the homeowners and property owners in the prairie area cherish this piece of land as much as I do. I am hopeful some of us can get together, talk to each other, and learn from this; and the misinformation will be stopped.

What I am concerned about with the present plan, at least one of the things, is the proposed expansion of the Trident Marina. Chiwaukee Prairie is a special place. I have walked over Trident on a couple of occasions. At least 90 percent of the cars have Illinois license plates. They talk about reopening 122nd street and paving it over so they can expand the marina and bring in more traffic for this marina. There would be Illinois people going right through the middle of the Chiwaukee Prairie. It strikes me honestly as some terrible remake of a horror movie, with the prairie cast in the role of Dracula. Drive it right through the heart. It doesn't make sense.

I support the maximum preservation of this area with fairness to the property owners and to the homeowners. That might sound like a strange statement. Often property owners and homeowners are one person. Some property owners, who have bought lots in what may become a preservation area, bought those lots as an investment. An area of land between Milwaukee and Chicago would be a good investment, platted; and some governmental agency said this would be developed. They thought the value would be increased and that this would be an excellent investment to make. It seems to me that, if these people are offered $300 or $700 for these lots, that is kind of a terrible joke. What do I mean when I say fairness for property owners of

land that should be preserved, who maybe would like to sell it in the future? It means looking back at the original purchase records. See what the value was of the money spent at that time and correct that into today's dollars. Then also go back to records and find out how much property taxes have been paid on these parcels of land, and give that money back. I am certainly not an economist. Maybe that is totally ignorant...

A. MR. BAUER:

Well, it is a very novel idea.

Q. MR. CHRISTIANSEN:

...but it is only fair to give these people their money back because they deserve that. For the homeowners, it seems to me maximum preservation is what you want. This is an area you cherish. As time goes on, you will have an area with open spaces, with a beautiful prairie to walk through that will be a very valuable area. Those homes will go up in value if the area to be preserved is the maximum.

Instead, in the compromise plan, you are talking about $71,000 a year for improvements. This is going to be shared by the property owners. I am not a property owner; but if I were, that is a cost I would not like to pay over 20 years. If I were a senior citizen, that would scare me very much. That seems a terrific burden to bear. I urge the Committee to support the true maximum preservation plan, to spare the property and homeowners. That plan would preserve the unique land we know as the Chiwaukee Prairie.

A. MR. BAUER:

Mr. Carl Salerno will be the next speaker. He will be followed by Mr. Robert Trefz.

Q. MR. CARL SALERNO, KENOSHA, WISCONSIN:

I would like to address the folks that were talking about the moral obligation of the homeowners of the area to protect, but who don't extend the same moral obligation to protect private property. There is an issue involved; justice requires a willing seller along with a willing buyer. People do have property rights that are, in my opinion, more precious than the plants on that property. As one of the owners of some of that vacant land, I have spent quite a large sum of money to protect the land from the waves of Lake Michigan. I would like to represent the people. Without the prairie we wouldn't have an issue today. I am wondering about those of us without property rights but who wish to have the use of it for whatever reason.

This original effort came up when the DNR said we had to protect the wetlands. The Secretary of DNR requested the SEWRPC to propose a compromise between wetland preservation and development. The idea was to preserve the valuable wetlands and allow the wetlands of low value to be developed. SEWRPC was to propose a plan that protected the valuable wetlands while protecting the legal rights of the property owners.

The plan proposed by SEWRPC is not a compromise. It is an "open space taking" plan. Without direction from the Town or County, SEWRPC changed the plan's objective. The Technical Advisory Committee to SEWRPC voted to change the plan by removing lots that were not wetland from any conservancy area and placing them under development zoning. Against the Committee's request, SEWRPC left nonwetland lots under the conservancy area in their plan.

SEWRPC has refused to propose a true compromise, stating there are valuable uplands that should be preserved, and an open space compromise is needed. In the so-called compromise, lots that SEWRPC calls wet will be allowed to be developed. In return, upland lots will be taken for preservation. A study submitted to the Technical Advisory Committee shows a substantial error in the wetland inventory. SEWRPC has set upland lots aside as wetlands according to IEP, a very well recognized survey group. If this is true, we don't have a compromise. If this is true, we have a plan biased by special interest groups instead of a plan following the legal rights of property owners.

SEWRPC's value judgment of the uplands is their right, but what happened to the value judgment and the rights of the property owner in a platted subdivision? At no time has SEWRPC justified the need for preservation of more upland than is already preserved. At no time has SEWRPC performed soil borings to confirm if a lot is a wetland or an upland. As a result of these shortcomings, the rights of landowners with values other than SEWRPC are not being protected.

There are already over 200 acres of land under preservation in the area. The Town and County have not requested that more land be preserved. A detailed study by IEP has shown huge errors in SEWRPC's wetland inventory. No need has been established to remove property rights from platted uplands. No law requires preservation of uplands; yet SEWRPC proposes we take property rights from owners of land in platted subdivisions to keep homes from being built on an abandoned golf course. It is no wonder companies are moving out of Wisconsin and taking jobs with them. How can anyone feel secure under Wisconsin government with conditions such as SEWRPC and the DNR dictate?

Before submitting any plan to remove private property from residential zoning, I would like to see SEWRPC: 1) document the need to preserve more land...

A. MR. BAUER:

Mr. Salerno, please, your initial time is up.

Q. MR. SALERNO:

I want to present what is necessary, I will ask to continue later.

A. MR. BAUER:

Surely. The next speaker will be Mr. Robert Trefz, who will be followed by Mr. Gerald Buhnerkemp.

Q. MR. ROBERT W. TREFZ, TRIDENT MARINA:

I am Bob Trefz with Warzyn Engineering, a civil engineering firm. I am an environmental engineer. I am appearing on behalf of Trident Marina.

Before I go to my statement, I would like to make some comments for your information concerning the testimony earlier by Linda Monroe from Madison, who said she was here on her own behalf. To clarify the situation, you should know that Miss Monroe met with me and Kathy Falk on Friday, Kathy being the Public Intervenor. Miss Monroe was introduced to me as Assistant to the Public Intervenor. At that point in time, the proposed concept of the Trident Marina development was explained to both Kathy Falk and Linda Monroe.

Our extensive studies performed on behalf of Trident, including studies by an independent expert botanical firm, did indicate some limited areas of smooth flox in the area proposed for expansion of the Marina. Subsequently the concept plans were revised to permit the preservation of these areas. The areas where the smooth flox was found were specifically pointed out on maps to both Kathy Falk and Linda Monroe. I left the maps with them for study at their leisure following our meeting, which lasted a couple of hours.

We have, on behalf of Trident, and at the urging of Trident, tried to maintain open communications with the Public Intervenor's office and provided that office with substantial amounts of information, not to help their cause but to hopefully bring this matter to a head.

This issue has been discussed for way too long. There are strong opinions on both sides. We at Trident would like to urge a timely and reasonable compromise be reached and approved so that we all can get on with our lives.

My comments in my prepared statement deal primarily with some observations made by Dr. Cherkauer, who I understand will be making comments later this evening; and a report has been submitted by the Public Intervenor's office by Dr. Cherkauer to SEWRPC. Our comments deal basically with the area in the vicinity of Trident west to the railroad right-of-way. We do not intend to develop anything as far west as the railroad right-of-way, but this is the area we feel could be impacted by whatever Trident might do.

A. MR. BAUER:

You can either let the written statement stand in the record as submitted, or you can ask to appear again later to expand upon it orally.

Q. MR. TREFZ:

Our concern is that Mr. Cherkauer has tried to evaluate the potential impacts on the area without detailed quantitative information. We do have some limited information and certainly propose to acquire other more detailed information necessary to provide an informed design concept submittal for a major project, including information on the impacts of roads and marinas; and we do intend to work closely with organizations, such as DNR, the federal agencies, and The Nature Conservancy in developing sound solutions to the design problems.

[Recorder's Note: The foregoing statement was as made by Mr. Trefz at the hearing in the time allotted; a more complete written statement, as filed by Mr. Trefz, is contained in Appendix E-9.]

A. MR. BAUER:

The next speaker will be Mr. Gerald Buhnerkemp, who will be followed by Mr. Mike Sebetic.

Q. MR. GERALD G. BUHNERKEMP, KENOSHA, WISCONSIN:

My name is Gerald Buhnerkemp. I am a homeowner in the Carol Beach area. I have a question. It is my understanding that, if this plan goes through, there will be certain restrictions on repairs and improvements to existing buildings. Is that true?

A. MR. BAUER:

As far as any of the existing homes are concerned that are already located in the proposed preservation area, it is being recommended in the plan that they not be regarded as legally nonconforming uses. That would be a departure from normal zoning practice, but the plan as it now stands recommends that the existing homes be allowed to remain unless the homeowners want to sell them. Since they would not be regarded as nonconforming uses, if the owners wanted to add to them and met the various requirements of the normal zoning, he or she could do so, or if the house was damaged by fire or windstorm, it could be rebuilt.

Q. MR. BUHNERKEMP:

Even if it was 50 percent or more destroyed?

A. MR. BAUER:

Yes. The normal kind of nonconforming use restrictions that are placed in zoning ordinances in Wisconsin would not be used--the proposed plan recommends that that kind of restriction not be attached to homes that would remain in those areas. I want to say again that the plan as the Regional Planning Commission prepares it is advisory, so that that would be our recommendation to the zoning authorities. They have to make the final decision, your elected officials.

Mr. Mike Sebetic will be next, who will be followed by Ms. Mary Ann Ortmayer.

Q. MR. MICHAEL SEBETIC, KENOSHA, WISCONSIN:

My name is Mike Sebetic. I am a resident of Carol Beach. I am a life-long resident of Wisconsin and have lived in Kenosha all my life. I have been a homeowner in the Carol Beach area for the last 20 years and have enjoyed the beauty of this area and intend to stay and enjoy it for another 20 years.

I now feel threatened and angered by radical environmentalist groups who are not from this area or even possibly from this State. They are claiming that this is not only a wetland but there are rare fauna and endangered species in our area and that the land is unfit for residential use, therefore worthless to the homeowner. I claim that, if this property contains all that they say, then the property is valuable; and the owner should be compensated at a fair market price. Property owners in Carol Beach have purchased and paid taxes on these properties for many years. If supplied with sewer and water, these areas are developable and, therefore, worth market value. There have been no thorough, accurate, intensive studies done on this area to prove that the area is indeed a wetland. If these groups would spend as much time preparing accurate studies as they do trying to take land from property owners, they would create a better image to us all.

I am also angered by the tactics of the DNR, a governmental agency that is funded by the citizens and is supposed to work for the people. It is a matter of political blackmail, agree with DNR or we will not receive sewers in this area or any part of Pleasant Prairie.

I have never nor will I ever submit to threats, and I will stand with my neighbors and resist your attempts to take our land without fair compensation.

The idea of preservation has always been at the forefront of my mind, and the preservation of the landowner is a top priority compared to the preservation of some rare and disputable fauna that is supposed to be somewhere in the area. The State is still made up of people who are taxpayers.

A. MR. BAUER:

Next will be Ms. Mary Ann Ortmayer, who will be followed by Mr. Juan Marianyi.

Q. MS. MARY ANN ORTMAYER, CHIWAUKEE PRAIRIE RESCUE COALITION:

Mr. Bauer, I am Mary Ann Ortmayer. I am an earth science teacher at Horlick High School. I am appearing on behalf of myself and my petitioners. We are concerned citizens for Chiwaukee Prairie. We are concerned in two ways: first, as citizens trained as practitioners of the earth with university degrees and, secondly and most importantly, as secondary high school

educators. We recognize the intrinsic value of the Chiwaukee Prairie, the swell and swale with its unique plant life. We are concerned about a limited species base, limited genetic diversity, and limited vigor. We are concerned about the groundwater level and pollution levels. And we are concerned about the environmental habitat. We also recognize, as educators, the responsibility that we have--that we all have--to maintain the prairie and to ensure its continued existence, not as a museum piece not ever to be touched, but to be experienced, to be enjoyed, to be walked through, to be studied not only for us now and today, not only for the 500 homeowners of the area, but for all of our children, for our grandchildren, and even our great-grandchildren.

On behalf of the 28 secondary science teachers, we ask you--the Committee--to carefully consider the alternative plan presented by the Chiwaukee Prairie Rescue Coalition for maximum preservation to safeguard both the natural resources and the property and homeowners' rights.

(Applause from the audience)

Q. UNKNOWN:

Go back to Racine. We don't go to Racine to tell them what they can do.

A. MR. BAUER:

Please, we don't need that kind of behavior at this hearing. It doesn't help. Next will be Mr. Juan Marianyi, who will be followed by Ms. Jean McGraw.

Q. MR. JUAN J. MARIANYI, KENOSHA, WISCONSIN:

Mr. Bauer, members of the Southeastern Wisconsin Regional Planning Commission, friends, and neighbors, my name is Juan Marianyi. I am a mechanical engineer by profession. My family and I own a home in Carol Beach. We have lived there for the past 12 years. We love the lake, the forests, and the prairies. I am a conservationist at heart, and so are my neighbors in Unit W.

I wrote on the sheet that I represent the Carol Beach Property Owners Association. I am not speaking officially for the Association but rather for my friends and neighbors. I have followed the SEWRPC work on the Carol Beach/Chiwaukee area almost since the beginning. I have also read the so-called compromise plan, the final result of this work; and I am profoundly dismayed. I am compelled to speak out against this plan. The plan is wrong. Let me explain why I think it is wrong.

1. The wetlands maps, as previously indicated, are wrong. There are three independent studies of the area that have been made that prove it: the marina's biologist report and the two reports and studies commissioned by the Citizens Organization. All of these conclude that the SEWRPC maps are largely in error.

2. State law requires wetland preservation, not open land preservation. The compromise plan proposes to preserve almost half of the study area, a small portion of which is true wetlands. This is no compromise plan at all; this is tantamount to land grabbing.

3. The areas containing rare and endangered plant species have not been independently identified. If the true, pristine areas are honestly identified, the neighbors of Carol Beach-Chiwaukee will be the first ones to make sure they remain protected. I assure you of that.

4. There is no equal enforcement. The exception given lands to be developed by the marina to the south and those to be used by the sewage treatment plant to the north belies the unique environmental value originally assigned to this area. The same standard must be applied to all property owners, whether they are powerful or not, whether they are corporations or simple property owners, whether they are rich or poor.

5. No other sewerage plan should be held hostage to the outcome of this study. It is wrong to do that to sorely needed relief in other areas of the County, which must now wait for an acceptable plan to the DNR for Chiwaukee-Carol Beach. For the state government to apply that kind of pressure on its citizens is not only illegal, it is also immoral.

Taking of wetlands alone in the presence of pristine prairie lands is no compromise, I admit. But arbitrarily taking 50 percent of the land is no compromise either. Acquisition through rezoning is the worst abuse of all. This is no compromise at all; this is rape.

(Applause from the audience)

What do we want? We want a compromise plan that espouses two basic elements:

1. All acquisition of wetlands must be done with due process of law; that is, condemnation procedures and fair, equitable compensation.

2. All other areas worth preserving must be purchased in the open market, by mutual agreement between the agency concerned and the property owner.

Only then talk to us about compromise.

Our town and county officials support us in our efforts toward a fair and equitable compromise. After all, we elected them to represent us. We are grateful to the ones that have spoken up in our behalf.

Finally, none of us believe that it is necessary to resolve this issue in a court of law. But we are prepared to do just that if reason does not prevail. Don't underestimate our strength.

Thank you for allowing us to present our views.

A. MR. BAUER:

The next speaker will be Ms. Jean McGraw, who will be followed by Ms. Mariette Nowak.

Q. MS. JEAN McGRAW, RACINE, WISCONSIN:

I belong to the Chiwaukee Prairie Rescue Coalition, but I am speaking for myself. It seems to me a great deal of paranoia is floating around this hall. If we get rid of that, we can get to a much faster and cheaper resolution.

We must have just compensation for the property owners and homeowners and we must have the preservation of this irreplaceable natural resource. By just compensation I mean a lot in the preservation area would be bought for the same price as a lot in a development area. I want to remind you that both in the SEWRPC plan, and in every plan that has been suggested by any environmental group, including the Chiwaukee Prairie Rescue Coalition, any homeowner regardless should have the right to remain as long as he or she wishes; and he would not be obliged to sell his property unless he wished to the State. He could sell to anyone he wished to sell to, and his heirs would have the right to remain there.

Under the SEWRPC plan or our plan, there would be no question of condemning property of people who presently live in that area. Also I want to mention that some people might want, in view of the fact there will be some sewers built in that area in spite of the gentleman who said the septic tanks work, to connect to such sewers. The homeowners and property owners could look forward to a bill of many thousands of dollars, and this might not be worth it, especially for property in the area of $10,000 or $11,000 value. In view of that, some people who own lots might be glad to sell these lots if they could get the fair market value. I also think people shouldn't be expected to wait for years and years if their property is in the open preservation area to get purchased if they want.

I certainly hope the prairie can be preserved. Very doubtful about the Trident Marina proposal. More surveying should be done in that area. They plan to dredge 30 acres of prime prairie land there. I would like to say this should be resolved quite soon so that the best protection of the prairie will be achieved and so that also Carol Beach homeowners can get a good night's sleep.

A. MR. BAUER:

Ms. Mariette Nowak will be next and she will be followed by Ms. Margaret Kozlowski.

Q. MS. MARIETTE NOWAK, DIRECTOR, WEHR NATURE CENTER:

The Chiwaukee Prairie-Carol Beach area is a unique and priceless natural resource for residents throughout southeastern Wisconsin and, indeed,

throughout the State. As Director of the Wehr Nature Center, I have taken many groups to the Chiwaukee Prairie as part of the environmental education programs offered by the Center.

At the Wehr Nature Center, we have a few acres of restored prairie, but in no way can we duplicate the diversity and abundance of flora and fauna that nature has produced over thousands of years at the Chiwaukee Prairie. As one specific example, our sparse spring flora pales in comparison with that of Chiwaukee Prairie. We do not have the knowledge to re-create this complex ecosystem elsewhere in the State. For these reasons, I fully support the Chiwaukee Prairie Rescue Coalition's preservation plan, which aims to preserve homeowners' rights, as well as the natural resources of the area.

I have set forth specific objections to the plan of the Southeastern Wisconsin Regional Planning Commission in a written statement, but one of the worst is the proposed sewer development and expansion, including that of the Trident Marina east of the prairie.

In conclusion, I believe we have an obligation to consider the Chiwaukee Prairie-Carol Beach area in terms of the residents of all of this Region and, in fact, of the entire State. Chapter VII of the SEWRPC report states that there are four areas of statewide significance and three areas of regionwide significance within the study area. We have an opportunity here to establish a park or preserve akin to the Illinois Beach State Park with its nature preserves and wildlife refuges. There is precious little of Wisconsin's original prairie and wetlands remaining, and we owe it to ourselves and our posterity to preserve this outstanding relic--a small fraction of the millions of acres which once were our heritage.

[Recorder's Note: The foregoing statement was as made by Ms. Mariette Nowak at the hearing in the time allotted; a more complete written statement, as filed by Ms. Nowak, is contained in Appendix E-10.]

A. MR. BAUER:

Ms. Margaret Kozlowski.

Q. MRS. MARGARET KOZLOWSKI, WISCONSIN METROPOLITAN AUDUBON SOCIETY:

I will submit a written statement.

A. MR. BAUER:

Thank you. The next speaker then will be Ms. Minnie Frew.

Q. MS. MINNIE FREW, GREENDALE, WISCONSIN:

I am here to say use other places for development and roads. Our generation isn't the only people to be served. Hopefully future generations will enjoy the plants and animals that now is our obligation to preserve. In southeastern Wisconsin it is the Chiwaukee Prairie area. I believe the Chiwaukee Prairie Rescue Coalition has the best plan for the area.

A. MR. BAUER:

Next will be Ms. Donna Peterson, who will be followed by Ms. Joan Rohan.

Q. MS. DONNA PETERSON, CHIWAUKEE PRAIRIE RESCUE COALITION:

Mr. Chairman, Committee members, and fellow citizens, my name is Donna Peterson; and I have lived in the southeast corner of Wisconsin all of my life. In fact, my ancestors came here in 1848.

I am the Racine-Kenosha Sierra Club Environmental Education Chairwoman and a member of the CPR Coalition. By combining my teaching profession with my environmental concerns, I have been providing schools in Racine and Kenosha with free programs about Wisconsin's endangered species. I would like to share with you a few of the facts that I have gathered over the years.

Saving ecosystems, such as this prairie, is not done so much for the present as for the future. Now that the geneticists have unlocked some of the secrets of the genetic structure, other scientists are using the genes from wild species to improve the domestic plants.

For instance, Professor Iltis from the UW in Madison said that the wild corn found in Mexico has genes which are immune to seven of the nine diseases that attack our hybrid corn crops. Combining the wild corn genes with the hybrid corn will increase the corn crop in America by 1 percent, which, when converted to dollars, amounts to $100 million a year.

A large percent of our medicines have had their starting point with wild species. The little rosy periwinkle was the starting point for a life-saving medicine now used to treat leukemia. Before this discovery the odds were one to five for a leukemia victim's survival; but now, thanks to this plant, the odds are four to five in the patient's favor. Most of us know someone who is allergic to penicillin. Squib Lab discovered in the soil of the pine barrens in New Jersey a new antibiotic that can be used to save the lives of these patients who might otherwise die.

These are but a few of the case histories of science and wild species coming together for the good of mankind. But if you think the only reason we wish to protect the prairie is strictly for our own selfish reasons, you are mistaken. We are working for the future of all mankind because only 2 percent of the plants on this planet have been scientifically analyzed.

This prairie has over 400 different species of plants, of which one, the prairie white-fringed orchid, is being considered for the federally endangered list. Five are on the Wisconsin endangered list. They are the chestnut sedge, smooth phlox, pink milkwort, purple milkweed, and the pale false foxglove. Four are on our State's threatened list, the false asphodel, prairie Indian plantain, sand reed, and round-stemmed false foxglove. There are eight plants on the watch list, for a grand total of 18 plants. For every 1,000 acres of prairie Wisconsin once had, we now have just one.

We can only dream and hope for the discoveries that science has yet to make for mankind. With help from the Almighty and enough sensible people here and now saving places like Chiwaukee Prairie for future research and discoveries, who knows, maybe the wild species we save now will serve us and generations yet to come. Thank you.

A. MR. BAUER:

Ms. Joan Rohan will be next, and following her will be Ms. Jennette Schroeder.

Q. MS JOAN ROHAN:

My name is Joan Rohan. I live in Racine, but I am speaking as a representative of the Hoy Nature Club of Racine and Kenosha. I am also speaking for people in my church, who come from both Racine and Kenosha, and other interested citizens who have indicated their interest by signing this petition, which I submit as evidence of just a few of the many people from all walks of life who recognize the importance of Chiwaukee Prairie and wish to save it. [See Appendix E-11 for the petition referred to.]

In Racine we are celebrating the sesquicentennial anniversary of the founding of our City. This encourages us to think of our heritage. My great grandfather came to Racine in 1849. At that time there were probably close to two million acres of prairie in the State of Wisconsin. Today there are perhaps 2,000 acres of tiny prairie fragments mostly scattered along railroad tracks, in pioneer cemeteries, and along country roads.

I am getting to be something of an antique myself, but I am not quite ancient enough to remember those wide expanses of prairie that existed in the last century. However, I do recall my father's description of fields that were full of flowers in his boyhood. When he talked about them, I thought these were rosy recollections of his childhood. Then in 1965 I saw Chiwaukee Prairie, which had miraculously survived development. It was then and is today the largest unbroken sweep of prairie in the State--a continuously blooming garden of multicolored native wildflowers and waving sedges and grasses from early spring to killing frost. Then I realized that this was magnificent reality--not a dream.

A prairie, as you know, is a native grassland with less than one tree per acre. There are wet prairies where soils warm up slowly and bloom is late. There are dry prairies where plants are shorter and bloom earlier, and those in between. Chiwaukee, formed on the ancient beaches of glacial Lake Chicago, is a series of ridges and swales--both wet and dry, which makes it richer than most in plant species and correspondingly more valuable.

Chiwaukee holds in its plants and soil a rich storehouse of raw materials containing the genes that may in the future help to save lives with their contributions to medicine and agriculture. But like many valuable antiques, Chiwaukee is extremely fragile. Roads, houses, sewers--any development in areas which surround it can compact the soil and stop the vital flow of water which nourishes the prairie plants.

We know about endangered mammals, birds, plants, fish, and insects. But here the Chiwaukee Prairie itself is one of our endangered species. It is a refuge for the spirit, a place of natural beauty, a source for scientific research, and with its archaeological remains a repository of our history.

We must save the prairie and the lands that surround and protect it for all of us. There must always be a prairie in Pleasant Prairie.

A. MR. BAUER:

Ms. Jennette Schroeder will be next, and will be followed by Ms. Annette Henter.

Q. MS. JENNETTE SCHROEDER, HOY NATURE CLUB:

I prefer at this time to send my comments in writing.

A. MR. BAUER:

Thank you. Then Ms. Henter.

Q. MS. ANNETTE HENTER, BROOKFIELD, WISCONSIN:

I am here from Brookfield. I do not have a written statement. I have a short statement to make. I would like to urge the Committee to preserve the prairie to the fullest extent possible because of its unique and statewide significance. In order to save time, I would like to second the statements made by Linda Monroe from Madison and Robert Leighton of Green Bay, who have stated my sentiments, just two of many who have stated my sentiments.

A. MR. BAUER:

The next speaker will be Ms. Vera Stroud, who will be followed by Ms. Jerrine Osenga.

Q. MS. VERA STROUD, NEW BERLIN, WISCONSIN:

Mr. Chairman and members of the Committee, my name is Vera Stroud. I am a Waukesha County Board Supervisor. I am also a teacher for the Wisconsin Extension on the subject of growing wildflowers. As a County Board Supervisor, I can well understand the dilemma you are facing in balancing the rights of all parties concerned in this decision.

But as a wildflower gardener and teacher of the subject, I must come down very hard on the side of preservation of a natural habitat that is not and cannot be duplicated elsewhere in the United States or, for that matter, the world. I also want to state that I made my largest monetary contribution ever--$250--to The Nature Conservancy to buy a portion of a lot for preservation in Chiwaukee Prairie.

Specifically, I want to stress that any compromise you reach should not anticipate population trends but should address only the existing situation. I am referring now to the 18 acres of the northern dunes given over to expansion by the Power Company. In 1975 SEWRPC projected roughly a 50 percent rise in population for Kenosha County by the year 2000. The population did rise by about 25 percent by the year 1980 but then, instead of continuing to climb, dropped by roughly 1½ percent by 1983. In Racine County a projection of somewhat over 25 percent by the year 2000 was partly achieved by a rise of almost 15 percent by the year 1980. However, by 1983 that rise had given way to a drop of almost 1½ percent of the 1980 population. I hasten to add that SEWRPC did issue a revised population estimate in 1982 to correct for its prior population predictions; but going on what happened in Waukesha County where I serve, even the second prediction failed to anticipate the actual losses of population that southeastern Wisconsin is presently experiencing.

We don't know whether the move to the Sun Belt or even out of the country by major Wisconsin businesses will continue. What we do know is what has happened so far in the 1980's. Population here is going down. I urge you not to write any positions into your plan for Carol Beach that are based on the needs of population of this area beyond the next five years. A plan for population trends that are as unstable as we are witnessing should always allow for an update about every five years or thereabouts. This will give planners an intelligent way of addressing the utility needs of this area. For the time being, please restrict your plan to what exists here and now. Thank you.

A. MR. BAUER:

Mr. Jerrine Osenga will be next, and will be followed by Mr. John Allen.

Q. MS. JERRINE OSENGA, WAUKESHA COUNTY ENVIRONMENTAL ACTION LEAGUE (WEAL):

I am here representing the Waukesha County Environmental Action League. Actually it is a group of citizens that got together years ago because we were concerned about development in our County. We were concerned about preserving not just the natural resources but the value of the land for the people who live here. Right away the first year we found out how valuable our wetlands were. They are essential to our water quality, essential to how human beings survive, and have a great economic effect upon our government. We are here objecting to the consideration of filling wetlands. We specifically applaud SEWRPC on their advisory assistance to these people. They are using their knowledge to help all of the citizens that are here. They are strictly advisory. We applaud the environmental corridor system that they are proposing to put into your area. It will help to preserve the prairie by forming a pathway for the transference of seeds and animals. These seeds and animals will then regenerate themselves. Without the corridor system, it leaves your natural systems open to inbreeding, which will eventually take over. Development will remove those lands that could help those natural things regenerate.

We are here to say that we feel that SEWRPC's recommendations of filling these wetlands will influence the regulatory agencies to compromise their legislative mandate to protect the wetlands. We are expecting our regulatory agencies to safeguard the future of our State's wetlands, as well as our precious natural areas of significance. Thank you.

[Recorder's Note: The foregoing statement was as made by Ms. Osenga at the hearing in the time allotted; a written statement, as filed by Ms. Osenga, is contained in Appendix E-12.]

A. MR. BAUER:

Mr. John Allen has spoken already. He must have filed two slips. Mr. Jack Schmidling will be next. Mr. Schmidling must not be here. Mr. Dennis Fisher will then be next.

Q. MR. DENNIS FISHER, MILWAUKEE AUDUBON SOCIETY:

Mr. Chairman and members of the Committee, my name is Dennis Fisher. I am a resident of Milwaukee. I am here as the President of the Milwaukee Audubon Society. The Society has 3,500 members who live in the SEWRPC area. I am here tonight with more of our board members because of our concern over the so-called compromise plan proposed by SEWRPC.

The Carol Beach-Chiwaukee Prairie area presents a very complex social, economic, and ecological situation. On the one hand, you have a very unique natural resource with many special attributes which have been described and alluded to by prior speakers tonight. On the other hand, we have some very concerned landowners who purchased land in the area, some of whom did build homes, others of whom bought platted lots and, under the then regulatory jurisdictions, may have expected to build in the future.

To further compound the situation, the prairie is located in an urban area. That means that, of course, it is readily available to hundreds of thousands of people who live in this area and who may enjoy visiting it. We have busloads of people every year tour the area and many come on their own. At the same time because it is in an urban area, it is very subject to development pressure. It is close to areas where people work and who would like to live there.

SEWRPC is to be commended for undertaking this difficult task, with trying to come up with a compromise plan, and commended for the years of time and effort spent in doing it; but we feel this plan is not a compromise plan. The kind of level of development to be allowed under this plan would have such significant secondary impacts that would result in severe damage to the preserved areas. You cannot simply match up the numbers of acres preserved to the number of acres for development; you must see whether they will have an impact on the remaining preserved areas.

The studies done by Dr. Cherkauer and others raise questions that it will. Compromise may still be possible from what I hear tonight. More land will have to be preserved, and those whose lots are sold will have to receive a

genuine fair price. Because of the history, that fair price may require some special formula and some have been advanced here tonight.

I quote from the late Chief Justice Wilkie in the case of Hixon versus the Public Service Commission:

> There are over 9,000 navigable lakes in Wisconsin covering an area of over 54,000 square miles. A little fill here and there may seem to be nothing to become excited about. But one fill, though comparatively inconsequential, may lead to another, and another, and before long a great body of water may be eaten away until it may no longer exist. Our navigable waters are a precious natural heritage; once gone, they disappear forever.

We have over 9,000 lakes but only one Chiwaukee Prairie. I would ask the Commission not to let that prairie be eaten away in small pieces.

A. MR. BAUER:

Thank you. Next will be Ms. Susan Michetti.

Q. MS. SUSAN MICHETTI, RESIDENT OF TOWN OF PLEASANT PRAIRIE:

As a resident of Pleasant Prairie, I am opposed to SEWRPC's development plans. I am opposed to a fiscally irresponsible public works project estimated at $14.5 million.

Who is looking out for the small property owner, who is not in a financial position to pay a gigantic assessment for a public works improvement of over $10,000 per household? This is not fiscally responsible when the average house is only worth two, three, or four times more.

It is interesting that this plan benefits the few monied interests in the area without consideration for the small landowners. What about a plan from Sheridan Road to sewer only the heavy residential Carol Beach development west of the tracks? Let's evaluate how much that will cost each impacted household.

It is interesting that Trident Marina benefits. Yet Trident Marina is an unwelcome neighbor, who will bring hordes of Chicago people into this area, where the rest of the taxpayers will pay for the destruction of a national wonder, for public works improvements, for Trident Marina's expansion. And expansion for what? A closed private club where money spent does not stay in Kenosha, unlike a downtown Kenosha marina. And expansion on a site with two endangered species.

I do not want to see the quality of the ecosystem in Chiwaukee Prairie degraded. This calls for a true maximum preservation plan, not the compromise called by that name. We need to impose a freeze on all future development west of the tracks, with the possible exception of running sewers

from Sheridan Road to the heavy Carol Beach development west of the tracks and excluding repairs and additions to existing homes, also making provisions for existing mortgage requirements if the house has to be moved across the property. That area should be excluded from development. This means WEPCo, the sewage treatment plant, and the Trident Marina.

These wetlands serve as a water filter to purify Lake Michigan and to protect it from siltation and pollution. These wetlands also absorb storm impacts around the shoreline of Lake Michigan and protect it from erosion.

A greater biological study is needed. Let's examine how sewers will disrupt the hydrological conditions and destroy the uniqueness in the Chiwaukee Prairie. All development and public works which dry up the wetlands or change the flow need to be examined for hydrological impact.

With due respect for the people conducting preliminary generalized reports, it seems logical to freeze all development until the impact of scientific development projects can be scientifically scrutinized, researched, examined, and analyzed in terms of total damage to the total ecosystem.

Let's examine street improvements. The additional traffic from increased development and from increased residents will bring toxic contaminants, such as road salt, oil, gas, lead, and pesticides into the prairie. Research should examine how much current traffic goes through the area, how much current traffic-related contaminants are now being introduced there. Let us project the impact of additional traffic into the prairie based on this sort of research.

We are accelerating the destruction of our own habitat--mother earth. Our fervor toward development has out distanced our social values, our common sense, and our concern for the future because we have shrinking natural resources, sinking water tables, a land pungently interlaced with noxious sewers. As problem piles upon problem, we must quickly gain greater awareness of man's actions--our own actions--as they relate to the complete chain of life because man's survival coincides with survival of the greater ecosystem.

Q. MR. PIROYAN:

Mr. Chairman, a point of order. You set rules everyone was to speak only three minutes. Let's keep to those rules.

A. MR. BAUER:

We are trying. Is Senator Strohl here? He must have had to leave. The next speaker then will be Mr. James Justen, who will be followed by Professor Douglas Cherkauer.

Q. MR. JAMES A. JUSTEN, KENOSHA, WISCONSIN:

I don't have a speech to make. Don Reed has done a good job. The DNR in this State has got a bit out of hand. I am up tight. I am a resident

facing the loss of constitutional rights. My home may be razed or relocated, and who proposes to fund this thing? I was told, looking at the zoning map, that my home would be razed or relocated, and was told to pay my expenses. The government is taking my rights to my property. I only built my home four years ago. Today they are saying we are going to take your property rights but not compensate you duly. Offers from The Nature Conservancy for $800 are ridiculous. You can't buy a plot of land anywhere for $800. The DNR and the State of Wisconsin representatives do not know what a wetland is. Sharon Meier did not know what a definition of a wetland was until I pointed out in DNR's pamphlet what it was.

I have not seen Don Reed do any borings. The State Statutes require a high water table. The Committee should recommend that any lots zoned wetlands should be examined by borings across the board. This is part of the State Statutes. How can we declare an area a wetland without examining it according to State Statutes?

A. MR. BAUER:

The next speaker will be Professor Douglas Cherkauer, who will be followed by Mr. Laurance E. Royt.

Q. PROFESSOR DOUGLAS S. CHERKAUER, REPRESENTING THE PUBLIC INTERVENOR:

I am Dr. Cherkauer, Associate Professor, University of Wisconsin-Milwaukee. I have been asked by the Public Intervenor to review the SEWRPC plan as to the potential impacts on groundwater.

The plan as presented assured the readers that the proposed development would preserve over 800 acres of open space, including 605 acres of wetlands. At the same time, the plan allows increased development around Chiwaukee Prairie, which is the predominant wetland within the area. The plan is vague as to the types of construction which are to take place--roads, homes, sanitary sewers, expansion of the Trident Marina--and involves something like 30 acres of dredging. It may even include the construction of a road directly through the prairie. To my amazement, the plan presented by SEWRPC provides absolutely no information on the groundwater system in and around the proposed development area. It does casually suggest that the proposed development will not impact the groundwater. This is a wholly unsupported assertion. There is no scientific support presented.

Mr. Bauer, I would have to take issue with your earlier statement that your plan is technically sound because there is no groundwater consideration.

A. MR. BAUER:

We clearly disagree on both points.

Q. PROFESSOR CHERKAUER:

Reliable groundwater information must be incorporated before the plan is approved and should have been included a long time ago. Any plan developed

without groundwater input is seriously flawed. The entire area is underlain by a sand aquifer with water very close to the ground surface. General flow is west to east; recharge occurs throughout the areas, and discharge is to Lake Michigan through ditches and streams, and to transpiration. The wetlands are dependent upon this groundwater. In a system such as this, groundwater and surface water flows are strongly interconnected. Any change to the surface water flow also changes the groundwater. Also, human activities will impinge on this delicate balance because the groundwater system is so shallow. How serious will the impacts be? At this point in time, we cannot assess how serious the impacts might be because there is no information. It is conceivable that the plan developed will actually cause the demise, through drainage, of the wetlands it claims to preserve. I would argue the plan should be tabled until such work is done. Without information on the groundwater or specific information on the plan, one cannot predict what the impacts will be--nor can anyone state that there would be none. Groundwater work must be done before this plan can be adopted or rejected in good faith.

A. MR. BAUER:

Mr. Laurance Royt will be next.

Q. MR. LAURANCE E. ROYT, WEST ALLIS, WISCONSIN:

My interest in the prairie is interest in the various things that have been mentioned before. There are many, many photographs of these flowers and these are used as instructional material for school groups, senior citizens, and library groups. The value of this alone is very great. I am disturbed that, if any intensive development of this area is permitted, the area will be destroyed. The drainage of water will be diverted by the storm sewer system, the street system will reduce the normal flushing through the wetland area; and besides that, you will have more lawns, more fertilizer, higher phosphate content, which will putrefy the wetland area; you will have considerable salting of streets, which will get into the wetland area and destroy the vegetation there. I have observed this happen in the Whitnall Park area over the past five years by diverted water. Some drainage systems actually show foam when phosphates are brought into the system at certain seasons of the year. The area which used to be a wetland with wildlife and waterfowl in there is so fouled it is practically nothing but a sludge bed. This is the sort of thing that is likely to happen to this prairie because this has not been taken into consideration.

A. MR. BAUER:

That was the last registration slip that I have for an appearance. Is there anyone else who wishes to be heard? Yes, please give your name and affiliation, if any.

Q. MS. CARMELITA MARQUARDT:

I am Carmelita Marquardt and I am a resident of Deerfield, Illinois. I owned property in Carol Beach from the original sale. I consider my family

a group of rare birds. We have not built on our property; we have let it remain free in the state it is in today. We have preserved a jewel for everyone who sits here. I feel there should be very high consideration given to the dollar value of this land. It involves our inheritance and our desires. I have been a person who has used the Trident Marina sailing from Waukegan many times. The effect will grow in five years, double in fact. That is the tail that wags the dog. Thank you.

A. MR. BAUER:

Is there anyone else who wishes to be heard? Yes, please give your name and affiliation.

Q. MS. LAVERNE KULISEK:

I am LaVerne Kulisek. I live at 324 116th Street. I have listened here tonight and I feel compelled to make a couple of comments. I have lived in the area for seven years. When I see the interest exhibited this year in the prairie--I have never seen so many busloads of people and so many people walking around the prairie until this year--I have to ask has this been politically stimulated? I believe in the preservation of the prairie. I believe in the rights of the citizens. I have heard a lot about compensation. People should be reminded that many persons don't want to sell, compensation or not. The right to take platted wetlands has not been established. DNR has no authority to take uplands. It is obvious by the comments tonight that some kind of compromise is in order. It is important that the basis of any planning be based on fact and legal authority, not on falsehoods and threats. I urge the County Board to take into consideration not only the comments of the staff paid by public dollars but the public who provides those dollars.

(Applause from the audience)

A. MR. BAUER:

Is there anyone else who wishes to speak? Yes, Mr. Salerno.

Q. MR. SALERNO:

I was unable to finish my statement. I would like to take up where I left off.

I was mentioning that the specific amount of land for preservation has not been established at this time. The minutes of the last meeting of the Committee indicate an inventory was taken on a lot-by-lot basis. It has not been proven that the inventory is accurate. Those lots that were to be preserved were not inventoried in the same way as those which were not; in order to be fair they should be uniformly done. I would ask you to quote the law requiring upland preservation, show where it is legal to rezone platted wetlands. Ms. Falk mentioned we should be following the letter of the law. I think these two laws should be clarified before a plan is

adopted and finalized. We have to provide a plan that can legally be adopted by the County; if not, the County is going to incur lawsuits. Unless you come up with a plan that addresses the issues, those people who do love their land will have lost it for an unjust cause.

Before submitting any plan to remove private property from residential zoning, I would like to see SEWRPC: 1) document the need to preserve more land; 2) prove the wetland inventory is accurate on a lot-by-lot basis; 3) quote the law requiring upland preservation; 4) show it is legal to rezone platted wetlands; 5) propose a land use plan that can legally be adopted rather than a wish list of conservation; and 6) condemn the land to be rezoned.

A. MR. BAUER:

Is there anyone else who wishes to be heard? If not, I would remind all of you that the record will remain open for 10 days, during which a written statement may be filed for inclusion in the record. I would like to thank all of you for attending here tonight. Please be assured that your comments will be carefully considered by the staff, the Advisory Committee, and the Regional Planning Commission itself as an attempt is made to arrive at a final plan that hopefully all of the interests involved can agree upon. We very much appreciate your taking the time to come here tonight and to make your views known. Those of you who listened carefully will understand what a difficult job it is going to be to sort out the conflicting testimony that was offered by the various interests represented here tonight. We will, however, make every attempt to do that and attempt to identify the means by which the plan can be improved upon and hopefully agreed upon. Again, thank you for coming. The hearing is now adjourned.

Mr. Bauer adjourned the public hearing at 10:37 p.m. CDST.

Respectfully submitted,

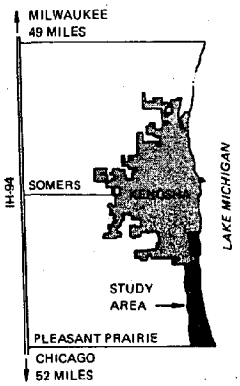
Margaret M. Shanley
Recorder

APPENDICES

Appendix A

MATERIALS DISTRIBUTED TO ATTENDEES AT PUBLIC HEARING

CHIWAUKEE PRAIRIE-CAROL BEACH STUDY AREA SUMMARY OF LAND USE MANAGEMENT PLAN



INTRODUCTION

The future of the Chiwaukee Prairie-Carol Beach area in extreme southeastern Wisconsin has been uncertain for many years. Natural resource preservation and urban development objectives have conflicted in the area. There are many public agencies and private interests that are concerned about this conflict; and these agencies and interests influence land use decisions in the area. The Town of Pleasant Prairie and Kenosha County recognized both the important natural resource values of the area and the problems of, and potential for, urban development. In response, these two units of government in 1981 proposed a planning program that would bring together the concerned groups in an attempt to reconcile the conflicting objectives.

In 1982 the proposed planning program was begun by the Southeastern Wisconsin Regional Planning Commission with the support of the Wisconsin Department of Natural Resources (DNR), the County, and the Town. The planning took place under the guidance of an advisory committee made up of representatives of the Town, the County, the DNR, the U. S. Army Corps of Engineers, private citizens, and major affected landowners, including the Wisconsin Electric Power Company and The Nature Conservancy. This information sheet summarizes the findings and preliminary recommendations of the land use management planning program for the Chiwaukee Prairie-Carol Beach area.

GENERAL LOCATION OF THE AREA

The Chiwaukee Prairie-Carol Beach area is located in the eastern portion of the Town of Pleasant Prairie, Kenosha County. It is bounded on the east by Lake Michigan; on the south by the Wisconsin-Illinois state line; on the west by STH 32 (Sheridan Road); and on the north by 80th Street. The study area encompasses about 1,825 acres, or about 8 percent of the total area of the Town of Pleasant Prairie.

ENVIRONMENTAL SIGNIFICANCE

The Chiwaukee Prairie-Carol Beach area contains some of the most outstanding natural resource features remaining in southeastern Wisconsin. It is characterized by a relatively uncommon series of alternating beach dune ridges and lower, wetter swales.

Associated with the ridges and swales are high-quality upland prairies and high-quality wetlands, both growing increasingly scarce in southeastern Wisconsin and elsewhere. The area contains a state scientific area that is a National Natural Landmark recognized as one of the best remaining examples of lowland prairie in the upper Midwest. It also contains three additional natural areas of statewide significance and three natural areas of regional significance. Furthermore, the area supports the largest concentration of prairie white fringed orchid in the central Midwest. This orchid, as well as four other plants and seven animals found within the Chiwaukee Prairie-Carol Beach area, are endangered or threatened species in Wisconsin. In addition, the area supports 13 plants and 20 animals whose populations are unstable. These have been identified by the DNR as "Watch List" species, which are usually candidates for designation as endangered or threatened species in Wisconsin. Those lands in the study area that are either wetlands or environmentally significant uplands are shown on Map 1.

Because of these factors, there have been ongoing efforts by both public and private groups to preserve and protect the important natural features of the Chiwaukee Prairie-Carol Beach area. However, the preservation and protection efforts are complicated by the fact that much of the area has been platted for residential development.

HISTORICAL PERSPECTIVE

Plans to develop certain portions of the Chiwaukee Prairie-Carol Beach area date back to the 1920's, with the most intensive efforts to subdivide occurring between 1947 and 1956. By 1983, a total of 2,746 lots had been created in the area through platting activity. However, after all of these years, only 643 lots, or 23 percent, of those platted were actually built upon.

Nevertheless, high-quality wetlands, prairies, and wildlife habitat have persisted in many locations, and the natural resource values of much of the study area remain intact. This is partly due to wet soils and other physical limitations which have restricted urban development. Certain streets proposed in the original subdivision plats have not been constructed. Others are not used and have fallen into disrepair. There is no public sanitary sewer service in the area.

Today, housing units are found in scattered locations throughout much of the area. Some concentrations of housing do exist and should eventually be provided with public sanitary sewers and other urban services. Other portions of the area may not be suitable for development even with centralized sanitary sewer service.

FEDERAL AND STATE REGULATIONS AFFECTING DEVELOPMENT

Federal Level

Section 404 of the federal Clean Water Act requires the U. S. Army Corps of Engineers to regulate the placement of dredged and fill materials into the waters of the United States, including lakes, rivers, and adjacent wetlands. The Corps of Engineers has determined that most of the wetlands located east of the Chicago & North Western Railway right-of-way in the study area are subject to regulation through individual Section 404 permits and that these wetlands are generally unsuitable for the placement of dredged or fill material (light green area on Map 2). While this does not rule out the granting of Section 404 permits, it does provide a preliminary indication that the granting of such permits would be unlikely—particularly in the absence of a land use management plan for the area.

State Level

Chapter 59 of the Wisconsin Statutes directs the Wisconsin Department of Natural Resources to administer a shoreland regulatory program. Under the program, counties are required to regulate shorelands within unincorporated areas. Included are lands lying within 1,000 feet of a lake, pond, or flowage; within 300 feet of a river or stream; or within a floodplain (blue area on Map 3). The county shoreland regulations must include restrictions on lot sizes, building

EXISTING CONDITIONS IN THE STUDY AREA

Status of Platted Lots	Number of Lots
Developed	643
Undeveloped	2,015
Eroded	88
Total	2,746

Land Ownership	Acres	Percent of Total
Public Land		
Town of Pleasant Prairie	73	4.0
Kenosha County	2	0.1
University of Wisconsin	91	5.0
Wisconsin Department of Transportation	1	0.1
Street Rights-of-Way	254	13.9
Subtotal	421	23.1
Private Land		
The Nature Conservancy	55	3.0
Wisconsin Electric Power Company	145	7.9
Chicago & North Western Transportation Company	46	2.5
Other Privately Held Land	1,158	63.5
Subtotal	1,404	76.9
Total	1,825	100.0

Detailed Land Use	Acres	Percent of Total
Residential	237	13.0
Commercial	6	0.3
Transportation and Utility	257	14.1
Institutional (churches)	2	0.1
Recreational	15	0.8
Open Space Uses (wetlands, agricultural lands, water, and unused lands)	1,308	71.7
Total	1,825	100.0

Population and Housing	Number
Population	1,402
Housing Units	512

Potential State and Federal Regulatory Impacts	Number of Lots
Wetland Lots Subject to Regulation through Individual Permits Under the Federal Water Pollution Control Act	840±
Wetland Lots Subject to State-Mandated Shoreland-Wetland Zoning	750±

setbacks, and filling and grading according to Chapter NR 115 of the Wisconsin Administrative Code. Wetlands five acres or larger located within the shoreland area must be placed within a conservancy zoning district that would prohibit filling and development.

Given the number of already platted residential lots in the wetland areas, the financial impacts of these regulations would be severe. Yet, because the federal and state regulations focus primarily on wetlands, the important upland resources in the area could be lost through continued scattered development.

PURPOSE OF THE PLANNING PROGRAM

The primary purpose of the Chiwaukee Prairie-Carol Beach planning program was to develop a plan which would identify those open space lands -both wetlands and uplands--which should be protected and preserved in the public interest and those lands upon which urban growth should be accommodated. The planning process attempted to achieve a sound balance between open space preservation and urban development objectives within the area. Furthermore, it sought a way to fairly compensate those residential lot owners whose land would be placed in an open space preservation area.

The plan is intended to:

- Guide the Town of Pleasant Prairie, Kenosha County, the Wisconsin Department of Natural Resources, and federal agencies in exercising their respective land use regulatory responsibilities;
- Guide the Town of Pleasant Prairie in providing basic urban services;
- Guide public agencies and private interests in purchasing environmentally significant open space lands; and
- Guide private interests by providing a framework within which they can confidently plan for additional development within the area.

In essence, the plan should provide for both preservation and development in an orderly fashion. It should accommodate significant urban growth within the area, while preserving its most important natural features. The continuation of past trends will not allow either to occur in a sensible way.

The planning program recognized that both past platting and development activities and the past acquisition of open space areas meant that various individuals and groups had significant investments in the Chiwaukee Prairie-Carol Beach area. Therefore, without a "compromise" plan each group had something to lose, while with such a plan each group had something to gain.

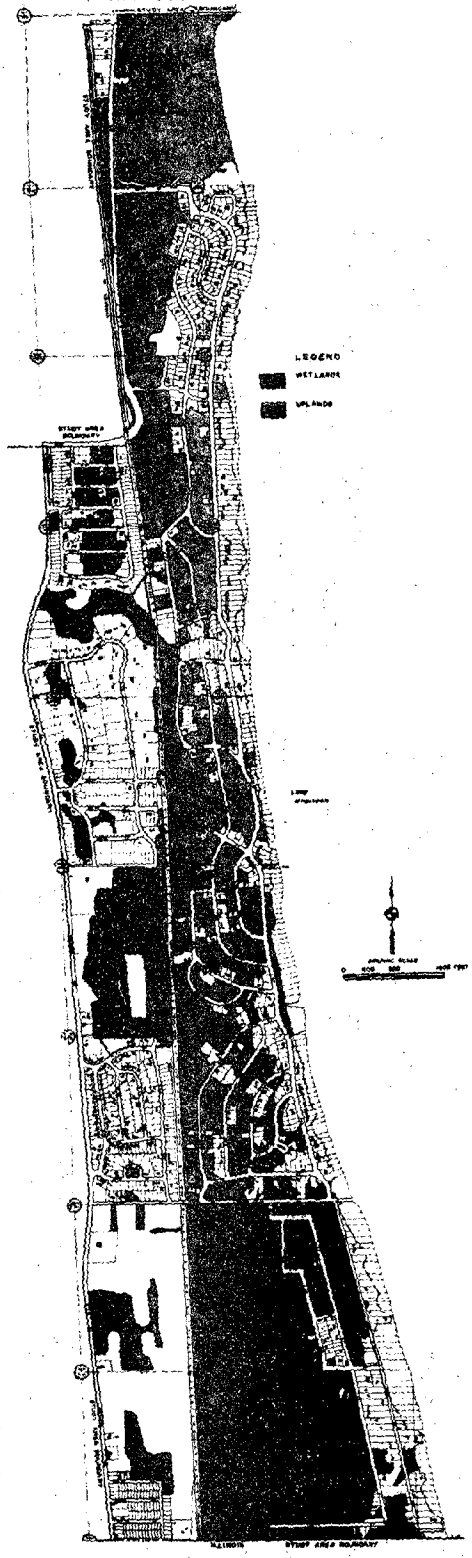
THE NEED FOR A PLAN

Without a plan that can serve as the basis for federal and state action, the regulatory process would prevail. This generally means that:

- Landowners with wetland lots regulated by the federal government (light green area on Map 2) will not be able to fill and develop their lots—about 840 lots;

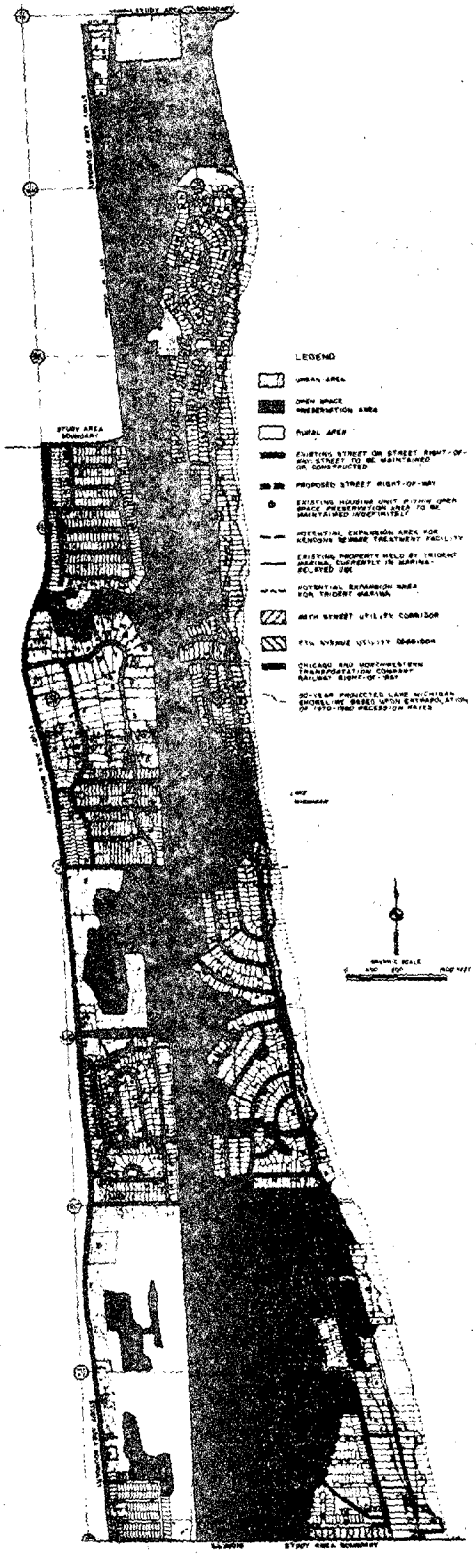
Map 1

LANDS WARRANTING CONSIDERATION FOR PRESERVATION IN THE CHIWAUKEE PRAIRIE-CAROL BEACH STUDY AREA



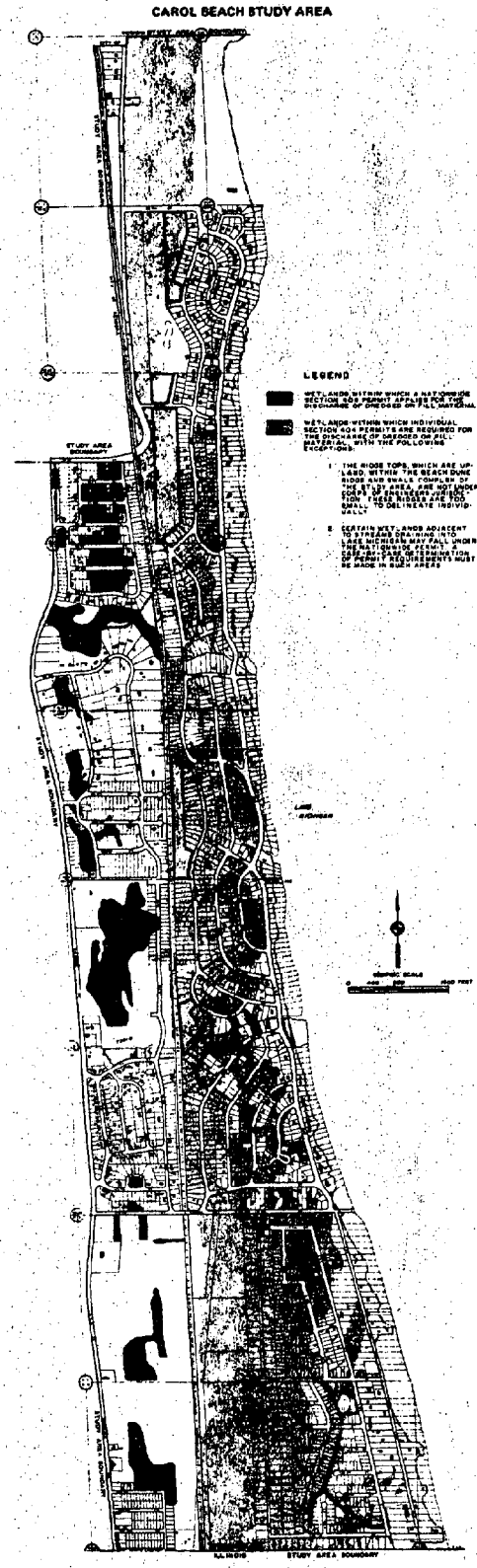
Map 4

RECOMMENDED LAND USE MANAGEMENT PLAN FOR THE CHIWAUKEE PRAIRIE-CAROL BEACH STUDY AREA



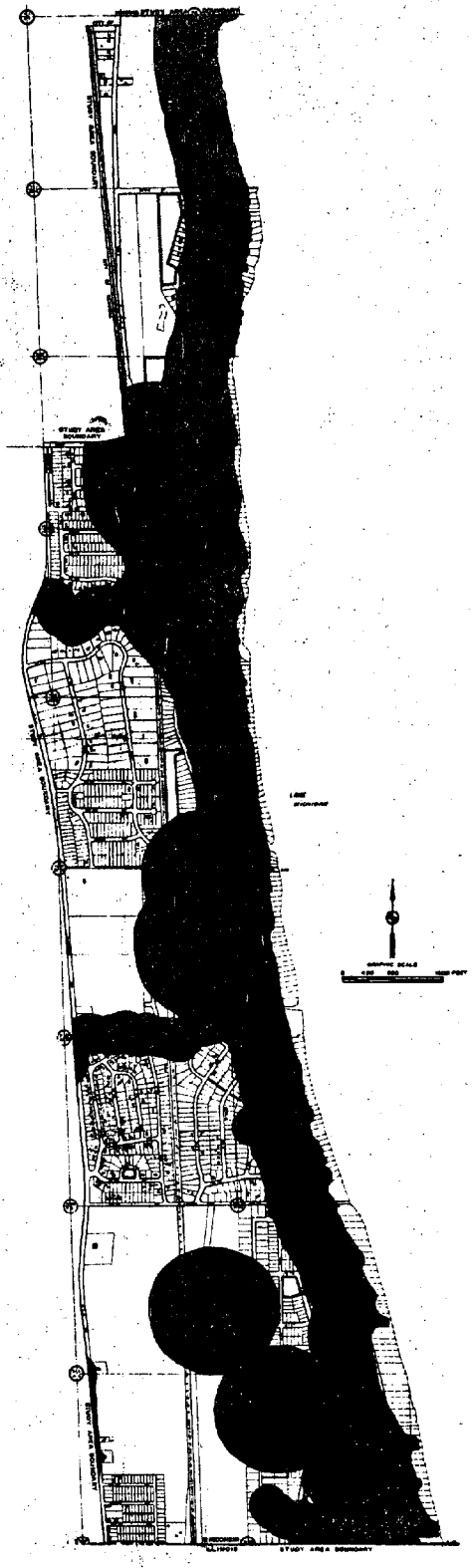
Map 2

FEDERAL SECTION 404 JURISDICTION AREA IN THE CHIWAUKEE PRAIRIE-CAROL BEACH STUDY AREA



Map 3

STATE SHORELAND ZONING JURISDICTION AREA IN THE CHIWAUKEE PRAIRIE-CAROL BEACH STUDY AREA



THE RECOMMENDED PLAN AT A GLANCE

Generalized Land Use	Acres	Percent of Total
Urban Area	860	47.1
Open Space Preservation Area	803	44.0
Rural Area	116	6.4
Railway Right-of-Way	46	2.5
Total	1,825	100.0

Key Natural Resource Features	Total in Study Area (acres)	Portion Preserved	
		Acres	Percent
Wetlands			
Wetlands Particularly Important for Maintaining Water Quality, Low Streamflows, and Fish Populations	153	138	90.2
Wetlands Providing Critical Plant Habitat	505	454	89.9
Wetlands Providing Quality Wildlife Habitat	566	518	91.5
Wetlands Having Special Natural Area Value	394	363	92.1
Wetland Fen Area	60	55	91.7
Wetlands Having at Least One of the Above-Listed Values	654	565	86.4
All Wetlands	747	604	80.9
Uplands			
Uplands Providing Critical Plant Habitat	90	76	84.4
Uplands Providing Quality Wildlife Habitat	131	101	77.1
Uplands Having Special Natural Area Value	78	74	94.9
Upland Woodlands of at Least Five Acres in Area	15	9	60.0
Uplands Having at Least One of the Above-Listed Values	159	112	70.4
Prairies			
High Quality Prairies	358	327	91.3
All Prairies	828	584	70.5

Open Space Land Acquisition	Number of Lots	Acres	Estimated Cost	Annual Cost Over 5 Years
Wisconsin Department of Natural Resources	449	157	$ 950,000	$190,000
Town of Pleasant Prairie	20	6	34,500	6,900
The Nature Conservancy	192	59	149,500	29,900
Total	661	222	$1,134,000	$226,800

Population and Housing	Number	Increase Over 1980 Levels	
		Number	Percent
Population	4,250	2,848	203.1
Housing Units	1,460	948	185.2

Public Improvements	Estimated Cost	Average Cost per Household	Annual Cost Over 20 Years
Sanitary Sewer Collection System	$ 7,001,000	$ 4,800	$350,000
Water Supply Distribution System	4,966,000	3,850	248,300
Local Street Improvements	907,000	620	45,400
Stormwater Drainage Improvements	1,729,000	1,180	86,500
Total	$14,603,000	$10,450	$730,200

- Landowners with wetland lots in state-defined shoreland areas (blue area on Map 3) will have their lands zoned for conservancy and will be unable to fill and develop their lots—about 750 lots;
- The DNR likely will not approve the extension of sanitary sewers into the portion of the study area east of the Chicago & North Western railroad tracks;
- The general unsuitability of the soils for the installation and use of septic tank systems will effectively prevent development on many lots which are not subject to federal or state regulation; and
- Except where the University of Wisconsin, The Nature Conservancy, or other groups choose to spend their limited money, residents owning the adversely affected lots will not be compensated for their losses.

The lack of a plan would also mean that:

- Roads presently constructed through sensitive natural areas but not serving existing development will remain in place—thus continuing to fragment the natural areas and entailing continuing maintenance costs;

- Even if protected from physical alteration, the biological integrity of many areas containing high-quality wetlands, prairie, and wildlife habitat may be threatened because ownership by many private parties will not allow important parts of the study area to be managed as a resource unit;

- Health-related problems and concerns will probably increase as more failing septic systems are discovered over time in the study area because of the general unsuitability of the soils to treat the septic effluent generated by existing residences; and

- Scattered, unplanned development will likely continue at a slow pace in portions of the study area, further complicating future efforts to both preserve and manage key resource features and provide needed urban services to concentrations of development.

THE RECOMMENDED PLAN

Three alternative land use management plans were developed for the Chiwaukee Prairie-Carol Beach area, each proposing a different development-preservation pattern. The three plans were: 1) a maximum development plan; 2) a maximum preservation plan; and 3) a combination development-preservation plan. After carefully considering the alternative plans, the Advisory Committee selected the development-preservation alternative as the basis for preparing a preliminary recommended plan. That plan is shown on Map 4 and described below.

Open Space Preservation Area

The recommended plan proposes an open space preservation area consisting of a continuous "corridor" connecting the Kenosha Sand Dunes on the north end of the study area with the Chiwaukee Prairie on the south end. It also proposes small isolated preservation areas in the southwestern portion of the study area. The open space preservation area includes 803 acres, or 44 percent of the study area. It encompasses 604 acres of wetlands, or 81 percent of all wetlands in the area, including 565 acres of special-value wetlands, or 86 percent of such wetlands. The plan envisions that:

- A total of about 641 undeveloped platted lots within the open space preservation area will be acquired at fair market value by the Department of Natural Resources or private resource protection organizations such as The Nature Conservancy;

- An additional 20 lots will be acquired by the Town of Pleasant Prairie to preserve open drainageways;

- The lands within the open space preservation area will be placed in a conservancy zoning district to ensure their preservation until purchased; and

- The 30 existing homes within the open space preservation area will be left in private ownership, be maintained indefinitely, and be rendered "conforming use" under the proposed zoning. However, the plan does not rule out acquiring these homes if this is agreeable to both willing sellers and the purchasing agencies.

Urban Development Area

The recommended plan proposes an urban area of 860 acres, or 47 percent of the study area. Most of the urban area would be devoted to single-family residential use, and to limited commercial and institutional use. In addition, the proposed urban area includes land specifically set aside for the possible expansion of the Kenosha sewage treatment plant and the Trident Marina.

The plan envisions that:

- The Town and the County will apply to the U. S. Army Corps of Engineers for a collective permit to fill and develop those wetlands lying within the urban development area, thus relieving individual landowners of that burden.

- Housing units in the study area will increase from just over 500 to nearly 1,500, while the population will increase from about 1,400 to about 4,300.

- Over time the Town will provide public sanitary sewer service, water supply service, drainage systems, and new or improved roads within the urban area—as needed and as finances permit.

- All platted lands within the urban area will be zoned for development and be placed in a residential, commercial, institutional, or recreational district, as appropriate.

CONCLUSION

The recommended plan attempts to lift the cloud of uncertainty which has for many years surrounded the Chiwaukee Prairie-Carol Beach area of the Town of Pleasant Prairie. The plan would ensure the preservation of valuable plant and animal communities in the area, as well as the unique heritage of the Chiwaukee Prairie-Carol Beach area. At the same time, implementation of the plan would enhance the potential for good urban development in the area and foster the establishment of neighborhoods which offer a unique opportunity for living in proximity to a natural prairie environment.

This document was prepared by the Southeastern Wisconsin Regional Planning Commission working in cooperation with the University of Wisconsin-Extension and was financed in part through grants provided by the Wisconsin Department of Natural Resources, the U. S. Environmental Protection Agency, and the Wisconsin Coastal Management Program. The offices of the Southeastern Wisconsin Regional Planning Commission are located at 916 N. East Avenue, Waukesha, Wisconsin 53187-1607. Telephone: (414) 547-6721.

Appendix B

ATTENDANCE RECORD AT PUBLIC HEARING
CHIWAUKEE PRAIRIE-CAROL BEACH LAND USE MANAGEMENT PLAN
LANCE JUNIOR HIGH SCHOOL
KENOSHA, WISCONSIN
Tuesday, October 23, 1984

Technical and Citizen Advisory Committee Members

Roger E. Prange, Chairman	Town Clerk, Town of Pleasant Prairie
Lewis R. Dixon	Senior Land Use Planner, Wisconsin Electric Power Company
David Drew	Representing Alvin Crispell, Town Engineer, Town of Pleasant Prairie
James L. Fonk	Supervisor, Kenosha County Board of of Supervisors
Charles Graf	Resident, Carol Beach Estates
LaVerne Kulisek	League of Women Voters of Kenosha
Russell Knetzger	Town Planner, Town of Pleasant Prairie
George E. Melcher	Director of Planning, Zoning and Sanitation, Kenosha County
O. Fred Nelson	General Manager, Kenosha Water Utility
John Papan	Chairman, Town of Pleasant Prairie Plan Commission
Carl Salerno	Resident, Carol Beach Estates
Allen K. Shea	Planning Analyst, Policy and Planning Section, Bureau of Water Resource Management, Wisconsin Department of Natural Resources
Phil Sander	Member, Technical and Citizens Advisory Committee on Coastal Management in Southeastern Wisconsin
Russell Van Herik	Director, The Nature Conservancy

Press

Andy Blankenburg	Racine Journal Times
Brian Elam	WLIP Radio - Kenosha
Arlene Jensen	Kenosha News
Robert Kiesling	The Milwaukee Journal

SEWRPC Staff

Kurt W. Bauer	Executive Director
Gerald H. Emmerich, Jr.	Senior Planner, Land Use Planning Division
Philip C. Evenson	Assistant Director
Gary K. Korb	Natural Resources Agent, University of Wisconsin-Extension

Dennis K. Lefevre	Planner, Land Use Planning Division
Donald M. Reed	Principal Planner, Environmental Planning Division
William J. Stauber	Principal Planner, Land Use Planning Division

Attendees

Ahrenhoerster, Robert	Prairie Seed Source
Akerhaugen, Henry O.	11360 3rd Avenue, Pleasant Prairie
Alexander, Marcia	4701 James Avenue, Racine
Andre, Lonn C.	12008 1st Avenue, Kenosha
Andre, Priscilla W.	12008 1st Avenue, Kenosha
Andrea, Joseph	Wisconsin State Representative, 24th District
Arkema, Mr. and Mrs. John	6265 N. Cicero Avenue, Chicago, Illinois
Barasch, Nancy	Chiwaukee-Carol Beach Citizens Organization, Inc.
Barasch, Samuel	8610 2nd Avenue, Kenosha
Barasch, Sarah	8610 2nd Avenue, Kenosha
Barasch, Stephen	8610 2nd Avenue, Kenosha
Barloga, Richard	11045 W. Parnell Avenue, Hales Corners
Bauers, Harold A.	2846 N. 84th Street, Milwaukee
Bauer, William	3071 Superior Street, Milwaukee
Beck, Robin	11415 1st Avenue, Kenosha
Berge, J. S.	1529 Crabapple Drive, Racine
Bergstrom, Thomas R.	2512 Buchanan Road, Kenosha
Brumback, Larry	Planning and Zoning Administrator, Kenosha County
Buchanan, Warren J. Jr.	Chiwaukee-Carol Beach Citizens Organization, Inc.
Buhnerkemps, Gerald G.	9838 3rd Avenue, Kenosha
Carlstedt, L. V.	8861 1st Avenue, Kenosha
Carrel, Russell	851 95th Street, Kenosha
Carrillo, Juan	Kenosha
Cherkauer, Douglas S.	Department of Geological Sciences, University of Wisconsin-Milwaukee
Christiansen, Richard	12146 223rd Avenue, Bristol
Conoscenti, Jack	12135 2nd Avenue, Pleasant Prairie
Conoscenti, Ross	12135 2nd Avenue, Pleasant Prairie
Craft, Tim	2028 Deane Boulevard, Racine
Crema, Genevieve J.	Land Trust Chairman, Wisconsin Garden Club Federation
Crosetto, John	Attorney for Chiwaukee-Carol Beach Citizens Organization, Inc.

Dadian, Rhoda	5220 Hunt Club, Racine
Dearolf, Kenneth	8963 22nd Avenue, Kenosha
Deutsch, Lois	7814 LeClare Avenue, Skokie, Illinois
Deutsch, Robert	7814 LeClare Avenue, Skokie, Illinois
Dunlop, Lenore	S66 W30330 C. T. I., Mukwonago
Dunnington, Mary	10619 4th Avenue, Kenosha
Eger, Arthur	10011 Lake Shore Drive, Kenosha
Estka, Thomas	Carthage College
Evans, Russel C.	Waukegan, Illinois
Falk, Kathleen M.	Wisconsin Public Intervenor
Falk, Lois	726 Wabash Avenue, Waukesha
Felton, Bruce	2513 Hamilton Avenue, Racine
Felton, Raymond	Wisconsin Wildlife Federation
Fisher, Dennis	Milwaukee Audubon Society
Ford, Marilynn	11415 1st Avenue, Kenosha
Forna, Michael	11505 1st Avenue, Kenosha
Frew, Minnie	5564 Angle Lane, Greendale
Fueston, Margaret	11360 1st Avenue, Kenosha
Fueston, Thomas L.	11360 1st Avenue, Kenosha
Ganek, Edward R.	327 100th Street, Kenosha
Ganek, Luise C.	327 100th Street, Kenosha
Glassel, Barbara	8709 N. 66th Street, Brown Deer
Glatzer, Thomas	U. S. Environmental Protection Agency, Region V, Chicago, Illinois
Graf, Ione	9135 Lake Shore Drive, Kenosha
Gulon, Peter A.	11367 1st Avenue, Kenosha
Hall, Nancy	125½ W. Third Street, Beaver Dam
Hanley, Earl J.	2926 73rd Street, Kenosha
Hansche, Ben	8405 Sheridan Road, Kenosha
Hansen, Joan	1022 Boxwood Court, Wheeling, Illinois
Hansen, Mark	1100 North Street, Racine
Harthun, Richard A.	Nature and Her Inhabitants
Heidemann, Robert W.	11335 3rd Avenue, Kenosha
Helgren, Fred J.	Waukegan, Illinois
Helgren, Helen	435 O'Plaine Road, Gurnee, Illinois
Helgren, Preston	435 O'Plaine Road, Gurnee, Illinois
Henter, Annette	19225 Lothmoor Drive, Brookfield
Hermann, Phillip	5907 Taylor Avenue, Racine
Hewitt, David H.	Sierra Club and Chiwaukee Prairie Rescue Coalition
Hoffer, Billie	9505 Lake Shore Drive, Kenosha
Hoffer, Charles	9505 Lake Shore Drive, Kenosha
Hoover, Judith	Representing Congressman Les Aspin
Hoselton, Mr. and Mrs. Elmer L.	12116 1st Court, Kenosha
Howard, Greg	4027 Nicholson Road, Racine

Isermann, Leone	N88 W14947 Cleveland Avenue, Menomonee Falls
Jensen, Daniel	8700 1st Avenue, Kenosha
Jimenez, Renee	12140 1st Court, Kenosha
Johnson, Mary Ellen	Chiwaukee Prairie Rescue Coalition
Justen, James A.	12448 Lake Shore Drive, Kenosha
Kleppe, Joan M.	12333 1st Court, Kenosha
Kleppe, Willard E.	12444 1st Court, Kenosha
Koessl, Wayne E.	Board of Supervisors, Kenosha County
Kotlinski, Michael	Carthage College
Kozlowski, Margaret	Wisconsin Metro Audubon Society
Kramer, Margaret A.	104 102nd Street, Kenosha
LaMere, Karen	River Bend Nature Center
Lamparek, Glenn	2403 Olive Street, Racine
LaViolette, G.	8808 3rd Avenue, Kenosha
Lawrence, Richard	22302 10th Avenue, Kenosha
LeBean, Duke	8815 5th Avenue, Kenosha
Leighton, Rebecca A.	Wisconsin Audubon Council and Brown County Conservation Alliance
Lewis, Bonnie	Rocky Pt. Road, Pewaukee
Lichtner, Ruth Grotenrath	2626 N. Maryland Avenue, Milwaukee
Lins, Jeff	N40 W32805 Wildwood, Nashotah
Lins, Nancy	N40 W32805 Wildwood, Nashotah
Luebke, Neil T.	4829 N. Larkin, Milwaukee
Luke, Robert	11435 1st Avenue, Kenosha
Lyle, C.	11344 Shore Cliff Lane, Mequon
Lyons, Gerald	2205 Hawthorne, Waukegan, Illinois
MacLaren, Lisa B.	2864 N. Downer Avenue, Milwaukee
Maksyn, Edward J.	12532 1st Avenue, Kenosha
Manning, Lynda	700 Brook Road, Franksville
Marciniak, Richard	Chiwaukee Prairie Rescue Coalition
Marianyi, Juan J.	Carol Beach Property Owners Association and Chiwaukee-Carol Beach Citizens Organization, Inc.
Marquardt, Carmelita F.	415 Wilmot Road, Deerfield, Illinois
Marquardt, William	415 Wilmot Road, Deerfield, Illinois
Marsh, Jan	1626 N. Prospect Avenue, Milwaukee
McAndrews, C. G.	8860 1st Avenue, Kenosha
McGraw, Jean	Chiwaukee Prairie Rescue Coalition
Meyer, Marcus J.	1108 87th Avenue, Kenosha
Michetti, Susan	P. O. Box 54, Kenosha
Momper, Virginia	11108 Green Bay Road, Kenosha
Monroe, Linda	101 E. Mifflin, Madison
Murray, John	11725 1st Avenue, Kenosha
Murray, Mary A.	11725 1st Avenue, Kenosha

Muschel, Ralph	3712 N. Monticello, Chicago, Illinois
Nelson, Ed	Kettle Moraine Audubon Society
Nowak, Mariette	5998 Sycamore Street, Greendale
Ortmayer, Mary Ann	Chiwaukee Prairie Rescue Coalition
Osenga, Jerrine	Waukesha County Environmental Action League
Otte, Lorrie	9701 N. Lake Drive, Milwaukee
Owens, Carol	Waukesha County Environmental Action League
Pemper, Stephen	12110 W. Greenfield Avenue, West Allis
Peterson, Donna	Chiwaukee Prairie Rescue Coalition
Piroyan, F.	11745 Lake Shore Drive, Kenosha
Piroyan, Wallace	Chairman, Chiwaukee-Carol Beach Citizens Organization, Inc.
Popelka, Bernice	Kettle Moraine Audubon Society
Post, Elizabeth	12003 1st Avenue, Kenosha
Post, James W.	12003 1st Avenue, Kenosha
Prepenburg, Kurt	6124 7th Avenue, Kenosha
Rajguru, S.	4025 S. Brook Road, Franksville
Rewolinski, Stan	1940 N. Prospect Avenue, Milwaukee
Rice, Mary	4510 118th Street, Kenosha
Rice, R. B.	225 87th Street, Kenosha
Rice, Terry	Supervisor, Town of Pleasant Prairie
Rohan, Joan	Hoy Nature Club
Rooney, Barbara	8036 7th Avenue, Kenosha
Rooney, James	8036 7th Avenue, Kenosha
Ross, Jon A.	10720 4th Avenue, Kenosha
Rossett, James E.	11424 1st Avenue, Kenosha
Roth, John F.	Senior Planner, Kenosha County
Royt, Laurance	1565 S. 79th Street, West Allis
Royt, Ruth	1565 S. 79th Street, West Allis
Schmidling, Jack	4501 Moody, Chicago, Illinois
Schneider, Michael	University of Wisconsin-Extension, Kenosha County
Schroeder, Jennette	Hoy Nature Club
Sebetic, Michael	8785 3rd Avenue, Kenosha
Shaffron, Joseph E.	Developer of Carol Beach Estates
Sigger, K.	7734 23rd Avenue, Kenosha
Sorenson, Daniel	2227 Summit Avenue, Racine
Spears, C.	11335 3rd Avenue, Kenosha
Stokes, Sarah A.	1111 E. Brown Deer Road, Milwaukee
Strohl, Joseph	Wisconsin State Senator, 21st District
Stroud, Vera	16940 W. Shadow Drive, New Berlin
Sweet, Fred E.	4729 N. Elkhart Avenue, Milwaukee
Terwall, Marilee	5644 116th Street, Kenosha

Terwall, Thomas	Supervisor, Town of Pleasant Prairie
Tierney, Patrick S.	Planning and Research Analyst, Kenosha County
Trefz, Robert	Trident Marina
Ugoretz, Steven	Wisconsin Department of Natural Resources
Van Allen, Nancy	Kenosha County Corporation Counsel
West, Glen R.	11325 1st Avenue, Kenosha
Wetzel, Marge	Wisconsin Public Intervenor's Office
Williams, Cathy	305 96th Street, Kenosha
Wink, William F.	11451 8th Avenue, Kenosha
Wonak, Mr. and Mrs. Charles E.	9703 W. Ruby Avenue, Wauwatosa
Wruck, Donald H.	Chairman, Pleasant Prairie Town Board
Wuerker, Kurt	3118 Conrad Drive, Racine
Zoller, Mr. and Mrs. Jack	11371 1st Avenue, Kenosha
Zumach, G. L.	1314 Thurston Avenue, Racine
Name Illegible	1st Avenue, Kenosha
Name Illegible	8318 25th Avenue, Kenosha

Appendix C

NOTICE OF PUBLIC HEARING

The following Public Hearing notice was sent to approximately 90 individuals and organizations, including citizens organizations, environmental groups, major landowners, local and state officials, concerned state and federal agencies, and major newspapers and radio and television stations in the area.

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

916 NO. EAST AVENUE • P.O. BOX 769 • WAUKESHA, WISCONSIN 53187-1607 • TELEPHONE (414) 547-6721

Serving the Counties of: KENOSHA MILWAUKEE OZAUKEE RACINE WALWORTH WASHINGTON WAUKESHA

DE0006/W
10/1/84

NOTICE OF PUBLIC HEARING

Land Use Management Plan for the Chiwaukee Prairie-
Carol Beach Area of the Town of Pleasant Prairie

A public hearing will be held on October 23, 1984, at 7:00 p.m. in the auditorium of the Lance Junior High School, 4515 80th Street, Kenosha, Wisconsin, for the purpose of receiving public comment on, and reaction to, a proposed land use management plan for the Chiwaukee Prairie-Carol Beach area of the Town of Pleasant Prairie. This public hearing is being sponsored by the Southeastern Wisconsin Regional Planning Commission (SEWRPC). The proposed plan sets forth recommendations regarding future open space preservation-urban development patterns; provision of public services, including public sanitary sewer service; and public acquisition of open space lands in the area. A draft report describing the proposed land use management plan, including a plan map, is on file at the Town of Pleasant Prairie Municipal Building and the offices of the SEWRPC. The proposed land use management plan will also be explained at the public hearing.

Following the public hearing, an advisory committee to the SEWRPC will determine whether any changes should be made in the plan as presented at the hearing and consider recommending action on the plan to the Commission. If approved by the advisory committee, the SEWRPC will then formally adopt the plan and certify the plan for adoption or endorsement to the Town of Pleasant Prairie and Kenosha County and to the state and federal agencies having land use regulatory responsibilities in the area, including the Wisconsin Department of Natural Resources and the U. S. Army, Corps of Engineers.

Interested citizens are encouraged to attend the public hearing. Further information about this matter may be obtained by contacting the Town of Pleasant Prairie or the offices of the SEWRPC at 916 N. East Avenue, Waukesha, Wisconsin 53186.

Kurt W. Bauer
Executive Director
Southeastern Wisconsin
Regional Planning Commission

Appendix D

MATERIALS SUBMITTED PRIOR TO PUBLIC HEARING

Appendix D-1

SEP 20 1984

Mr. John Antaramian 8318 25th Ave. Kenosha, Wis. 53140

Mr. Donald Wruck Pleasant Prairie Town Chairman 9915 39th Ave. Kenosha, Wis. 53140

Mr. James Fonk Southeastern Wis. Regional Planning Commission 10710 88th Street, Kenosha, Wis. 53140

cc: Mr Terry Rice

Mr. Thomas Terwell

Mr. Roger Prange

RECEIVED
SEP 26 1984
SEWRPC

Re: Chiwaukee Project

As a concerned property owner in the Carol Beach unit, I would not like to see the rejection of the four developments proposed for Chiwaukee Prairie. This will mean a severe loss of revenue for the township and the value of our property will drop. A road along the stateline from Sheridan Road to the lake sounds like the most economical proposal and the develop first avenue and not allow the beautiful shoreline to erode into the lake. There is still a good area of wetlands left for the preservation of the plants, flowers, birds, and animals. I was born and raised on a farm so there is still a great deal of appreciation for the things of nature; but I feel this area should be developed. Some day our sub-division may be able to have sewers installed and our homes once again in this area will be able to be sold. There are several homes for sale in the area, but no one is interested in buying them due to the sewer situation. I sincerely hope the Southeastern Wisconsin Regional Planning Commission will take constructive action in this matter before the DNR makes their decision in October.

Geraldine Lachman 9/18/84

Mrs. Geraldine Lachman
1002 111th Street
Kenosha, Wis. 53140

Appendix D-2

2201 Center Ave.,
Madison,WI,53704
(608)249-7255
Oct.15,1984

Chiwaukee Prairie Planning Group
Southeastern Wisconsin Regional Planning Commission,

RECEIVED
OCT 18 1984
SEWRPC

Dear Friends:

These comments are in response to an invitation from Margaret R. Wetzel, Public Intervenor Clinical Intern and Kathleen M. Falk, Wisconsin Public Intervenor, The State of Wisconsin Department of Justice, on October 10, 1984. The two documents enclosed by Wetzel and Falk, one by Professor Douglas S.Cherkauer, and Chapt.V, Recommended Land Use Management Plan from SEWRPC have been noted. My comments are of a general nature.

(1) I would favor a maximum preservation plan for the Chiwaukee Prairie-Carol Beach area, in view of its ecological importance.

(2) I favor , should the maximum preservation plan be rejected, a compromise between the maximum preservation plan and the combination development-preservation plan (which includes dewatering thatis unacceptable from the standpoint of maintaining the prairie vegetation).

(3) I recommend that continuous monitoring by hydrologists, ecologists and geologists be arranged for, to document water levels, flow of water and quality of water in years to come. Resulting data would be of scientific and practical interest for land managers of shorelands throughout the country and abroad.

(4) I recommend that special maintenance-of-prairie operations be planned to defend the prairie against potential damaging changes in the ecosystem arising from present and future development.

(5) I recommend that adequate programs be developed for public enjoyment and understanding of the Chiwaukee Prairie-Carol Beach area, which will undoubtedly attract visitors from abroad as well as from the United States.

I congratulate those who have worked on plans for the area to date on their awareness of the importance of the prairie. To keep it undisturbed is a special kind of "development" which will attract tourists and enhance the environment , with resulting economic as well as aesthetic benefits. This statement I send in lieu of a personal appearance.

Sincerely,

Francis D. Hole

Francis D. Hole Emeritus Professor of Soil Science and Geography, University of Wisconsin, Madison

Copy to M.R.Wetzel and K.M.Falk

Appendix E

MATERIALS SUBMITTED AT PUBLIC HEARING

NOTE: Appendices E-1 through E-12 contain materials submitted by attendees who spoke at the Public Hearing. Appendices E-13 through E-19 were submitted by attendees who did not speak at the Hearing.

Appendix E-1

STATEMENT AND RECOMMENDATIONS

PREPARED BY THE CHIWAUKEE-CAROL BEACH

CITIZENS ORGANIZATION, INC.

October 1984

1. WHAT IS D.N.R.'S AUTHORITY UNDER N.R. 115 TO DECLARE KENOSHA COUNTY IN NONCOMPLIANCE AND ADOPT ITS OWN WETLAND STATUTES?

Section N.R. 115.06 (3) allows D.N.R. to declare a county in noncompliance, hold a hearing, and adopt wetland statutes for that county.

However, the wetland must be 1) an area over 5 acres in size and 2) within 1000 feet of Lake Michigan or within 300 feet of a stream.

The Wisconsin Department of Natural Resources does not have unlimited discretion in defining wetlands. Stat 23.35 Sec. (1).....wetland means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation <u>and which has soils indicative of wet conditions</u>. Also see: NR 1.95: "Wetland" means those areas that are inundated or staurated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally includes swamps, marshes, bogs and similar areas.

None of the platted land east of the railroad tracks could be rezoned using this definition. Even the unplatted areas do not often if at all meet this definition.

The study area is a dune, ridge, swale area with only the swale areas being true wetland according to both D.N.R. and SEWRPC. (See SEWRPC minutes dated September 6, 1984, ".....the ridges are dry. .....the swales are too small to delineate individually.") Such wetlands are less than five contiguous acres within 1000 feet of Lake Michigan. Therefore, D.N.R. cannot force rezoning.

D.N.R.'S classification of the area as a "complex" is unworkable and arbitrary. The "complex" theory has allowed D.N.R. to list land as wetland in which the water table was over 6 feet below the surface. How much wetland within a complex makes a dry ridge area a wetland? Will a few feet of wetlands within 1000 feet of the lake be sufficient to make the whole area a wetland? There are no standards in the D.N.R.'S guidelines. The statutes do not mention or define a wetland "complex". The five acres area minimum in Stat. 23.35 Sec. make it clear that D.N.R.'S authority does not extend over other types of geologic formations which are only wet in areas smaller than five acres. Several other types of land formations have been identified as areas to be zoned and which D.N.R. does not have authority over. 1) Uplands even if unplatted can not be rezoned by D.N.R. 2) Unplatted lands such as Wisconsin Electric Company lands contain five acres of wetland, but this is not within 1000 feet of Lake Michigan.

Lands which D.N.R. has no authority over should be purchased not rezoned. Unplatted lands as well as platted lands will have to be paid for if they are

not 1) wetlands over five acres in area and 2) within 1000 feet of Lake Michigan or 300 feet of a stream.

Kenosha County presently has shoreland zoning ordinance No. 64. This adequately protects the wetlands.

2. WHAT IS THE WETLAND?

The area known as Chiwaukee Prairie - Carol Beach has been well studied and described by naturalists and biologists. It has been consistently described as a prairie [redacted], containing some swales. The area closest to the lake is a dune area varying from approximately 100 to 300 yards followed by an alternating linear pattern of ridges and swales.

In the 1980 Chicago Aerial Survey commissioned and paid for by the South Eastern Wisconsin Regional Planning Commission, the swale areas show clearly. Based at least partly on this survey, South Eastern Wisconsin Regional Planning Commission produced a topographical map showing wetlands of two acres or more. In these 1980 maps only the swale areas are shown as wetland. Most of these wetland swales are too small to meet the five acre minimum requirement for preservation under the Shoreland - Wetland Zoning Provision. These maps have been described as highly accurate. The i.e.p biologists have stated that their descriptions of the wetland areas are 80% accurate and Wisconsin Department of Natural Resources map is 70% inaccurate. An independent surveyor has also described the 1980 maps as accurate. These 1980 maps made by the South Eastern Wisconsin Regional Planning Commission have not been produced by South Eastern Wisconsin Regional Planning Commission in the 1984 discussion of wetland zoning, (see Chapter V SEWRPC reports) and no explanation has been given why they were not used to determine wetland by Wisconsin Department of Natural Resources. The 1970 U.S. Department of Agricultural soil map is also consistent with this map. See exhibit 4.

The checkerboard feature of the 1984 D.N.R. wetland map is especially questionable. Wetlands and uplands follow topographical features and do not ordinarily occur in squares following lot lines. (The checkerboard feature will be discussed further in the analysis of the review proceedure of Mr. Don Reed.)

D.N.R.'S mapping procedure is described in its' January, 1982 phamplet entitled USER'S GUIDE TO THE WISCONSIN WETLANDS INVENTORY, page 4 in the section entitled MAPPING PROCEDURE states:

> "To insure that the maps are accurate, staff personel consult local specialists, soil conservation services soil surveyors, U.S.G.S. topographic maps, existing wetland inventories, "Wisconsin Lakes", "Surface Water

Resources", Wisconsin Land Inventories", natural and scientific area information, and other related data."

.....

"Wetlands are mapped using 1978-1980 aerial photographs"

On page 5, the same report states:

"Examples of areas not mapped as wetland include:

1) Lands no longer wetland because of draining, filling ....."

D.N.R. does not appear to have followed its procedures outlined in the phamplet described above. Existing soil maps topographical maps, and 1980 aerial photographs and wetland maps have been given little or no weight in preparing the proposed wetland maps.

The land mapped as wetland adjacent to the Kenosha Town Club illustrates another procedural error. This land has had an artificial lake constructed on it. It has been legally filled a road has been constructed on it, and Kentucky bluegrass has been planted. All in accord with existing laws over 50 year period of ownership. This area has little natural or scientific value, but it has been mapped wetland and zoned for conservancy.

A more precise delination of the swale areas are still needed.

The 1984 Wisconsin D.N.R. wetland map is highly misleading and should not be given approval by any governmental body. Nor should any land use plan based at all on this misleading study be approved.

3. WAS THE REVIEW OF THE WETLAND MAP FAIR AND UNBAISED?

Comment sheets protesting lot and house classification as wetland were filled out by 296 lot owners, and the review was conducted by Mr. Don Reed. He conducted the review by field observation of the plants on the protested lots. Present maps are due to the method of Mr. Reeds review. The Citizens Organization has requested Mr. Reed's field notes, but the request was denied. A few preliminary observations can be made. A) Mr. Reed made no attempt to make his observations consistent with topographical features. Mr. Reed examined only the lots protested. If a lot had unquestionable upland features, he did not attempt to map the extent of this topography even though the unprotested lot nearby had similar features. It seems unlikely that any kind of natural feature mapping could be accurately described by legal boundries. This is also inconsistent with SEWRPC description of the area as a lake terrace area. See Report #1 (1965.

B) Mr. Reed made no soil borings or observation of the soil in areas in which plant observation was ambiguous.

C) Mr. Reed was very aware that all wetlands over which D.N.R. has jurisdiction must be at least five acres, and for that reason he resolved all doubts in favor of wetland classification. Mr. Reed included areas with facultive growth as wetland with no attempt at an examination of the soil.

However, after Mr. Reeds investigation, South Eastern Wisconsin Regional Planning Commission did not request wetland zoning. The proposed zoning is conservancy not wetland. [1]

1. Plants can be described as 1) obligate wetland species which are species requiring saturated ground for at least part of the growing season 2) facultive species which can grow in either wetland or upland 3) obligate upland species which are restricted to upland.
Typical wetland species in Chiwaukee Prairie - Carol Beach area are the cattail and sedges.
In upland areas, ridges and stabilized dunes, the common grasses are little blue-stem, switch grass, indian grass and sand reed grass.. Blazing star, fringed puccoon, lupine, flowering spurge, lead plant, bird-foot violet, pinweed, black-eyed susan and downy indian painted cup are some conspicous flowering plants found in upland areas. Prickly pear cactus forms large colonies in this dry habitat. Wet prairies contain blue joint grass, prairie cordgrass, reed grass, big blue stem and sedges. Grass pink orchid, foxglove and cardinal flower are found here. Alkaline ferns are found in some of the swales nearer the lake. The common species are sedges. See also: the plant description in the report by the Marina.

4. WHAT ARE THE UNIQUE NATURAL RESOURCES IN THE CHIWAUKEE-CAROL BEACH AREA?

Although the reports of the South Eastern Wisconsin Regional Planning Commission conclude that the area has highly valuable natural resources, there has been no organized description in SEWRPC reports of what these resources are and where they exist.

A careful search has been made by reputable naturalists, but there has been no report of threatened or endangered animal species. No nationally endangered plants have been reliably reported in recent years.

One plant, the prairie white-fringed orchid, which is on the threatened plant species list is known to exist in the 250 acres now held by the Nature Conservancy. Whether this plant exists outside this area has not been reported.

The Chiwaukee - Carol Beach area has been highly disturbed by private ownership over a 50 year period. The natural contour of the dunes can only be seen in two areas; a three lot area at the north end of Carol Beach and the land at the north end of the study area owned by the Wisconsin Electric Power and Light Company. Endangered plants are endangered because of their sensativity to disturbance. It is unlikely they will be found in this area.

Since the Conservancy zoning now proposed is highly predicated on the proposition that the natural resources of the area are unique and valuable, a description of exactly what these resources are should be included in the report. Of course, opportunity to correct inaccuracies should be allowed. [2] The Citizens Committee has revealed the method and content of their studies. We request the SEWRPC show the basis on which they form their conclusions.

2. SEWRPC Report No. 41, A PARK AND OPEN SPACE PLAN FOR THE KENOSHA PLANNING DISTRICT (1980)
Map 19 on page 42 shows the areas of state scientific interest as the present Chiwaukee Prairie and Wisconsin Gas and Electric Company land. Map 10 on page 21 shows roughly the same areas as containing important wild life habitat. The areas in between are not listed as of scientific interest or being a wildlife habitat.

5. WHAT WILL BE THE COST OF ACQUISITION?

The cost of acquisition has been seriously underestimated.

The South Eastern Wisconsin Regional Planning Commission has proposed that Wisconsin and the Nature Conservancy, will pay for the platted land at the assessed valuation after the proposed zoning is adopted. They have based their estimated proposal cost on the assessed valuation of the lots. The assessed valuations have had undue downward pressure since the area has been declared a Nature Study Area and described as predominately wetland and scheduled for an uncompensated taking. The recommendation that owners need not be paid for five years after zoning also represents an additional unfair expense not present in an eminent domain proceeding.

No plans at all have been made to purchase unplatted land zoned conservancy. This is unrealistic! Although Just v Marinette, 56 Wis 2d7, 201 NW 2d 761 (1972) cert. den. U.S.S. Ct. establishes some precedent for a county to zone areas wetland without purchase, no Wisconsin law or precedent makes it possible to zone lands conservancy without purchase. Conservancy zoning appears to be more restrictive than wetland zoning. A private owner will have less allowed use.

Conservancy zoning seems to fall squarely under the precedent established by San Diego Gas and Electric Company, 450 U.S. 621 (1981). Plans should be made to purchase all land zoned and not at an artifically deflated price. [3]

The second cost of conservancy zoning is to the community as a whole. Land near Lake Michigan is not only desirable as park land, it is highly desirable for homes. The homes built in the area in the last 10 years have been a valuable addition to our tax base. The area has attracted both the professional people and business owners needed to revive and diversify Kenosha's economy. Refusal to allow development of this area will mean that Kenosha will lose one of its most attractive housing areas. This will have an effect on the economy of the county and city far beyond the loss to the tax base.

3. In SEWRPC Report No. 41 A PARK AND OPEN SPACE PLAN FOR THE KENOSHA PLANNING DISTRICT (1980) on page 83, land acquisition cost allocated to Kenosha County Park Commission for acquiring the Chiwaukee Prairie - Carol Beach area is $3,024,200.00. Added facility cost for recreation will be $948,500.00. It is noted here by SEWRPC that this is 1980 dollars and they believe half of these costs will be paid for by State and Federal Governments. This might be a more objective analysis of costs allocated to the county.

6. IS THE LAND BUILDABLE?

For a number of years, land which must utilized holding tanks, was considered undesirable. In the past a number of lending institutions would not lend money on homes with holding tanks. Over the last five years there has been a trend to greater acceptance of holding tanks. Now many major institutions no longer consider a holding tank a defect. The initial cost of the holding tank is less then any other septic system, and it is environmentally the most desirable, because no waste passes to the surrounding soil. Total system costs compare favorably.

The prohibition against land fill will also not provide a serious drawback.

Virtually all lots can be built on without land fill. Some additional costs may be incurred because slab on grade construction would still require footings, in other words conventional basements would not always be possible. However, given cost savings on lower septic system, most land in the study area is buildable from both a technical and economically feasible point of view.

Actually swale areas are often quite narrow and occupy only a small portion of the lots.

CITIZENS RECOMMENDED PROPOSALS

1. Since it should be recognized that land owners must be compensated, a proposal should be made by the legislature stating exactly how much funding will be available before it is determined what can be comdemned by eminent domain.
2. The D.N.R. wetland map should be revised and made more consistent with past studies and actual soil conditions so that no proposal be adopted based on misinformation.
3. The valuable natural resources in the area should be described and plants should be catalogued as to when, where, and who observed them. Highly disturbed areas should be noted and these areas should not be acquired if the disturbance was due to legal private use of privately owned lands.
4. A list should be made of the most valuable areas, and the areas which have the highest priority be purchased as funding allows. Priority should be given to 1)wetlands and 2) virgin lands.
5. All other areas should be released to their present owners for private use.
6. Since SEWRPC did not inform SEWRPC voting members and the public that as the result of this hearing, the impact statement will be prepared, opportunity should be allowed for written comment on the impact statement.

EXHIBIT 1

NATURAL RESOURCE INVENTORY
AND ANALYSIS
OF 17 ACRES SAMPLE

prepared by: IEP

IEP inc.

CONSULTING ENVIRONMENTAL SCIENTISTS
S22 W22660 BROADWAY, SUITE 3C, WAUKESHA, WI 53186
(414) 542-2733

NATURAL RESOURCE INVENTORY AND ANALYSIS OF LAND IN THE CAROL BEACH VICINITY

Prepared for the Chiwaukee-Carol Beach
Citizens Organizations, Inc.

by

IEP Inc.

September 1984

• GEOLOGY AND GROUNDWATER SCIENCE • HYDROLOGY • ENVIRONMENTAL ENGINEERING AND PLANNING
• WETLAND MAPPING AND EVALUATION • TERRESTRIAL AND AQUATIC BIOLOGY

1.0 INTRODUCTION

IEP Inc. was contracted by the Chiwaukee-Carol Beach Citizens Organization, Inc. to conduct field investigations on roughly 17 acres of land in the southeastern corner of the Town of Pleasant Prairie, Kenosha County, Wisconsin. The objectives of the investigations were to: (1) determine the extent of wetland as defined under Wisconsin statute, and (2) to provide a botanical survey of areas not meeting the statutory definition of wetland in order to characterize and classify the site's uplands.

The Citizens Organization has initiated this study as a result of the proposed zoning of land within four miles of the Illinois state land and east of the Chicago and Northwestern Railroad tracks. It is IEP's understanding that the zoning is being implemented due to the great extent of wetland in the area and due to existence of high quality prairie habitat throughout much of the area. Any such zoning should be based upon factual imformation of natural resource conditions derived from and supported by detailed field investigations. This current investigation was perceived and carried out by IEP as an unbiased, straight-forward natural resource inventory of a small portion of the land proposed to be zoned.

2.0 METHODOLOGY AND CRITERIA EMPLOYED

The field investigations were conducted on September 1, 1984 by an IEP Biologist and an IEP Soil Scientist. The site was traversed in east/west transects roughly 100 feet apart. Plant species were recorded and estimates of relative abundance were rated as dominant, common, or occasional where:

Dominant - abundant or highest density species
Common - species with densities such that they are generally easily found but are less than abundant
Occasional - species that are locally abundant and tend to have a contagious distribution or are sparse and have a low frequency of occurrance.

Wetlands were identified and delineated based upon statutory criteria. In Wisconsin, the statutory definition of wetland is:

> ...an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. (Section 23.32. (1),Wis.Stats.)

In IEP's opinion, based upon our experiences mapping wetlands in the field since 1975, this is an excellent definition. It is consistent with criteria recognized by the U.S. Fish and Wildlife Service in their national classification and inventory program: hydrology, vegetation, and soils are considered. Since vegetation is the most readily observed of these resources, assessment of the plant community is typically the first step in wetland identification. In this process it is necessary to recognize the affinity of different plant species for various moisture regimes. The U.S. Fish and Wildlife Service recognizes five such classes: 1) obligate wetland species which require saturated ground for at least some portion of the growing season, 2) facultative wetland species which are typically found in wetland, but occasionally occur in uplands, 3) facultative plant species which are found with equal frequency in both uplands and wetlands, 4) facultative upland species which are most often found in uplands but occasionally are in wetlands and 5) obligate upland species or plants restricted to uplands. Areas identified as wetland on the site are those where the plant community is composed primarily of obligate or facultative wetland species or if composed primarily of facultative species, contain hydric soils.

Soil test holes were dug at 10 locations on the site. Standard Soil Conservation Service criteria were employed to identify soils "indicative of wet conditions". These include thick, dark surface horizons high in organic content, gleyed subsoils, or the presence of mottling within 18 inches of the ground surface. Since the soils provide a long-term indication of a site's moisture regime, and since the Wisconsin statute specifically includes soils in the criteria, the examination of soils is considered essential.

Classification of the upland plant communities has been based upon the work of Curtis (1959: The Vegetation of Wisconsin). However, since we are unaware of any statutory criteria defining prairie communities worthy of preservation, it is difficult to make definitive judgements. The presence and relative abundance of disturbance indicator species was the primary criterion used to assess the upland plant communities.

During the field inventory a search was made for plant species having special status. The adjacent Chiwaukee Prairie is a state Scientific Preservation Area with known presence of endangered and threatened plant species as well as species on the "watch" list. Obviously, a single day's search in early September is not sufficient to determine

whether or not these species occur on the subject land; additional surveys throughout the growing season would be required for this.

3.0 RESULTS

The results of the investigations are presented in terms of findings on wetlands and uplands individually.

3.1 Wetlands

Figure 1 presents the delineation of wetlands as identified by IEP's field investigations. In the southern parcel of land, roughly 700 feet x 400 feet, a wetland community was identified just north of center. This is a relatively small pocket, roughly 120 feet long by 55 feet wide on average. The wetland is dominated by tussock sedge (Carex stricta), with blue-joint grass (Calamagrostis canadensis), marsh fern (Thelypteris palustris), sensitive fern (Onoclea sensibilis), swamp milkweed (Asclepias incarnata), blue flag (Iris versicolor) and silky dogwood (Cornus amomum) as key indicators of this area as wetland.

Wetland soils are present in this basin in the form of dark black sapric (well-decomposed) organics 17 inches thick overlying a gray sand. Towards the wetland edges, as delineated, poorly drained mineral soils are found. The transition to moderately well-drained soils outside of the wetland is noted in the plant community by decreases in abundance or complete disappearance of blue-joint grass, marsh fern, purple meadow rue (Thalictrum dasycarpus), blue flag and swamp milkweed, and increases in the numbers of raspberry (Rubus idaeus strigosus) and goldenrods (Solidago gigantea, S. graminifolia). Soils outside of the wetland area typically contained a surface horizon 7-10 inches thick of dark gray-brown to black loamy sand over a non-stratified light-brown medium to coarse sand. Mottling in the soil was typically encountered from 18 to 20 inches below the surface, indicating the seasonal high water table in the upland areas.

The wetland in the southern parcel is isolated in terms of surface water flow. On September 1, 1984, free water was encountered 21 inches below ground surface in the wetland. Maximum water depth in the wetland is probably about 12 inches. Recent plowing in the area just southwest of the wetland may have covered signs of ephemeral surface water; however, soil test pits in this area revealed no buried soils with hydric

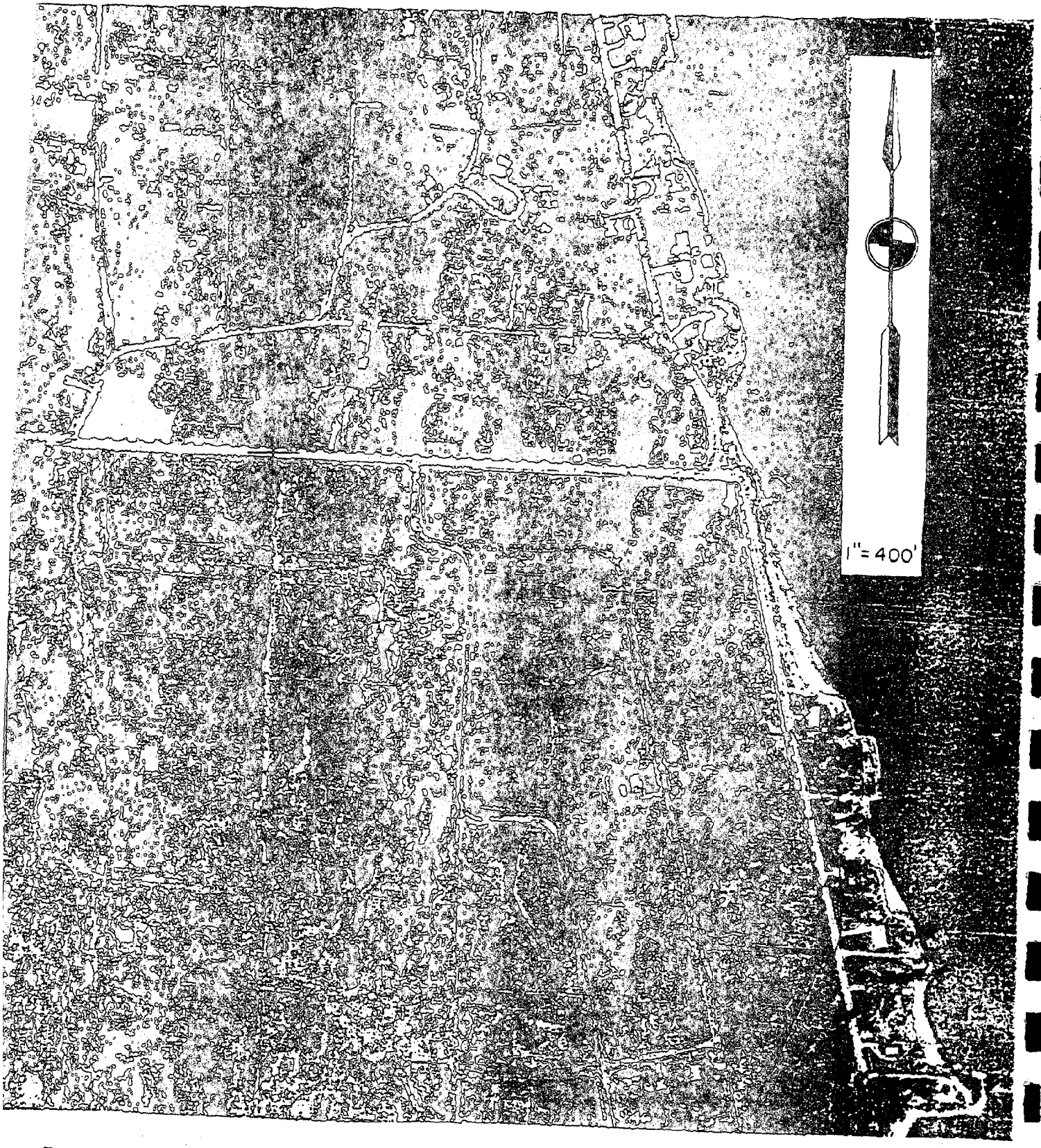


FIGURE 1. Study Areas and Wetlands

----- Study Area Boundaries

▭ Wetlands as Determined by IEP Field Investigators

conditions.

In the central parcel of land investigated (Figure 1), wetland communities exist on both the west and east sides. In the eastern section, wetland shrubs (Salix spp., Cornus stolonifera) are present near 116th Street, while herbaceous vegetation indicative of wet meadows or low prairies extends south into the lot. Joe-pye-weed (Eupatorium maculatum), boneset (E. perfoliatum), blue-joint grass and marsh fern are principal indicators. The wetland to the west of this (Figure 1) is dominated by shrubs. Between these two wetland areas, big bluestem (Andropogon gerardi), bluegrass (Poa compressa), blazing star (Liatris aspera), swtchgrass (Panicum virgatum), and pasture rose (Rosa carolina), along with moderately well-drained soils, indicate upland conditions.

Similar conditions are found on the north side of 116th Street, with a number of wetland communities varying in width from 50 to 200 feet extending from 116th Street to the north (Figure 1). A full description of each area is beyond the scope of this report.

3.2 Uplands

As stated earlier, portions of the site not meeting the statutory definition of wetland (i.e., uplands) were examined through plant species composition to assess their status as prairie. Given the absence of any statutory definition of prairie that we have encountered, we reference Curtis' (1959:262) definition where a prairie is defined as:

> ...an open area covered by low-growing plants, dominated by grasslike species of which at least one-half are true grasses, and with less than one mature tree per acre.

In practical terms, it is recognized that prairies are identified both by the presence of indicator species (e.g., Andropogon gerardi) and by the absence of disturbance species (e.g., Poa compressa). Again, given the lack of any firm guidelines, we offer the following assessment of the upland plant communities on the parcels investigated.

The southern-most portion of the land studied, roughly 500 feet by 400 feet, consists largely of land either recently plowed or planted. Planted species include arborvitae (Thuja occidentalis), and pear (Pyrus sp.) trees. A portion of the land is a mowed lawn. Amidst the plowed land some

prairie vegetation could be identified along with many non-prairie species. This area obviously could not be classified within any of Curtis' (1959) plant communities on the date of our field investigations due to its disturbed nature.

The 200 foot by 400 foot section immediately north of here had not been recently plowed. Table 1 lists the estimated relative abundance of the identified plant species on the upland portion of this area as well as on the other upland areas examined. Many of the listed species are considered indicative of prairie: the bluestem grasses (Andropogon gerardi, Schizackyrium scoparium), sloughgrass (Spartina pectinata), blazing star (Liatris sp.), blue-joint grass, and culver's root (Veronicastrum virginicum). Others are clearly disturbance species in terms of indicating that the land is not virgin prairie but has been influenced by past land-use practices of man: Canada bluegrass (Poa compressa), red raspberry (Rubus idaeus strigosus), buckthorn (Rhamnus frangula), quack grass (Agropyron repens), and meadow fescue (Festuca elatior). The presence of these species through most of the upland areas investigated makes classification of these lands as "virgin prairie" tenuous. In addition, the presence of elevated cart-paths extending through portions of the land is clear evidence of past disturbance.

There are sections of land with a greater relative abundance of prairie indicators and fewer disturbance indicators. Within the areas studied however, it would take extremely detailed mapping to designate their locations with any meaning. Prior to any such effort, specific criteria should be developed by regulatory agencies defining and documenting what is to be considered as prairie worthy of preservation--and why--and to what level of mapping detail should such areas be delineated.

Table 1. Relative Abundance of Plant Species on the Upland Portions of the Land Investigated.

Scientific Name	Common Name	Occurrence[1]
Helianthus giganteus	Giant Sunflower	O
Poa compressa	Canada Bluegrass	C
Asclepias syrica	Common Milkweed	C
Schizackyrium scoparium	Little Bluestem	O
Verbascum thapsus	Common Mullen	O
Allium cernuum	Nodding Wild Onion	O
Ambrosia artemisiifolia	Common Ragweed	O
Andropogon gerardi	Big Bluestem	C
Achillea millefolium	Yarrow	C
Linaria vulgaris	Butter and Eggs	O
Liatris aspera	Rough Blazing Star	C
Equisetum hyemale	Scouring Rush	O
Solidago nemoralis	Gray Goldenrod	O
Rhamnus frangula	European Buckthorn	O
Spartina pectinata	Fresh-Water Cord-Grass	O
Rubus idaeus strigosus	Red Raspberry	C
Cirsium arvense	Canada Thistle	C
Convolvulus sepium	Hedge Bindweed	O
Solidago canadensis	Tall Goldenrod	C
Rosa carolina	Wild Rose	C
Crataegus sp.	Hawthorn	O

Scientific Name	Common Name	Occurrence[1]
Thalictrum dasycarpus	Purple Meadow Rue	C
Calamagrostis canadensis	Blue Joint Grass	O
Physalis virginiana	Lance-Leaved Ground Cherry	O
Solidago gigantea	Late Goldenrod	C
Sorghastrum nutans	Indian Grass	O
Sium suave	Water Parsnip	O
Pycnanthemum virginianum	Common Mountain Mint	O
Spiraea alba	Meadow Sweet	O
Panicum virgatum	Switchgrass	O
Solidago graminifolia	Lance-Leaved Goldenrod	C
Galium boreale	Northern Bedstraw	O
Lithospermum canescens	Hoary Puccoon	O
Fragaria virginiana	Wild Strawberry	O
Veronicastrum virginicum	Culver's-Root	O
Prunus serotina	Black Cherry	O
Festuca elatior	Meadow Fescue	O
Rudbeckia hirta	Black-Eyed Susan	O
Physostegia virginiana	False Dragonhead	O
Populus deltoides	Common Cottonwood	O
Vernonia fasciculata	Western Ironweed	O
Rhamnus cathartica	Common Buckthorn	O
Cornus amomum	Silky Dogwood	O
Potentilla simplex	Common Cinquefoil	O

Scientific Name	Common Name	Occurrence[1]
Lycopus americanus	Cut-Leaved Water-Horehound	0
Solanum dulcamara	Nightshade	0
Juncus balticus	Rush	0
Fraxinus sp.	Ash	0
Asclepias incarnata	Swamp Milkweed	0
Hypericum kalmianum	Kalm's St. John's Wort	0
Hieracium sp.	Hawkweed	0
Asparagus officinalis	Asparagus	0
Asclepias verticillata	Whorled Milkweed	0
Agropyron repens	Quack Grass	0

[1] See Text

EXHIBIT 2

FLORAL AND WETLANDS STUDY FOR
THE PROPOSED TRIDENT MARINA
DEVELOPMENT AREA

prepared by: Warzyn
IEP

WARZYN
ENGINEERING INC

Engineers & Scientists • Environmental • Geological • Civil • Structural • Geotechnical • Chemical/Materials Testing • Soil Borings • Surveying

1409 EMIL STREET, P.O. BOX 9538, MADISON, WIS. 53715 • TEL. (608) 257-4848 WIS. TOLL FREE NO. 800-362-8006

July 20, 1984
C 11128

Mr. Donald Conley, Esq.
McDermott, Will and Emery
111 W. Monroe
Chicago, IL

Re: Floral and Wetlands Study for the Proposed Trident Marina Development Area

Dear Mr. Conley:

Enclosed herewith is a copy of the subject study as prepared by Warren Mueller, IEP Inc., Consulting Environmental Scientists.

A supplemental investigation is scheduled to be performed at the site on Tuesday, July 24. At that time, an attempt will be made to identify endangered, threatened or watched species which may not have been evident at the time of the initial survey. You are hereby invited, if you desire, to attend the site inspection. Warren Mueller and Steve Wittmann, of IEP and Warzyn, respectively, plan to meet at 10:00 a.m. at the pond location near the north end of the site, just off 122nd Street.

During the course of the performance of the botanical study, observations were made of certain species of wildlife. No endangered or threatened species were noted. While these observations do not constitute a detailed study, they are repeated herein for your information. The observed species are:

Common Name	Scientific Name
Woodchuck	Marmota monax
White-Tailed Deer (Tracks)	Odocoileus virginianus
Ring-Necked Pheasant	Phasianus colchicus
Killdeer	Charadrius vociferous
Red Winged Blackbird	Agelaius phoeniceus
Yellow Warbler	Dendroica petechia
Ruffed Grouse	Bonasa umbellus
Eastern Garter Snake	Thamnophis sirtalis
Bluegill Sunfish	Lepomis macrochirus

This report and similar letters are being distributed to the various governmental agencies involved in the project.

If you have any questions concerning this matter, please do not hesitate to contact me.

Yours very truly,

WARZYN ENGINEERING INC.

Robert W. Trefz /SGW

Robert W. Trefz, P.E.
Principal

RWT/dkp
[dkp-197-24]

Encl: Total Distribution of Various Letters and Enclosures
List of Addresses

cc: Mr. Jim Potter - Potter, Lawson and Pawlowsky (w/encl)
Mr. Robert Smith, Esquire - Wickwire, Gavin and Gibbs, P.C. (w/encl)

WARZYN
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RWT/dkp
[dkp-197-25]

WARZYN
ENGINEERING INC

A FLORAL AND WETLANDS STUDY FOR THE PROPOSED TRIDENT MARINA DEVELOPMENT AREA

Prepared for Warzyn Engineering Company

by

IEP Inc.
S22 W22660 Broadway
Suite 3C
Waukesha, WI 53186

July 1984

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1.0 INTRODUCTION

IEP Inc. was contracted by Warzyn Engineering Inc. to provide a botanical survey of approximately 48 acres of land proposed for development in the southeastern corner of the Town of Pleasant Prarie, Kenosha County, Wisconsin (Figure 1). The Study area is bounded by a drainage ditch and wetland to the west, 122nd Street to the north, Sunset Drive to the east and the Wisconsin - Illinois State line to the south. The study area was once a golf course and contains numerous man-made water and sand depressions. The proposed development is immediately east of Chiwaukee Prarie which is a state Scientific Preservation Area that contains protected plant species (Table 1).

Surface water run-off from the site flows south and then southeast or east to Lake Michigan via two drainage ditches (Figure 1). Preliminary soil boring data collected during April 1984 by Warzyn Engineering Company at three locations show the soils to be mainly fine to medium sand with occasional horizons of fill and organic silt with traces of clay and gravel (Appendix A). Groundwater was found between 2.6 and 4.0 feet below the surface. Groundwater elevation data are preliminary and so seasonal changes and direction of flow are presently unknown. It is assumed that the net movement of groundwater in the study area is towards Lake Michigan.

The purpose of this report is to provide information on the presence or potential for special status plant species and to determine the extent and significance of wetland areas. This data is needed as part of the environmental review process to obtain a Federal 404 permit.

Table 1

WISCONSIN ENDANGERED, THREATENED, AND RARE
PLANT SPECIES PRESENT IN THE
CHIWAUKEE PRAIRIE-CAROL BEACH STUDY AREA

ENDANGERED PLANT SPECIES

Fimbristylis puberula--Chestnut sedge

Phlox glaberrima--Smooth phlox

Polygala incarnata--Pink milkwort

THREATENED PLANT SPECIES

Habinaria (Platanthera) leucophaea[1]--Prairie white-fringed orchid

Tofieldia glutinosa--False asphodel

WATCH LIST PLANT SPECIES
PENDING DESIGNATION AS AN ENDANGERED OR THREATENED SPECIES

Asclepias purpurascens[2]--Purple milkweed

Gerardia skinneriana[2]--Pale false foxglove

Cacalia tuberosa[3]--Prairie indian plantain

Calamovilfa longifolia[3]--Sand reed

Gerardia gattingeri[3]--Round-stemmed false foxglove

WATCH LIST PLANT SPECIES[4]

Carex crawei--Sedge

Carex richardsonii--Sedge

Coreopsis lanceolata--Sand coreopsis

Liatris spicata--Spiked blazing star

Satureja akansana--Low calamint

Scleria triglomerata--Tall nut-rush

Scleria verticillata--Low nut-rush

Solidago ohioensis--Ohio goldenrod

NOTE: Two additional threatened species--Asclepias sullivantii (Prairie milkweed) and Cypripedium candidum (White lady's-slipper orchid)--have also been reported from the study area; but these reports are unconfirmed.

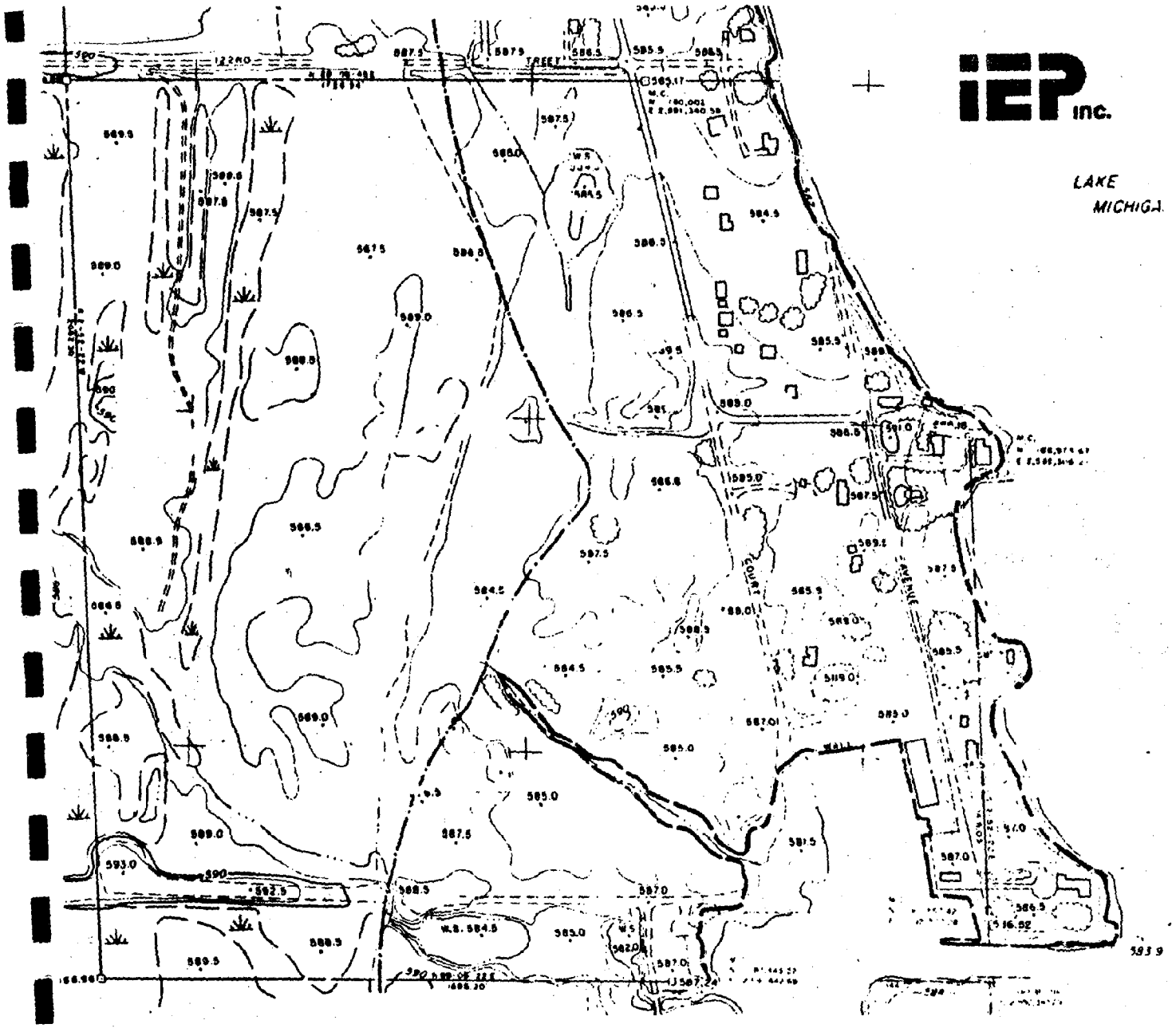
[1]Plant species presently under review by the U.S. Fish and Wildlife Service for listing as a Federal Threatened Species.

[2]Proposed for listing as a Wisconsin endangered plant species.

[3]Proposed for listing as a Wisconsin threatened plant species.

[4]Watch list plant species were identified using the DNR Technical Bulletin No. 92, "Endangered and Threatened Vascular Plants in Wisconsin," by Robert H. Read, 1976.

Source: WDNR and SEWRPC



NOTES

1. TOPOGRAPHIC INFORMATION SHOWN WAS OBTAINED FROM KENOSHA COUNTY AERIAL PHOTOGRAMMETRIC MAP OF SECTION 32, T1N, R22E, DATED FEBRUARY, 1981. VERTICAL DATUM IS U.S.G.S. DATUM, 1929 ADJUSTMENT.

LEGEND

- SHORELAND BOUNDARY
- 100-YR FLOOD INUNDATION

NO	BY	DATE	REVISION	APPD

TRIDENT MARINA
KENOSHA WISCONSIN

WARZYN	DRAWN MAS	SCALE 1" = 200'	SHEET OF
	CHECKED	DATE	DRAWING NO C11128-2
	APPROVED		
	REFERENCE		PRINTED

Figure 1

2.0 METHODOLOGY

Field surveys were conducted by IEP during June 18 - 20, 1984. The site was traversed in east/west transects that were about 30 feet apart to search for special status species and define the plant communities. The relative abundance of each species was rated as dominant, common, or occasional where:

Dominant - abundant or highest density species
Common - species with densities such that they are generally easily found but are less than abundant
Occasional - species that are locally abundant and tend to have a contagious distribution or are sparce and have a low frequency of occurance

Wetland boundaries were mapped on a 1:400 aereal photograph of the site using floral composition and surface soil samples to identify wetland edges. Wetlands were considered continguous based on a surface water connection and the continuity of wetland species uninterrupted by roads or natural topographic features. Twenty-six soil borings between two to three feet deep were made with a shovel. A six foot long and one-half inch diameter metal rod was used to probe the thickness of the organic horizon.

A Wetland Inventory Form (Table 2) was completed for each wetland and used in conjunction with functional values models based on NR 1.95 requirements (Normandeau and IEP 1982). According to NR 1.95 "Wetlands are these areas characterized by surface water or saturated soils at least part of the growing season such that moist soil vegetation or shallow water plants can thrive." This definition recognizes the classification of wetlands based on the affinity of plant species for moisture and includes five classes: 1) obligate wetland species which require saturated ground for at least some portion of the growing season, 2) facultative wetland species which are typically found in wetland, but occasionally occur in uplands, 3) facultative plant species which are found with equal frequency in both uplands and wetlands, 4) facultative upland species which are most often found in uplands but occasionally are in wetlands and 5) obligate upland species or plants restricted to uplands (U. S. Fish and Wildlife Service 1981). Areas identified as wetland within the project area are those where the plant community is composed primarily of obligate or facultative wetland species or if composed primarily of facultative species, contain hydric soils.

TABLE 2

iEP inc.

WETLAND INVENTORY REPORT

PROJECT NUMBER _____

WETLAND NUMBER _____

FLIGHT, PHOTO NUMBER(S) _____

_____

MAP NUMBER(S) _____

_____

ACREAGE _____

ACREAGE	PERCENT	
		WET MEADOW
		SHALLOW MARSH
		DEEP MARSH
		SHRUB SWAMP
		WOODED SWAMP
		BOG
		OTHER _____
		TOTAL

	unus	rare	end

	unus	rare	end

Wetland Gradient
- ☐ Slight 0-3%
- ☐ Steep 3%

Surrounding Slopes
- ☐ Slight 0-3%
- ☐ Steep 3%

Topographic Position in Watershed
- ☐ Upper
- ☐ Intermediate
- ☐ Lower

Geological Elements

Surficial Material
- ☐ Till
- ☐ Stratified Sand and Gravel
- ☐ Stratified Fine Sand and Silt
- ☐ Alluvium

Bedrock
- ☐ Igneous and Metamorphic
- ☐ Sedimentary

Organic Material
- ☐ Absent
- ☐ High Permeability
- ☐ Low Permeability

Hydrological Elements

Hydrologic Position
- ☐ Perched Wetland
- ☐ Water Table Wetland
- ☐ Water Table/Artesian Wetland
- ☐ Artesian Wetland

Transmissivity of Aquifer
- ☐ Low <10,000 gal/day/ft
- ☐ Moderate 10,000 - 40,000 gal/day/f
- ☐ High >40,000 gal/day/ft

Dominant Hydrologic Type
- ☐ Condition 1
- ☐ Condition 2
- ☐ Condition 3
- ☐ Condition 4
- ☐ Condition 5
- ☐ Condition 6

Hydrologic Connection
- ☐ Not Part of Riparian System
- ☐ Part of Riparian System

Water Level Fluctuation
- ☐ High
- ☐ Low
- ☐ Vernal Pool

Groundwater Outflow
- ☐ Absent
- ☐ Present

Inlet
- ☐ Absent
- ☐ Present, from wetland ___
- ☐ Perennial
- ☐ Ephemeral

Inlet
- ☐ Absent
- ☐ Present, from wetland ___
- ☐ Perennial
- ☐ Ephemeral

Inlet
- ☐ Absent
- ☐ Present, from wetland ___
- ☐ Perennial
- ☐ Ephemeral

Inlet
- ☐ Absent
- ☐ Present, from wetland ___
- ☐ Perennial
- ☐ Ephemeral

Size
- ☐ Large >4.6 acres
- ☐ Medium 1.1-4.5
- ☐ Small <1 acre

Surficial Geologic Material of watershed
- ☐ Till
- ☐ Stratified sand and gravel
- ☐ Stratified fine sand and silt
- ☐ Alluvium

Percent Wetland Bordering Open Water
- ☐ <33%
- ☐ 34-66%
- ☐ 67-100%
- ☐ Does not border

Legal Access
- ☐ Yes
- ☐ No

Fetch
- ☐ Over 2000 ft.
- ☐ Under 2000 ft.

Depth of Lake
- ☐ Deep >6 ft.
- ☐ Shallow <6 ft.

Social-economical Elements

Hydrologic Connection
- ☐ Connected to a Small Stream
- ☐ Connected to a River
- ☐ Connected to a Lake
- ☐ Connected to a Combination

Access to Public
- ☐ Within 100 ft of Road
- ☐ Access by Passable Waterway
- ☐ Isolated

Surrounding Population Density
- ☐ <1 person/acre (<320/mi²)
- ☐ 0.5 - 1.9 p/a (430-1220/mi²)
- ☐ >2 p/a (>1220/mi²)

Local Scarcity
- ☐ <200 ft to nearest similar type
- ☐ 201 to 1000 ft to nearest similar type
- ☐ >1000 ft to nearest similar type

Known Crop Value or Potential
- ☐ None
- ☐ Supports 1 family for part of year
- ☐ Completely supports 1 family
- ☐ Supports viable commercial interest

Inlet
- ☐ Absent
- ☐ Present, from wetland ___
- ☐ Perennial
- ☐ Ephemeral

Inlet
- ☐ Absent
- ☐ Present, from wetland ___
- ☐ Perennial
- ☐ Ephemeral

Outlet
- ☐ Absent
- ☐ Present, to wetland ___
- ☐ Perennial
- ☐ Ephemeral

Outlet
- ☐ Absent
- ☐ Present, to wetland ___
- ☐ Perennial
- ☐ Ephemeral

The wetlands in the study area were classified using the Wisconsin Wetland Classification System (Wisconsin Department of Natural Resources 1982). This system is a modification of the U. S. Fish and Wildlife Services national classification of wetlands and deep water habitats (Cowardin et al. 1979). There are seven classes defined in the Wisconsin system: Aquatic Bed, Moss, Emergent/Wet Meadow, Scrub/Shrub, Forested, Open Water and Flat/Unvegetated Wet Soil. Aquatic Bed, Emergent/Wet Meadow, Scrub/Shrub, Forested and Open Water were found in the study area.

3.0 RESULTS

The results of these investigations are organized into three sections: 1) qualitative descriptions of the plant communities and surface soils on the site, 2) assessment of wetland values and 3) regional context evaluation.

3.1 Plant Communities and Surface Soils

A total of nine wetland communities were identified in the study area (Figure 2). These wetlands ranged in size from 0.04 to 21.70 acres and comprised a total of 23.07 acres or about 48 percent of the study area. The largest wetland system, designated as W1, comprises 94 percent of the total wetland area and consists of open water, shallow fresh marsh, shrub and wooded swamp and sedge/grass meadows associated with the drainage system that traverses the site. This system receives surface run-off mainly from undeveloped wetlands and fields to the north and west of the study area and drains into the present marina via two drainage ditches. The surface water has a dark brown color due to humic acids leached from the organic layers of wetlands in the watershed.

Myriophyllum or water milfoil and *Chara* (muskgrass) are the most abundant plants visible in the open water areas of the three ponds in wetland W1. The shallow fringes of the ponds have a species composition similar to the shallow fresh marsh areas in the drainage ditches but the pond fringes are generally not as diverse or dense in plant species versus the drainage ditches. *Carex stricta*, *Scirpus validus*, species of spike rush (*Eleocharis*) and cattails (*Typha latifolia*) are among the prevalent species in the ditch community. Species of willow (*Salix*) are also common along the ditch margins and occasionally the ditch is enveloped in willow thickets consisting principally of the sandbar willow (*Salix interior*). These thickets represent the shrub swamp community areas and include red osier dogwood (*Cornus stolonifera*) and the horsetail rush (*Equisetum arvense*) as common associates. There are two wooded swamp areas on the site where willow saplings have grown to over four inches in diameter at breast height and are classified as trees (Figure 2). The rue anemone (*Anemonella thalactroides*) is a prevalent understory species. The shallow fresh marsh at the extreme southwest corner of the study area has relatively high species richness. *Phragmites maximus*, *C. stricta*, *S. validus*, *Solidago* spp., *Sparganium eurycarpum* and *Heterantha limosa* are among the most common species.

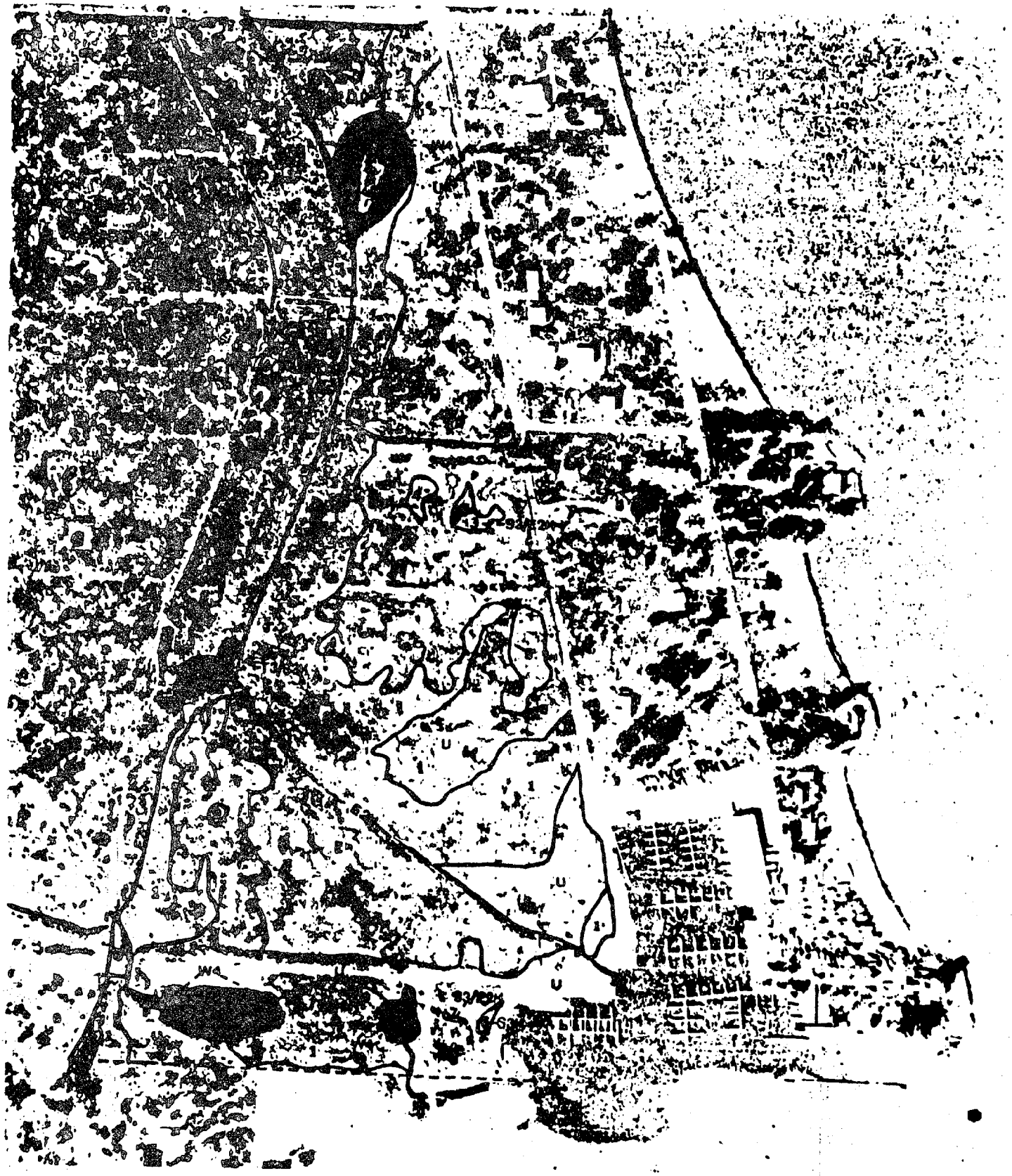


Figure 2 Wetland Map showing numbered wetlands. All wetland areas are mainly E2K unless otherwise shown.

The sedge/grass meadows comprise most of the acreage of W1 with C. stricta, Calamagrostis canadensis and species of goldenrod(Solidago) some of the dominant species. Purple meadow rue (Thalictrum dasycarpum) is a common species growing along the wetland edge. There are also occasional thickets of red raspberry (Rubus idaeus strigosus) in the wetland meadows but these thickets are most prevalent along the field edges bordering wetland areas.

W2 is a small (0.142 acre) depression that appears to have been formed as a water trap of the former golf course (Figure 2). It is a shallow fresh marsh community with C. stricta and S. validus the dominant species and E. compressa, C. stolonifera and horsetail (E. hymale) among the common associates.

W3 and W4 are also small and isolated wetlands in depressions that may have formerly been created as golf course hazards (Figure 2). Wetland W4 is a meadow community that is 0.171 acres in size. Silverweed (Potentilla anserina), species of goldenrod and blue joint grass are characteristic of this wetland. Wetland W3 is 0.143 acres and has a mixture of shrub swamp and meadow areas. The large pussy willow (S. discolor), sensitive fern (Onoclea sensibilis), sedges, horsetail rushes and blue joint grass are the most abundant associates.

W5 is a sedge meadow that is about 0.72 acres in size with species of Carex, silverweed and goldenrod the most abundant plants. W6 is a 0.084 acre willow shrub swamp wetland west of the marina (Figure 2). Recent grading and filling of the area to the east of this site has resulted in some visible disturbance to this wetland. Sandbar and the large pussy willow, silverweed, horestail rushes and canary grass are prevalent species.

Wetlands W7 through W9 are all less then 0.05 acres in size. W7 is a narrow and isolated gully that is characterized by C. stricta, meadow rue, sandbar willow and blue joint grass. W8 consists of shallow fresh marsh and meadow communities in a depression and swale. Cattails, horestail rushes, goldenrod and blue joint grass are the common plants found. W9 is a small grass meadow consisting primarily of blue joint grass and goldenrod (Figure 2). A more detailed summary of the species composition and relative abundance of the wetland communities is presented in Appendix B.

The upland areas of the site consist of open fields interspersed with willow/raspberry thickets and scattered/clustered black oak (Quercus velutina) and cottonwood (Populus deltoides) trees. Grasses and forbes dominant in the open field areas include: Bluegrass (Poa compressa), meadow fescue (Festuca elatior), goldenrod, common milkweed (Asclepias syriaca), sheep sorrel (Rumex acetosella), brome grass, showy tick trefoil (Desmodium canadense) and probably little blue stem (Andropogon scoparius). A list of the plant species identified in the study along with their habitat preferences based on field observations and the literature is presented in Appendix C.

No endangered, threatened or watch status plant species were observed in the study area during this floral survey. A total of seven rare and endangered species and thirteen watch status species have been reported from the Chiwaukee Praire and Carol Beach Areas (Table 1). Additional plant surveys have been recommended for special status species since many of them are inconspicuous until they flower (Thomas Glatzel and Steve Aggers personal communication). The flowering or expected period when the endangered and threatened species may be observed is listed below:

Species	Optimum Observation
Fimbristylis puberula[1]	July - October
Phlox glaberrima[2]	May - June
Polygala incarnata[2]	June - November
Plantanthera leucophaea[1]	July - August
Tofieldia glutinosa[3]	July
Asclepias sullivantii[2]	June - July
Cypripedium candidum[2]	May - July

References: 1 = Brynildson (1982); 2 = Peterson & McKenny (1968); 3 = Gleson & Cronquist (1963).

Rare and threatened fauna have also been reported from the Chiwaukee Praire Area and would require field surveys to determine their actual or probable occurrance. Smooth phlox (Phlox glaberrima) was found growing in a field about one-half mile north of the study area. It probably does not occur on the study site since this field survey was conducted during its flowering period. The remaining endangered and threatened species have habitat preferences that may allow them to be present in the study area and future field checks should be made for their occurrance. The largest known population of the white fringed orchid (P. leucophaea) near Lake Michigan occurs in the Chiwaukee Praire Area (Merlin Bowles personal communication).

Twenty-six soil auger holes and peat probes were made in the study area to assist in defining wetland boundaries (Figure 3). In general, wetland surface soils had one to six feet of black, sapric peat over fine sand which occasionally had rust brown mottling and a sandy-clay underlying layer in some southern portions of the site. Upland sites had zero to one foot of black sapric peat intermixed with fine sand over fine light brown sand (Table 2).

3.2 Wetland Values Assessment

IEP evaluated ten functions of wetlands mentioned in NR 1.95 (Table 3). The significance of each wetland function was determined using models developed by IEP and Normandeau (1982). A wetland function was considered significant if it had model values that approached or exceeded the model means. Thus, these models evaluate each function and describe the results in terms of above or below average value. Those wetlands with below average value are considered to be less important versus above average functional wetlands.

There is presently no generally accepted method for evaluating peotected wetland functions. Previous qualitative and semi-quantitative models have been developed by Adamus and Stockwell (1982), Golet (1979), Peppert and Sigleo (1979) and others. The WDNR (1983) is currently developing a computerized modeling system to evaluate protected wetland functions. The modeling system developed by IEP is based on previous models, published literature and professional experience.

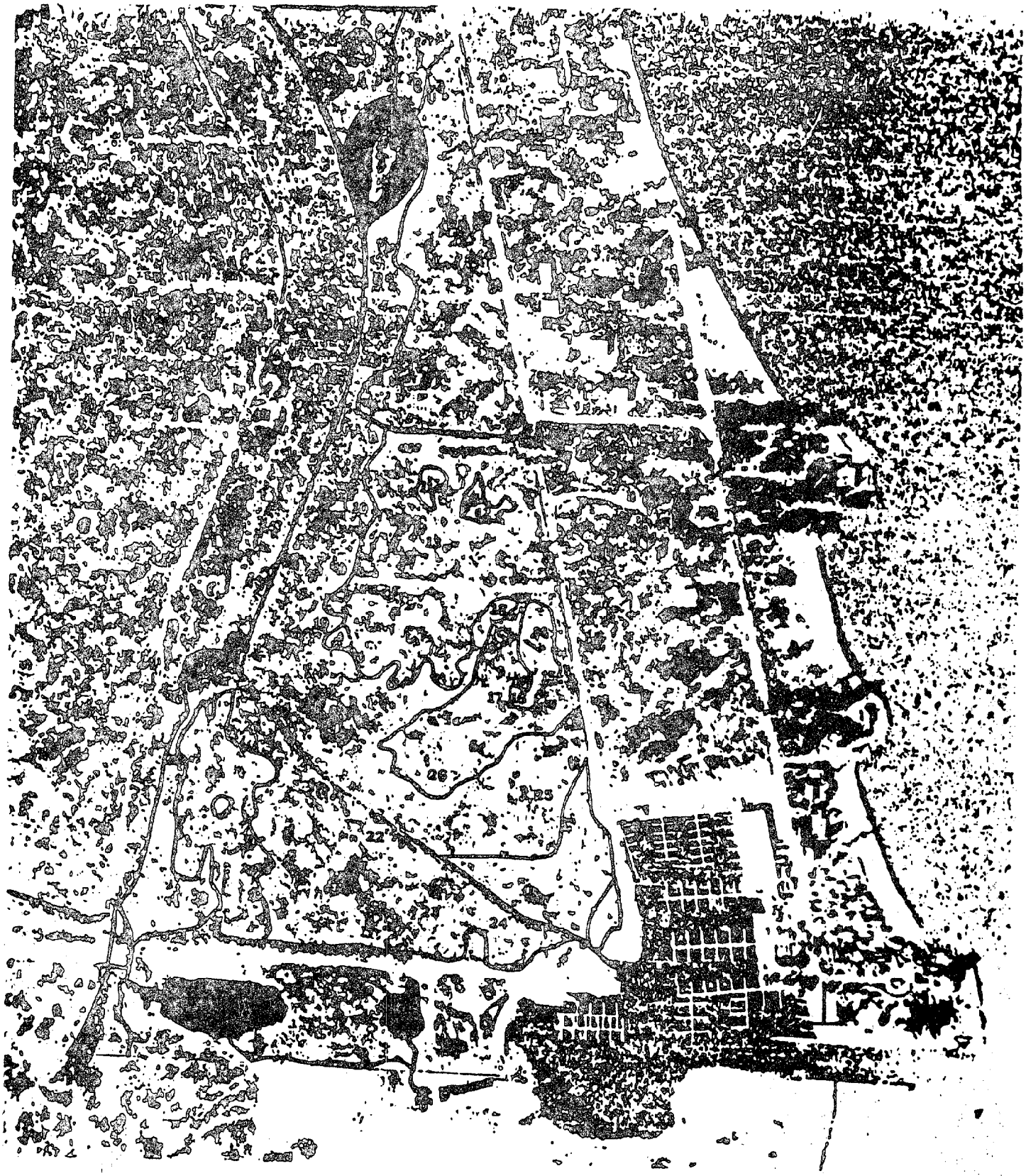


Figure 3 Surface Soil Test Hole Locations.

Table 2 Summary of surface soil profile data collected in the study area.

Station	Depth (ft.)	Description	Habitat
1	6.0[1]	Black, sapric peat	W1
2	3.0	Black, sapric peat GW lateral seepage at 2 ft.	W1
3	0.5 2.0	Black, sapric peat Fine brown sand	Field
4	1.0 2.0	Black, sapric peat w. fine sand intermixed Fine lt. brown sand	Field
5	0.5 2.0	Black, sapric peat w. fine sand intermixed Fine lt. brown sand	Field
6	2.0	Brown, fine sand mixed w. black, sapric peat	Field
7	0.5	Black, sandy topsoil over fine, black sand	Field
8	1.0 2.0	Black, sapric peat w. fine sand intermixed Fine gray sand. GW Seepage at 2 ft. depth	W1
9	6.0[1]	Black, sapric peat	W1
10	0.8 1.2	Black, sapric peat w. fine sand intermixed Lt. brown, fine sand	W1
11	0.8 1.2	Black, sapric peat w. fine sand intermixed Lt. brown, fine sand	W4
12	0.8 1.2	Black, sapric peat w. fine sand intermixed Lt. brown, fine sand	W3

Station	Depth (ft.)	Description	Habitat
13	0.8	Black, sapric peat w. fine sand intermixed	Field
	1.2	Lt. brown, fine sand	
14	0.8	Black, sapric peat	W5
	0.2	Gray sandy clay w. rust brown mottles	
	1.0	Gray sandy clay	
15	0.7	Black, sapric peat	Field
	1.3	Lt. brown, fine sand	
16	1.5	Black, sapric peat	W5
	1.0	Fine, gray sand w. rust brown mottles GW seepage at 2.5 ft.	
17	0.7	Black, sapric & sandy peat	Field
	1.3	Lt. brown, fine sand	
18	0.8	Black, sapric & sandy peat	W1
	1.2	Lt. brown fine sand w. rust brown mottles	
19	1.0	Black, sapric & sandy peat	W1
	1.0	Lt. brown, fine sand w. rust mottles	
20	1.5	Black, sapric peat	W1
	1.0	Fine gray sand w. rust mottles	
21	1.0	Black, sapric & sandy peat	W1
	1.0	Fine brown/gray sand	
22	1.0	Black, sapric peat, Lt. brown sand w. slight rust brown mottles	W1
23	1.5	Black, sapric peat	W1
	0.5	Fine gray sand w. mottles	

Station	Depth (ft.)	Description	Habitat
24	1.0	Black, sapric & sandy peat	W1
	0.2	Gray sandy clay	
	0.8	Lt. brown fine sand w. rust mottles	
25	1.0	Black, sapric peat	W1
	0.5	Gray sandy clay	
	0.5	Lt. brown, fine sand w. rust mottles	
26	0.5	Black, sapric peat	Field
	1.5	Lt. brown fine sand	

[1]Note: Depth of peat using probe greater than six feet.

The features of wetlands that largely determine their biological value include dominant wetland class, the number of different classes and their interspersion, wetland size and juxtaposition with respect to other wetland or aquatic systems, and the nature of the surrounding habitat. The combined influence of these factors indicate that Wetland 1 is the only system that has above average biological value (Table 3). This wetland contains ponds, shallow fresh marsh, shrub and wooded swamp as well as wet meadow that have relatively high vegetative density and structural diversity. The population density and diversity of wildlife have been demonstrated to be related to the length and different kinds of edge (i. e. the number of plant communities and their interspersion; Weller and Spatcher 1965). Weltand 1 has good structural diversity and its juxtaposition with respect to the Chiwaukee Praire enhances its biological value. The remaining wetlands have size limitations (Wetland 2, 3, 4, 6, 7, and 8) or have low interspersion and structural diversity (Wetland 6) that limit their biological value. The biological value of these wetlands is largely related to their contribution to the diversity and edge of the surrounding field habitat.

The water resource values specified in NR 1.95 include hydrologic support, groundwater, storm and flood control and water quality. Wetland 1 was the only wetland that had above average value for all of these functions (Table 3). The remaining wetlands had above average values for groundwater, storm/flood and water quality. The above average values for these wetlands were related to their assumed proximity to groundwater, good vegitative density, low permeability organic soils and closed basins. All the wetlands except W1 did not have riparian connections which resulted in their low hydrologic support value. Hydrologic support value is related to the ability of a wetland to discharge surface water to downstream surface waterbodies, streams, lakes and other vegetated wetland, while maintaining the chemical and physical intergrity of downstream aquatic ecosystems. Location, size, extent of surface water connections , water chemistry, velocity, water depth and fluctuation patterns are some of the important functional elements.

W1 had average shoreline erosion protection value due to the generally high density of plants in the drainage channels which reduce water flow rates and erosive energy.

Table 3 Summary of wetland functional values for the nine wetlands identified in the study area.

Wetland Function	Wetland 1	2	3	4	5	6	7	8	9	Model Mean	Model Range
Biological	101	77	66	55	58	65	71	56	58	93	29-158
Hydrological	62	8	8	8	8	8	8	8	8	36	6- 76
Groundwater	54	45	45	45	45	45	45	45	45	44	20- 76
Storm/Flood	97	91	91	89	89	93	91	89	89	76	29-127
Water Quality	90	71	69	67	67	71	69	67	67	58	18-101
Shoreline Protection	13	NA	NA	NA	NA	NA	NA	NA	NA	17	3- 32
Cultural & Economic	41	33	27	19	25	29	27	25	19	36	11- 61
Recreation	38	33	19	14	18	26	23	20	14	40	10- 71
Aesthetic	35	38	22	13	22	30	26	22	16	37	9- 66
Educational	39	25	23	14	25	28	28	28	19	24	7- 42

NA - Not applicable, wetland does not border a lake or stream

W1 was the only wetland that had above average cultural/ economic, recreation, aesthetic and educational values. Other wetlands had above average aesthetic (W2) or educational (W2, 3, 5, 6, 7 and 8) values. Their functional values area largely related to wetland size and the provision of significant continguous wetland space with high plant density and structrual diversity. Aesthetic value is related to the presence of broad vistas and visual relief which are generally increased by the interspersion of open water, marsh, shrub and wooded swamp with wet meadows. Above average educational value for many of the wetlands was due to their potential accessibility via existing roads and the diversity of plant comminities in the area.

3.3 Regional Wetland Evaluation

None of the wetlands in the study area comprised more than three percent of the total similar wetlands in the region. The total area of similar (i. e. E2K) wetlands classified by the Wisconsin Department of Natural Resources Wetlands Inventory of Pleasant Prairie Township was used to define the study region and compare regional scarcity. The total project area wetland acreage was 23.07 versus 714.63 acres of E2K wetlands in the township region.

4.0 REFERENCES

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APPENDIX A

Study Area Soil Boring Logs

WARZYN ENGINEERING INC

LOG OF TEST BORING

Project: Trident Marina

Location: Kenosha, Wisconsin

Boring No. 1
Surface Elevation
Job No. C 11128
Sheet 1 of 1

1409 EMIL STREET • P.O. BOX 9536, MADISON, WIS. 53715 • TEL. (608) 257-4848

SAMPLE No.	Type	Recovery	Moisture	N	Depth	VISUAL CLASSIFICATION and Remarks	q_u	W	LL	PL	D
						Dark Brown Silty Sand FILL (ML)					
1	SS	X	M	6							
						Black Loose to Very Loose, Fine Silty SAND, Trace Clay (SM)					
2	SS	X	W	2	5						
						Light Brown to Gray Medium Dense to Dense, Fine SAND, Trace Silt (SP)					
3	SS	X	W	18							
4	SS	X	W	22	10						
						Light Brown Very Dense SILT, Little Clay, Trace Fine Sand (ML)					
5	SS	X	W	50/11"	15						
						End Boring at 15'					
					20						
					25						
					30						
					35						
					40						

WATER LEVEL OBSERVATIONS

While Drilling
Upon Completion of Drilling
Time After Drilling 1/4 hour
Depth to Water 4.0'
Depth to Cave In

GENERAL NOTES

Start 3/28/84 Complete 3/28/84
Crew Chief JR/CB Rig 550
Drilling Method FA 0-15'

WARZYN ENGINEERING INC

LOG OF TEST BORING

Project: Trident Marina

Location: Kenosha, Wisconsin

Boring No. 2

Surface Elevation

Job No. C 11128

Sheet 1 of 1

1409 EMIL STREET • P.O. BOX 9538, MADISON, WIS. 53715 • TEL. (608) 257-4848

SAMPLE No.	Type	Recovery	Moisture	N	Depth	VISUAL CLASSIFICATION and Remarks	qu	W	LL	PL	D
						Dark Brown Silty Sand FILL (ML)					
1	SS	X	M	3		*					
2	SS	X	W	8	5	Light Brown to Gray Medium Dense to Dense Fine SAND, Trace Silt (SP)					
3	SS	X	W	21							
4	SS	X	W	12	10						
5	SS	X	W	45	15	Light Brown to Gray Loose to Very Dense Fine to Coarse SAND, Trace Fine Gravel, Trace Silt (SP)					
					20	End Boring at 15'					
					25	*Black Loose Organic Fine Silty SAND (ML)					
					30						
					35						
					40						

WATER LEVEL OBSERVATIONS

While Drilling

Upon Completion of Drilling

Time After Drilling 1/4 hour

Depth to Water 3.6' Wet

Depth to Cave In

GENERAL NOTES

Start 3/28/84 Complete 3/28/84

Crew Chief JR/CB Rig 550

Drilling Method FA 0-15'

WARZYN ENGINEERING INC

LOG OF TEST BORING

Project: Trident Marina

Location: Kenosha, Wisconsin

Boring No. 3

Surface Elevation

Job No. C 11128

Sheet 1 of 1

1409 EMIL STREET • P.O. BOX 9638, MADISON, WIS. 53715 • TEL. (608) 257-4848

SAMPLE No.	Type	Recovery ↓	Moisture ↓	N	Depth	VISUAL CLASSIFICATION and Remarks	SOIL PROPERTIES qu	W	LL	PL	D
1	SS	X	M	7							
2	SS	X	W	12	5	Light Brown to Gray, Loose to Medium Dense Fine SAND, Trace Silt (SP)					
3	SS	X	W	18							
4	SS	X	W	37	10						
5	SS	X	W	41							
						End Boring at 12.5'					
					15						
					20	Well installed at a depth of 9.0'					
					25	*Dark Brown Silty Sand FILL (ML)					
					30						
					35						
					40						

WATER LEVEL OBSERVATIONS

While Drilling

Upon Completion of Drilling

Time After Drilling 1/4 hour

Depth to Water 2.1' Wet

Depth to Cave In

GENERAL NOTES

Start 3/28/84 Complete 3/28/84

Crew Chief R/CB Rig 550

Drilling Method FA 0-12.5'

APPENDIX B

Wetland Inventory Summary Forms

IEP inc.

WETLAND INVENTORY REPORT

PROJECT NUMBER 84-194
WETLAND NUMBER W1
FLIGHT, PHOTO NUMBER(S) _____

MAP NUMBER(S) _____

ACREAGE 21.697

ACREAGE	PERCENT	
11.933	55	WET MEADOW
4.339	20	SHALLOW MARSH
		DEEP MARSH
4.339	20	SHRUB SWAMP
1.085	5	WOODED SWAMP
		BOG
		OTHER _____
21.697	100	TOTAL

number W1

date 6/19-6/20/94

field investigator(s)

W. Mueller

water quality

Carex stricta (Tussock Sedge)			X
Thelypteris palustris (Marsh Fern)	X		
Salix interior (Sandbar Willow)		X	
Eupatorium maculatum (Joe Pye Weed)	X		
Iris versicolor (Blue Flag)	X		
Potentilla anserina (Silverweed)		X	
Calamagrostis canadensis (Blue Joint Grass)		X	
Cornus stolonifera (Red Osier Dogwood)		X	
Carex aquatilis (Sedge)	X		
Thalictrum dasycarpum (Purple Meadow Rue)		X	
Eupatorium perfoliatum (Boneset)	X		
Scirpus validus (Hardstem Bulrush)		X	
Solidago spp. (Goldenrod)			X
Typha latifolia (Cattail)		X	
Phragmites maximus (Reed Grass)	X		
Equisetum arvense (Common Horsetail)		X	
Populus deltoides (Cottonwood)	X		
Solanum dulcamara (Bittersweet)	X		
Solidago gigantea (Late Goldenrod)		X	
Lobelia Kalmii (Brook Lobelia)	X		
Phalaris arundinacea (Reed Canary Grass)		X	
Anemonella thalictroides (Rue Anemone)	X		
Rumex orbiculatus (Water Dock)	X		

Wetland Subclasses

- Stream or Brookside Wetland
- Open Fresh Water
  - [ ] Vegetated Subclass
  - [ ] Non Vegetated Subclass
- Deep Fresh Marsh
  - [ ] Dead Woody
  - [ ] Shrub
  - [ ] Sub-Shrub
  - [ ] Robust
  - [ ] Narrow-Leaved
  - [ ] Broad-Leaved
- Shallow Fresh Marsh
  - [x] Robust
  - [x] Narrow-Leaved
  - [x] Broad-Leaved
  - [ ] Floating-Leaved
- Flood Plain/Flats
  - [ ] Emergent
  - [ ] Shrubs and Trees
- Wet Meadow
  - [x] Ungrazed
  - [ ] Grazed
- Shrub Swamp
  - [x] Sapling
  - [ ] Bushy
  - [x] Compact
  - [ ] Aquatic
- Wooded Swamp
  - [x] Deciduous
  - [ ] Evergreen
- Bog
  - [ ] Shrub
  - [ ] Wooded

Wetland Class

- [ ] Stream or Brookside Wetland
- [ ] Open Fresh Water
- [ ] Deep Fresh Marsh
- [ ] Shallow Fresh Marsh
- [ ] Yearly Flooded Flood Plain
- [x] Wet Meadow
- [ ] Shrub Swamp
- [ ] Wooded Swamp
- [ ] Bog
- [ ] Other _____

Wetland Class Richness

- [ ] 5
- [ ] 4
- [ ] 3
- [ ] 2
- [x] 1

Subclass Richness (Lateral Diversity)

- [ ] >10
- [x] 6-9
- [ ] 4-5
- [ ] 2-3
- [ ] 1

Vegetative Interspersion

- [x] High
- [ ] Moderate
- [ ] Low

Surrounding Habitat

- [ ] 90% of 2 or more of Listed Types
- [x] 50-90% of 1 or more; 90% of 1
- [ ] <50% of 1 or more of Listed Types

Cover Type

- [ ] 26-75% Scattered
- [ ] 26-75% Peripheral
- [x] 75% or >25% Scattered
- [ ] 100% Cover; 75% or >25% Peripheral

Percent Open Water

- [x] 0-33%
- [ ] 34-66%
- [ ] 67-95%
- [ ] 96-100%

Vegetative Species Richness

- [ ] Low
- [x] Medium
- [ ] High

Proportion of Wildlife Food Plants

- [ ] Low
- [x] Moderate
- [ ] High

Vegetative Density

- [x] High
- [ ] Moderate
- [ ] Low

Wetland Juxtaposition

- [ ] Highly Favorable
- [x] Moderately Favorable
- [ ] Unfavorable

Special Elements

- [ ] Aquatic Study Area
- [ ] Sanctuary or Refuge
- [ ] Wildlife Management Area
- [ ] Fisheries Management Area
- [ ] Educational Study Area
- [ ] Historical Area
- [ ] Other _____

Topographical Elements

Topographic Configuration

- [ ] Closed Basin
- [x] Semi-closed Basin
- [ ] Valley
- [ ] Hillside

Myriophyllum sp.		X	
(Water Milfoil)			
Potamogeton pectinatus	X		
(Sago Pondweed)			
Chara sp.		X	
(Muskgrass)			
Salix discolor		X	
(Large Pussy Willow)			
Sagittaria latifolia	X		
(Common Arrowhead)			

Onoclea sensibilis	X		
(Sensitive fern)			
Convolvulus sepium	X		
(Hedge bindweed)			
Spiraea latifolia	X		
(Meadowsweet)			
Rubus idaeus strigosus		X	
(Red Raspberry)			
Rorippa islandica	X		
(Yellow Cress)			

unusual, rare, or endangered vegetation	unus	rare	end

unusual, rare, or endangered fauna	unus	rare	end

Wetland Gradient
- [x] Slight 0-3%
- [ ] Steep 3%

Surrounding Slopes
- [x] Slight 0-3%
- [ ] Steep 3%

Topographic Position in Watershed
- [ ] Upper
- [ ] Intermediate
- [x] Lower

Geological Elements

Surficial Material
- [ ] Till
- [ ] Stratified Sand and Gravel
- [x] Stratified Fine Sand and Silt
- [ ] Alluvium

Bedrock
- [ ] Igneous and Metamorphic
- [x] Sedimentary

Organic Material
- [ ] Absent
- [ ] High Permeability
- [x] Low Permeability

Hydrological Elements

Hydrologic Position
- [ ] Perched Wetland
- [x] Water Table Wetland
- [ ] Water Table/Artesian Wetland
- [ ] Artesian Wetland

Transmissivity of Aquifer
- [x] Low <10,000 gal/day/ft
- [ ] Moderate 10,000 - 40,000 gal/day/ft
- [ ] High >40,000 gal/day/ft

Dominant Hydrologic Type
- [ ] Condition 1
- [ ] Condition 2
- [ ] Condition 3
- [ ] Condition 4
- [x] Condition 5
- [ ] Condition 6

Hydrologic Connection
- [ ] Not Part of Riparian System
- [x] Part of Riparian System

Water Level Fluctuation
- [ ] High
- [x] Low
- [ ] Vernal Pool

Groundwater Outflow
- [ ] Absent
- [x] Present

Inlet
- [ ] Absent
- [x] Present, from wetland N
- [ ] Perennial
- [x] Ephemeral

Inlet
- [ ] Absent
- [x] Present, from wetland W
- [ ] Perennial
- [x] Ephemeral

Inlet
- [ ] Absent
- [ ] Present, from wetland ____
- [ ] Perennial
- [ ] Ephemeral

Size
- [x] Large >4.6 acres
- [ ] Medium 1.1-4.5
- [ ] Small <1 acre

Surficial Geologic Material of watershed
- [ ] Till
- [ ] Stratified sand and gravel
- [x] Stratified fine sand and silt
- [ ] Alluvium

Percent Wetland Bordering Open Water
- [x] <33%
- [ ] 34-66%
- [ ] 67-100%
- [ ] Does not border

Legal Access
- [ ] Yes
- [x] No

Fetch
- [ ] Over 2000 ft.
- [ ] Under 2000 ft.

Depth of Lake
- [ ] Deep >6 ft.
- [ ] Shallow <6 ft.

Social-economical Elements

Hydrologic Connection
- [x] Connected to a Small Stream
- [ ] Connected to a River
- [ ] Connected to a Lake
- [ ] Connected to a Combination

Access to Public
- [ ] Within 100 ft of Road
- [ ] Access by Passable Waterway
- [ ] Isolated

Surrounding Population Density
- [x] <1 person/acre (<320/mi²)
- [ ] 0.5 - 1.9 p/a (430-1220/mi²)
- [ ] >2 p/a (>1220/mi²)

Local Scarcity
- [x] 200 ft to nearest similar type
- [ ] 201 to 1000 ft to nearest similar type
- [ ] >1000 ft to nearest similar type

Known Crop Value or Potential
- [x] None
- [ ] Supports 1 family for part of year
- [ ] Completely supports 1 family
- [ ] Supports viable commercial interest

Inlet
- [ ] Absent
- [ ] Present, from wetland ____
- [ ] Perennial
- [ ] Ephemeral

Inlet
- [ ] Absent
- [ ] Present, from wetland ____
- [ ] Perennial
- [ ] Ephemeral

Outlet
- [ ] Absent
- [x] Present, to L. Mich.
- [ ] Perennial
- [x] Ephemeral

Outlet
- [ ] Absent
- [x] Present, to L. Mich.
- [x] Perennial
- [ ] Ephemeral

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WETLAND INVENTORY REPORT

PROJECT NUMBER 84-194
WETLAND NUMBER W2
FLIGHT, PHOTO NUMBER(S) _____

MAP NUMBER(S) _____

ACREAGE 0.142

ACREAGE	PERCENT	
		WET MEADOW
0.135	95	SHALLOW MARSH
		DEEP MARSH
0.007	5	SHRUB SWAMP
		WOODED SWAMP
		BOG
		OTHER _____
0.142	100	TOTAL

Species			
Scirpus validus			X
(Hardstem bulrush)			
Eleocharis compressa		X	
(Flat stemmed spike rush)			
Salix discolor		X	
(Large Pussy Willow)			
Cornus stolonifera		X	
(Red Osier Dogwood)			
Equisetum arvense	X		
(Common Horsetail)			
Solidago spp.	X		
(Goldenrod)			
Thelypteris palustris			
(Marsh Fern)			X
Carex sp			
(Sedge)			
Juncus balticus	X		
(Lakeshore Rush)			

number W2

date 6/13/84

field investigator(s)

W. Mueller

water quality

Stream or Brookside Wetland
Open Fresh Water
- [ ] Vegetated Subclass
- [ ] Non Vegetated Subclass

Deep Fresh Marsh
- [ ] Dead Woody
- [ ] Shrub
- [ ] Sub-Shrub
- [ ] Robust
- [ ] Narrow-Leaved
- [ ] Broad-Leaved

Shallow Fresh Marsh
- [x] Robust
- [x] Narrow-Leaved
- [ ] Broad-Leaved
- [ ] Floating-Leaved

Flood Plain/Flats
- [ ] Emergent
- [ ] Shrubs and Trees

Wet Meadow
- [ ] Ungrazed
- [ ] Grazed

Shrub Swamp
- [ ] Sapling
- [x] Bushy
- [ ] Compact
- [ ] Aquatic

Wooded Swamp
- [ ] Deciduous
- [ ] Evergreen

Bog
- [ ] Shrub
- [ ] Wooded

- [ ] Stream or Brookside Wetland
- [ ] Open Fresh Water
- [ ] Deep Fresh Marsh
- [x] Shallow Fresh Marsh
- [ ] Yearly Flooded Flood Plain
- [ ] Wet Meadow
- [ ] Shrub Swamp
- [ ] Wooded Swamp
- [ ] Bog
- [ ] Other ______

Wetland Class Richness
- [ ] 5
- [ ] 4
- [ ] 3
- [ ] 2
- [x] 1

Subclass Richness (Lateral Diversity)
- [ ] -10
- [ ] 6-9
- [ ] 4-5
- [x] 2-3
- [ ] 1

Vegetative Interspersion
- [ ] High
- [x] Moderate
- [ ] Low

Surrounding Habitat
- [ ] 90% of 2 or more of Listed Type
- [x] 50-90% of 1 or more; 90% of 1
- [ ] 50% of 1 or more of Listed Type

Cover Type
- [ ] 26-75% Scattered
- [ ] 26-75% Peripheral
- [ ] 75% or <25 Scattered
- [x] 100% Cover; 75% or <25% Peripheral

Percent Open Water
- [x] 0-33%
- [ ] 34-66%
- [ ] 67-95%
- [ ] 96-100%

Vegetative Species Richness
- [ ] Low
- [x] Medium
- [ ] High

Proportion of Wildlife Food Plants
- [ ] Low
- [ ] Moderate
- [x] High

Vegetative Density
- [ ] High
- [x] Moderate
- [ ] Low

Wetland Juxtaposition
- [ ] Highly Favorable
- [ ] Moderately Favorable
- [x] Unfavorable

Special Elements
- [ ] Aquatic Study Area
- [ ] Sanctuary or Refuge
- [ ] Wildlife Management Area
- [ ] Fisheries Management Area
- [ ] Educational Study Area
- [ ] Historical Area
- [ ] Other ______

Topographical Elements
Topographic Configuration
- [x] Closed Basin
- [ ] Semi-closed Basin
- [ ] Valley
- [ ] Hillside

unusual, rare, or endangered vegetation

	unus	rare	end

unusual, rare, or endangered fauna

	unus	rare	end

Size
- □ Large >4.6 acres
- □ Medium 1.1-4.5
- ■ Small <1 acre

Surficial Geologic Material of watershed
- □ Till
- □ Stratified sand and gravel
- ■ Stratified fine sand and silt
- □ Alluvium

Percent Wetland Bordering Open Water
- □ <33%
- □ 34-66%
- □ 67-100%
- ■ Does not border

Legal Access
- □ Yes
- ■ No

Fetch
- □ Over 2000 ft.
- □ Under 2000 ft.

Depth of Lake
- □ Deep >6 ft.
- □ Shallow <6 ft.

Social-economical Elements

Hydrologic Connection
- □ Connected to a Small Stream
- □ Connected to a River
- □ Connected to a Lake
- □ Connected to a Combination

Access to Public
- ■ Within 100 ft of Road
- □ Access by Passable Waterway
- □ Isolated

Surrounding Population Density
- ■ <1 person/acre (<320/mi²)
- □ 0.5 - 1.9 p/a (430-1220/mi²)
- □ 2 p/a (1220/mi²)

Local Scarcity
- ■ 200 ft to nearest similar type
- □ 201 to 1000 ft to nearest similar type
- □ 1000 ft to nearest similar type

Known Crop Value or Potential
- ■ None
- □ Supports 1 family for part of year
- □ Completely supports 1 family
- □ Supports viable commercial interest

Inlet
- □ Absent
- □ Present, from wetland ___
- □ Perennial
- □ Ephemeral

Inlet
- □ Absent
- □ Present, from wetland ___
- □ Perennial
- □ Ephemeral

Outlet
- ■ Absent
- □ Present, to wetland
- □ Perennial
- □ Ephemeral

Outlet
- □ Absent
- □ Present, to wetland ___
- □ Perennial
- □ Ephemeral

Wetland Gradient
- ■ Slight 0-3%
- □ Steep 3%

Surrounding Slopes
- ■ Slight 0-3%
- □ Steep 3%

Topographic Position in Watershed
- ■ Upper
- □ Intermediate
- □ Lower

Geological Elements

Surficial Material
- □ Till
- □ Stratified Sand and Gravel
- ■ Stratified Fine Sand and Silt
- □ Alluvium

Bedrock
- □ Igneous and Metamorphic
- ■ Sedimentary

Organic Material
- □ Absent
- □ High Permeability
- ■ Low Permeability

Hydrological Elements

Hydrologic Position
- □ Perched Wetland
- ■ Water Table Wetland
- □ Water Table/Artesian Wetland
- □ Artesian Wetland

Transmissivity of Aquifer
- ■ Low <10,000 gal/day/ft
- □ Moderate 10,000 - 40,000 gal/day/ft
- □ High 40,000 gal/day/ft

Dominant Hydrologic Type
- □ Condition 1
- □ Condition 2
- □ Condition 3
- □ Condition 4
- □ Condition 5
- ■ Condition 6

Hydrologic Connection
- ■ Not Part of Riparian System
- □ Part of Riparian System

Water Level Fluctuation
- □ High
- ■ Low
- □ Vernal Pool

Groundwater Outflow
- ■ Absent
- □ Present

Inlet
- ■ Absent
- □ Present, from wetland ___
- □ Perennial
- □ Ephemeral

Inlet
- □ Absent
- □ Present, from wetland ___
- □ Perennial
- □ Ephemeral

Inlet
- □ Absent
- □ Present, from wetland ___
- □ Perennial
- □ Ephemeral

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WETLAND INVENTORY REPORT

PROJECT NUMBER 84-114
WETLAND NUMBER W3
FLIGHT, PHOTO NUMBER(S) _____

MAP NUMBER(S) _____

ACREAGE 0.143 acres

ACREAGE	PERCENT	
0.086	60	WET MEADOW
		SHALLOW MARSH
		DEEP MARSH
0.057	40	SHRUB SWAMP
		WOODED SWAMP
		BOG
		OTHER _____
0.143	100	TOTAL

Species	occ	com	dom
[illegible]	x		
([illegible])			
[illegible]		/	
[illegible])			
[illegible]	x		
([illegible])			
[illegible]			x
[illegible])			
[illegible]	x		
([illegible])			x
[illegible]			
(Bl[illegible])			
[illegible]		x	
([illegible])			
[illegible] sp.	x	/	
([illegible])			
Ascl[illegible]	x		
([illegible] Milk[illegible])			
Thalictrum [illegible]	x		
(M[illegible] F[illegible])			
Senecio p[illegible]	x		
(B[illegible])			
[illegible]			x
([illegible] sedge)			
Cornus stolonifera		X	
(Red Osier Dogwood)			
Fragaria virginiana	x		
(Strawberry)			
Potentilla [illegible]		x	
[illegible]			

number [illegible]

date [illegible]

field investigator(s)

W. Mueller

water quality

Wetland Subclasses
- Stream or Brookside Wetland
- Open Fresh Water
  - ☐ Vegetated Subclass
  - ☐ Non Vegetated Subclass
- Deep Fresh Marsh
  - ☐ Dead Woody
  - ☐ Shrub
  - ☐ Sub-Shrub
  - ☐ Robust
  - ☐ Narrow-Leaved
  - ☐ Broad-Leaved
- Shallow Fresh Marsh
  - ☐ Robust
  - ☐ Narrow-Leaved
  - ☐ Broad-Leaved
  - ☐ Floating-Leaved
- Flood Plain/Flats
  - ☐ Emergent
  - ☐ Shrubs and Trees
- Wet Meadow
  - ■ Ungrazed
  - ☐ Grazed
- Shrub Swamp
  - ☐ Sapling
  - ■ Bushy
  - ☐ Compact
  - ☐ Aquatic
- Wooded Swamp
  - ☐ Deciduous
  - ☐ Evergreen
- Bog
  - ☐ Shrub
  - ☐ Wooded

[illegible]
- ☐ Stream or Brookside Wetland
- ☐ Open Fresh Water
- ☐ Deep Fresh Marsh
- ☐ Shallow Fresh Marsh
- ☐ Yearly Flooded Flood Plain
- ■ Wet Meadow
- ■ Shrub Swamp
- ☐ Wooded Swamp
- ☐ Bog
- ☐ Other ____

Wetland Class Richness
- ☐ 5
- ☐ 4
- ☐ 3
- ■ 2
- ☐ 1

Subclass Richness (Lateral Diversity)
- ☐ 10
- ☐ 6-9
- ☐ 4-5
- ■ 2-3
- ☐ 1

Vegetative Interspersion
- ☐ High
- ■ Moderate
- ☐ Low

Surrounding Habitat
- ☐ 90% of 2 or more of Listed Type
- ■ 50-90% of 1 or more; 90% of 1
- ☐ 50% of 1 or more of Listed Type

Cover Type
- ☐ 26-75% Scattered
- ☐ 26-75% Peripheral
- ☐ 75% or 25 Scattered
- ■ 100% Cover; 75% or 25% Periphe

Percent Open Water
- ■ 0-30%
- ☐ 31-66%
- ☐ 67-95%
- ☐ 96-100%

Vegetative Species Richness
- ☐ Low
- ■ Medium
- ☐ High

Proportion of Wildlife Food Plants
- ☐ Low
- ■ Moderate
- ☐ High

Vegetative Density
- ☐ High
- ■ Moderate
- ☐ Low

Wetland Juxtaposition
- ☐ Highly Favorable
- ☐ Moderately Favorable
- ■ Unfavorable

Special Elements
- ☐ Aquatic Study Area
- ☐ Sanctuary or Refuge
- ☐ Wildlife Management Area
- ☐ Fisheries Management Area
- ☐ Educational Study Area
- ☐ Historical Area
- ☐ Other ____

Topographical Elements
Topographic Configuration
- ■ Closed Basin
- ☐ Semi-closed Basin
- ☐ Valley
- ☐ Hillside

unusual, rare, or endangered vegetation	unus	rare	end
Zizia aurea (Golden Alexander)	X		
Vitis riparia (Wild Grape)	X		
Eupatorium maculatum (Joe Pye Weed)	X		
Glyceria striata (Fowl Meadow Grass)	X		
Convolvulus sepium (Hedge Bindweed)	X		

unusual, rare, or endangered fauna	unus	rare	end

Wetland Gradient
- [x] Slight 0-3%
- [ ] Steep 3%

Surrounding Slopes
- [x] Slight 0-3%
- [ ] Steep 3%

Topographic Position in Watershed
- [x] Upper
- [ ] Intermediate
- [ ] Lower

Geological Elements

Surficial Material
- [ ] Till
- [ ] Stratified Sand and Gravel
- [x] Stratified Fine Sand and Silt
- [ ] Alluvium

Bedrock
- [ ] Igneous and Metamorphic
- [x] Sedimentary

Organic Material
- [ ] Absent
- [ ] High Permeability
- [x] Low Permeability

Hydrological Elements

Hydrologic Position
- [ ] Perched Wetland
- [x] Water Table Wetland
- [ ] Water Table/Artesian Wetland
- [ ] Artesian Wetland

Transmissivity of Aquifer
- [x] Low <10,000 gal/day/ft
- [ ] Moderate 10,000 - 40,000 gal/day/ft
- [ ] High >40,000 gal/day/ft

Dominant Hydrologic Type
- [ ] Condition 1
- [ ] Condition 2
- [ ] Condition 3
- [ ] Condition 4
- [ ] Condition 5
- [x] Condition 6

Hydrologic Connection
- [x] Not Part of Riparian System
- [ ] Part of Riparian System

Water Level Fluctuation
- [ ] High
- [x] Low
- [ ] Vernal Pool

Groundwater Outflow
- [x] Absent
- [ ] Present

Inlet
- [x] Absent
- [ ] Present, from wetland ____
- [ ] Perennial
- [ ] Ephemeral

Inlet
- [ ] Absent
- [ ] Present, from wetland ____
- [ ] Perennial
- [ ] Ephemeral

Inlet
- [ ] Absent
- [ ] Present, from wetland ____
- [ ] Perennial
- [ ] Ephemeral

Inlet
- [ ] Absent
- [ ] Present, from wetland ____
- [ ] Perennial
- [ ] Ephemeral

Size
- [ ] Large >4.6 acres
- [ ] Medium 1.1-4.5
- [x] Small <1 acre

Surficial Geologic Material of watershed
- [ ] Till
- [ ] Stratified sand and gravel
- [x] Stratified fine sand and silt
- [ ] Alluvium

Percent Wetland Bordering Open Water
- [ ] <33%
- [ ] 34-66%
- [ ] 67-100%
- [x] Does not border

Legal Access
- [ ] Yes
- [x] No

Fetch
- [ ] Over 2000 ft.
- [ ] Under 2000 ft.

Depth of Lake
- [ ] Deep >6 ft.
- [ ] Shallow <6 ft.

Social-economical Elements

Hydrologic Connection
- [ ] Connected to a Small Stream
- [ ] Connected to a River
- [ ] Connected to a Lake
- [ ] Connected to a Combination

Access to Public
- [x] Within 100 ft of Road
- [ ] Access by Passable Waterway
- [ ] Isolated

Surrounding Population Density
- [x] <1 person/acre (<320/mi²)
- [ ] 0.5 - 1.9 p/a (430-1220/mi²)
- [ ] >2 p/a (>1220/mi²)

Local Scarcity
- [ ] <200 ft to nearest similar type
- [x] 201 to 1000 ft to nearest similar type
- [ ] >1000 ft to nearest similar type

Known Crop Value or Potential
- [x] None
- [ ] Supports 1 family for part of year
- [ ] Completely supports 1 family
- [ ] Supports viable commercial interest

Inlet
- [ ] Absent
- [ ] Present, from wetland ____
- [ ] Perennial
- [ ] Ephemeral

Inlet
- [ ] Absent
- [ ] Present, from wetland ____
- [ ] Perennial
- [ ] Ephemeral

Outlet
- [x] Absent
- [ ] Present, to wetland ____
- [ ] Perennial
- [ ] Ephemeral

Outlet
- [ ] Absent
- [ ] Present, to wetland ____
- [ ] Perennial
- [ ] Ephemeral

IEP inc.

WETLAND INVENTORY REPORT

PROJECT NUMBER 84-114
WETLAND NUMBER W4
FLIGHT, PHOTO NUMBER(S) _____

MAP NUMBER(S) _____

ACREAGE 0.171

ACREAGE	PERCENT	
0.171	100	WET MEADOW
		SHALLOW MARSH
		DEEP MARSH
		SHRUB SWAMP
		WOODED SWAMP
		BOG
		OTHER _____
		TOTAL

Cal[illegible] canadensis		X	
(Blue Joint Grass)			
Cirsium [illegible]			X
(Canada thistle)			
Potentilla anserina			X
(Silverweed)			
Asparagus officinalis	X		
(Asparagus)			
Poa pratensis		X	
(Kentucky Blue grass)			
Equisetum arvense		X	
(Common Horse Tail)			
Asclepias syriaca	X		
(Common Milkweed)			
Cornus stolonifera	X		
(Red Osier Dogwood)			
Prunus virginiana	X		
(Choke Cherry)			
Thalictrum dasycarpum	X		
(Purple Meadow Rue)			
Rubus idaeus strigosus	X		
(Red Raspberry)			
Solidago sp.			X
(Goldenrod)			
Fragaria virginiana	X		
(Strawberry)			
Eupatorium maculatum	X		
(Joe Pye Weed)			
Achillea millefolium	X		
(Yarrow)			

number W 7

date 6/20/34

field investigator(s)

W. Mueller

water quality

Stream or Brookside Wetland
Open Fresh Water
- [ ] Vegetated Subclass
- [ ] Non Vegetated Subclass

Deep Fresh Marsh
- [ ] Dead Woody
- [ ] Shrub
- [ ] Sub-Shrub
- [ ] Robust
- [ ] Narrow-Leaved
- [ ] Broad-Leaved

Shallow Fresh Marsh
- [ ] Robust
- [ ] Narrow-Leaved
- [ ] Broad-Leaved
- [ ] Floating-Leaved

Flood Plain/Flats
- [ ] Emergent
- [ ] Shrubs and Trees

Wet Meadow
- [x] Ungrazed
- [ ] Grazed

Shrub Swamp
- [ ] Sapling
- [ ] Bushy
- [ ] Compact
- [ ] Aquatic

Wooded Swamp
- [ ] Deciduous
- [ ] Evergreen

Bog
- [ ] Shrub
- [ ] Wooded

- [ ] Stream or Brookside Wetland
- [ ] Open Fresh Water
- [ ] Deep Fresh Marsh
- [ ] Shallow Fresh Marsh
- [ ] Yearly Flooded Flood Plain
- [x] Wet Meadow
- [ ] Shrub Swamp
- [ ] Wooded Swamp
- [ ] Bog
- [ ] Other

Wetland Class Richness
- [ ] 5
- [ ] 4
- [ ] 3
- [ ] 2
- [x] 1

Subclass Richness (Lateral Diversity)
- [ ] -10
- [ ] 6-9
- [ ] 4-5
- [ ] 2-3
- [x] 1

Vegetative Interspersion
- [ ] High
- [ ] Moderate
- [x] Low

Surrounding Habitat
- [ ] 90% of 2 or more of Listed Type
- [x] 50-90% of 1 or more; 90% of 1
- [ ] 50% of 1 or more of Listed Type.

Cover Type
- [ ] 26-75% Scattered
- [ ] 26-75% Peripheral
- [ ] 75% or <25 Scattered
- [x] 100% Cover; 75% or <25% Periphe

Percent Open Water
- [x] 0-30%
- [ ] 34-66%
- [ ] 67-95%
- [ ] 96-100%

Vegetative Species Richness
- [ ] Low
- [x] Medium
- [ ] High

Proportion of Wildlife Food Plants
- [ ] Low
- [x] Moderate
- [ ] High

Vegetative Density
- [ ] High
- [x] Moderate
- [ ] Low

Wetland Juxtaposition
- [ ] Highly Favorable
- [ ] Moderately Favorable
- [x] Unfavorable

Special Elements
- [ ] Aquatic Study Area
- [ ] Sanctuary or Refuge
- [ ] Wildlife Management Area
- [ ] Fisheries Management Area
- [ ] Educational Study Area
- [ ] Historical Area
- [ ] Other

Topographical Elements
Topographic Configuration
- [x] Closed Basin
- [ ] Semi-closed Basin
- [ ] Valley
- [ ] Hillside

unusual, rare, or endangered vegetation	unus	rare	end
Onoclea sensibilis (Sensitive Fern)	X		
Eleocharis sp. (Spike Rush)	X		

unusual, rare, or endangered fauna	unus	rare	end

Wetland Gradient
- [x] Slight 0-3%
- [ ] Steep 3%

Surrounding Slopes
- [ ] Slight 0-3%
- [x] Steep 3%

Topographic Position in Watershed
- [x] Upper
- [ ] Intermediate
- [ ] Lower

Geological Elements

Surficial Material
- [ ] Till
- [ ] Stratified Sand and Gravel
- [x] Stratified Fine Sand and Silt
- [ ] Alluvium

Bedrock
- [ ] Igneous and Metamorphic
- [x] Sedimentary

Organic Material
- [ ] Absent
- [ ] High Permeability
- [x] Low Permeability

Hydrological Elements

Hydrologic Position
- [ ] Perched Wetland
- [x] Water Table Wetland
- [ ] Water Table/Artesian Wetland
- [ ] Artesian Wetland

Transmissivity of Aquifer
- [x] Low <10,000 gal/day/ft
- [ ] Moderate 10,000 - 40,000 gal/day/ft
- [ ] High >40,000 gal/day/ft

Dominant Hydrologic Type
- [ ] Condition 1
- [ ] Condition 2
- [ ] Condition 3
- [ ] Condition 4
- [ ] Condition 5
- [x] Condition 6

Hydrologic Connection
- [x] Not Part of Riparian System
- [ ] Part of Riparian System

Water Level Fluctuation
- [ ] High
- [x] Low
- [ ] Vernal Pool

Groundwater Outflow
- [x] Absent
- [ ] Present

Inlet
- [x] Absent
- [ ] Present, from wetland ___
- [ ] Perennial
- [ ] Ephemeral

Inlet
- [ ] Absent
- [ ] Present, from wetland ___
- [ ] Perennial
- [ ] Ephemeral

Inlet
- [ ] Absent
- [ ] Present, from wetland ___
- [ ] Perennial
- [ ] Ephemeral

Inlet
- [ ] Absent
- [ ] Present, from wetland ___
- [ ] Perennial
- [ ] Ephemeral

Size
- [ ] Large >4.6 acres
- [ ] Medium 1.1-4.5
- [x] Small <1 acre

Surficial Geologic Material of watershed
- [ ] Till
- [ ] Stratified sand and gravel
- [x] Stratified fine sand and silt
- [ ] Alluvium

Percent Wetland Bordering Open Water
- [ ] <33%
- [ ] 34-66%
- [ ] 67-100%
- [x] Does not border

Legal Access
- [ ] Yes
- [x] No

Fetch
- [ ] Over 2000 ft.
- [ ] Under 2000 ft.

Depth of Lake
- [ ] Deep >6 ft.
- [ ] Shallow <6 ft.

Social-economical Elements

Hydrologic Connection
- [ ] Connected to a Small Stream
- [ ] Connected to a River
- [ ] Connected to a Lake
- [ ] Connected to a Combination

Access to Public
- [ ] within 100 ft of Road
- [ ] Access by Passable Waterway
- [ ] Isolated

Surrounding Population Density
- [x] <1 person/acre (<320/mi²)
- [ ] 0.5 - 1.9 p/a (430-1220/mi²)
- [ ] >2 p/a (>1220/mi²)

Local Scarcity
- [x] <200 ft to nearest similar type
- [ ] 201 to 1000 ft to nearest similar type
- [ ] >1000 ft to nearest similar type

Known Crop Value or Potential
- [x] None
- [ ] Supports 1 family for part of year
- [ ] Completely supports 1 family
- [ ] Supports viable commercial interest

Inlet
- [ ] Absent
- [ ] Present, from wetland ___
- [ ] Perennial
- [ ] Ephemeral

Inlet
- [ ] Absent
- [ ] Present, from wetland ___
- [ ] Perennial
- [ ] Ephemeral

Outlet
- [x] Absent
- [ ] Present, to wetland ___
- [ ] Perennial
- [ ] Ephemeral

Outlet
- [ ] Absent
- [ ] Present, to wetland ___
- [ ] Perennial
- [ ] Ephemeral

IEP inc.

WETLAND INVENTORY REPORT

PROJECT NUMBER 84-194
WETLAND NUMBER W5
FLIGHT, PHOTO NUMBER(S) _____

MAP NUMBER(S) _____

ACREAGE 0.717

ACREAGE	PERCENT	
0.717	100	WET MEADOW
		SHALLOW MARSH
		DEEP MARSH
		SHRUB SWAMP
		WOODED SWAMP
		BOG
		OTHER _____
0.717	100	TOTAL

	occ	com	dom
Carex spp.			X
(Sedges)			
Potentilla anserina			X
(Silverweed)			
Solidago spp.		X	
(Goldenrod)			
Thelypteris palustris	X		
(Marsh Fern)			
Rhamnus sp.	X		
(Buckthorn)			
Thalictrum dasycarpum	X		
(Purple Meadow Rue)			
Cornus stolonifera	X		
(Red Osier Dogwood)			
Onoclea sensibilis	X		
(Sensitive Fern)			
Fragaria virginiana	X		
(Strawberry)			
Eupatorium maculatum	X		
(Joe Pye Weed)			
Senecio pauperculus		X	
(Balsam ragwort)			
Rosa carolina	X		
(Pasture Rose)			
Solidago graminifolia			X
(Lance-leaf Goldenrod)			
Rubus idaeus strigosus	X		
(Red Raspberry)			
Asclepias syriaca	X		
(Common milkweed)			

number WE

date 6/20/84

field investigator(s)

W. Mueller

water quality

Stream or Brookside Wetland
Open Fresh Water
- [ ] Vegetated Subclass
- [ ] Non Vegetated Subclass

Deep Fresh Marsh
- [ ] Dead Woody
- [ ] Shrub
- [ ] Sub-Shrub
- [ ] Robust
- [ ] Narrow-Leaved
- [ ] Broad-Leaved

Shallow Fresh Marsh
- [ ] Robust
- [ ] Narrow-Leaved
- [ ] Broad-Leaved
- [ ] Floating-Leaved

Flood Plain/Flats
- [ ] Emergent
- [ ] Shrubs and Trees

Wet Meadow
- [x] Ungrazed
- [ ] Grazed

Shrub Swamp
- [ ] Sapling
- [ ] Bushy
- [x] Compact
- [ ] Aquatic

Wooded Swamp
- [ ] Deciduous
- [ ] Evergreen

Bog
- [ ] Shrub
- [ ] Wooded

Stream or Brookside Wetland
- [ ] Open Fresh Water
- [ ] Deep Fresh Marsh
- [ ] Shallow Fresh Marsh
- [ ] Yearly Flooded Flood Plain
- [x] Wet Meadow
- [ ] Shrub Swamp
- [ ] Wooded Swamp
- [ ] Bog
- [ ] Other

Wetland Class Richness
- [ ] 5
- [ ] 4
- [ ] 3
- [ ] 2
- [x] 1

Subclass Richness (Lateral Diversity)
- [ ] 10
- [ ] 6-9
- [ ] 4-5
- [x] 2-3
- [ ] 1

Vegetative Interspersion
- [ ] High
- [ ] Moderate
- [x] Low

Surrounding Habitat
- [ ] 90% of 2 or more of Listed Types
- [x] 50-90% of 1 or more; 90% of 1
- [ ] 50% of 1 or more of Listed Types

Cover Type
- [ ] 26-75% Scattered
- [ ] 26-75% Peripheral
- [ ] 75% or <25 Scattered
- [x] 100% Cover; 75% or <25% Peripheral

Percent Open Water
- [x] 0-33%
- [ ] 34-66%
- [ ] 67-95%
- [ ] 96-100%

Vegetative Species Richness
- [ ] Low
- [x] Medium
- [ ] High

Proportion of Wildlife Food Plants
- [ ] Low
- [x] Moderate
- [ ] High

Vegetative Density
- [ ] High
- [x] Moderate
- [ ] Low

Wetland Juxtaposition
- [ ] Highly Favorable
- [ ] Moderately Favorable
- [x] Unfavorable

Special Elements
- [ ] Aquatic Study Area
- [ ] Sanctuary or Refuge
- [ ] Wildlife Management Area
- [ ] Fisheries Management Area
- [ ] Educational Study Area
- [ ] Historical Area
- [ ] Other

Topographical Elements
Topographic Configuration
- [x] Closed Basin
- [ ] Semi-closed Basin
- [ ] Valley
- [ ] Hillside

unusual, rare, or endangered vegetation	unus	rare	end

unusual, rare, or endangered fauna	unus	rare	end

Size
- ☐ Large >4.6 acres
- ☐ Medium 1.1-4.5
- ■ Small <1 acre

Surficial Geologic Material of watershed
- ☐ Till
- ☐ Stratified sand and gravel
- ■ Stratified fine sand and silt
- ☐ Alluvium

Percent Wetland Bordering Open Water
- ☐ <33%
- ☐ 34-66%
- ☐ 67-100%
- ■ Does not border

Legal Access
- ☐ Yes
- ■ No

Fetch
- ☐ Over 2000 ft.
- ☐ Under 2000 ft.

Depth of Lake
- ☐ Deep >6 ft.
- ☐ Shallow <6 ft.

Social-economical Elements

Hydrologic Connection
- ☐ Connected to a Small Stream
- ☐ Connected to a River
- ☐ Connected to a Lake
- ☐ Connected to a Combination

Access to Public
- ■ Within 100 ft of Road
- ☐ Access by Passable Waterway
- ☐ Isolated

Surrounding Population Density
- ■ <1 person/acre (<320/mi²)
- ☐ 0.5 - 1.9 p/a (430-1220/mi²)
- ☐ >2 p/a (>1220/mi²)

Local Scarcity
- ■ 200 ft to nearest similar type
- ☐ 201 to 1000 ft to nearest similar type
- ☐ 1000 ft to nearest similar type

Known Crop Value or Potential
- ■ None
- ☐ Supports 1 family for part of year
- ☐ Completely supports 1 family
- ☐ Supports viable commercial interest

Inlet
- ☐ Absent
- ☐ Present, from wetland ___
- ☐ Perennial
- ☐ Ephemeral

Inlet
- ☐ Absent
- ☐ Present, from wetland ___
- ☐ Perennial
- ☐ Ephemeral

Outlet
- ■ Absent
- ☐ Present, to wetland
- ☐ Perennial
- ☐ Ephemeral

Outlet
- ☐ Absent
- ☐ Present, to wetland ___
- ☐ Perennial
- ☐ Ephemeral

Wetland Gradient
- ■ Slight 0-3%
- ☐ Steep 3%

Surrounding Slopes
- ■ Slight 0-3%
- ☐ Steep 3%

Topographic Position in Watershed
- ■ Upper
- ☐ Intermediate
- ☐ Lower

Geological Elements

Surficial Material
- ☐ Till
- ☐ Stratified Sand and Gravel
- ■ Stratified Fine Sand and Silt
- ☐ Alluvium

Bedrock
- ☐ Igneous and Metamorphic
- ■ Sedimentary

Organic Material
- ☐ Absent
- ☐ High Permeability
- ■ Low Permeability

Hydrological Elements

Hydrologic Position
- ☐ Perched Wetland
- ■ Water Table Wetland
- ☐ Water Table/Artesian Wetland
- ☐ Artesian Wetland

Transmissivity of Aquifer
- ■ Low <10,000 gal/day/ft
- ☐ Moderate 10,000 - 40,000 gal/day/ft
- ☐ High >40,000 gal/day/ft

Dominant Hydrologic Type
- ☐ Condition 1
- ☐ Condition 2
- ☐ Condition 3
- ☐ Condition 4
- ☐ Condition 5
- ■ Condition 6

Hydrologic Connection
- ■ Not Part of Riparian System
- ☐ Part of Riparian System

Water Level Fluctuation
- ☐ High
- ■ Low
- ☐ Vernal Pool

Groundwater Outflow
- ■ Absent
- ☐ Present

Inlet
- ■ Absent
- ☐ Present, from wetland ___
- ☐ Perennial
- ☐ Ephemeral

Inlet
- ☐ Absent
- ☐ Present, from wetland ___
- ☐ Perennial
- ☐ Ephemeral

Inlet
- ☐ Absent
- ☐ Present, from wetland ___
- ☐ Perennial
- ☐ Ephemeral

IEP inc.

WETLAND INVENTORY REPORT

PROJECT NUMBER 84-194
WETLAND NUMBER W6
FLIGHT, PHOTO NUMBER(S) _____

MAP NUMBER(S) _____

ACREAGE 0.084

ACREAGE	PERCENT	
		WET MEADOW
		SHALLOW MARSH
		DEEP MARSH
0.084	100	SHRUB SWAMP
		WOODED SWAMP
		BOG
		OTHER _____
0.084	100	TOTAL

Salix interior (Sandbar Willow)			X
Lathyrus palustris (Vetchling)	X		
Cornus stolonifera (Red Osier Dogwood)		X	
Juncus sp. (Rush)	X		
Salix discolor (Large Pussy Willow)			X
Potentilla anserina (Silverweed)		X	
Galium boreale (Northern Bedstraw)	X		
Thalictrum dasycarpum (Purple Meadow Rue)	X		
Equisetum arvense (Common Horsetail)		X	
Scirpus atrovirens (Dark Green Rush)	X		
Eupatorium perfoliatum (Boneset)	X		
Iris sp. (Iris)	X		
Phalaris arundinacea (Canary Grass)		X	
Anemone canadensis (Canada Anemone)	X		

number W6

date 6/20/84

field investigator(s)

W. Mueller

water quality

Stream or Brookside Wetland
Open Fresh Water
- [ ] Vegetated Subclass
- [ ] Non Vegetated Subclass

Deep Fresh Marsh
- [ ] Dead Woody
- [ ] Shrub
- [ ] Sub-Shrub
- [ ] Robust
- [ ] Narrow-Leaved
- [ ] Broad-Leaved

Shallow Fresh Marsh
- [ ] Robust
- [ ] Narrow-Leaved
- [ ] Broad-Leaved
- [ ] Floating-Leaved

Flood Plain/Flats
- [ ] Emergent
- [ ] Shrubs and Trees

Wet Meadow
- [ ] Ungrazed
- [ ] Grazed

Shrub Swamp
- [x] Sapling
- [x] Bushy
- [ ] Compact
- [ ] Aquatic

Wooded Swamp
- [ ] Deciduous
- [ ] Evergreen

Bog
- [ ] Shrub
- [ ] Wooded

- [x] Stream or Brookside Wetland
- [ ] Open Fresh Water
- [ ] Deep Fresh Marsh
- [ ] Shallow Fresh Marsh
- [ ] Yearly Flooded Flood Plain
- [ ] Wet Meadow
- [x] Shrub Swamp
- [ ] Wooded Swamp
- [ ] Bog
- [ ] Other _____

Wetland Class Richness
- [ ] 5
- [ ] 4
- [ ] 3
- [ ] 2
- [x] 1

Subclass Richness (Lateral Diversity)
- [ ] 10
- [ ] 6-9
- [ ] 4-5
- [x] 2-3
- [ ] 1

Vegetative Interspersion
- [ ] High
- [ ] Moderate
- [x] Low

Surrounding Habitat
- [ ] 90% of 2 or more of Listed Types
- [ ] 50-90% of 1 or more; 90% of 1
- [x] 50% of 1 or more of Listed Types

Cover Type
- [ ] 26-75% Scattered
- [ ] 26-75% Peripheral
- [ ] 75% or <25 Scattered
- [x] 100% Cover; 75% or <25% Periphe-

Percent Open Water
- [x] 0-33%
- [ ] 34-66%
- [ ] 67-95%
- [ ] 96-100%

Vegetative Species Richness
- [ ] Low
- [x] Medium
- [ ] High

Proportion of Wildlife Food Plants
- [ ] Low
- [x] Moderate
- [ ] High

Vegetative Density
- [ ] High
- [x] Moderate
- [ ] Low

Wetland Juxtaposition
- [ ] Highly Favorable
- [ ] Moderately Favorable
- [x] Unfavorable

Special Elements
- [ ] Aquatic Study Area
- [ ] Sanctuary or Refuge
- [ ] Wildlife Management Area
- [ ] Fisheries Management Area
- [ ] Educational Study Area
- [ ] Historical Area
- [ ] Other _____

Topographical Elements
Topographic Configuration
- [x] Closed Basin
- [ ] Semi-closed Basin
- [ ] Valley
- [ ] Hillside

unusual, rare, or endangered vegetation	unus	rare	end

unusual, rare, or endangered fauna	unus	rare	end

Size
- [ ] Large >4.6 acres
- [ ] Medium 1.1-4.5
- [x] Small <1 acre

Surficial Geologic Material of watershed
- [ ] Till
- [ ] Stratified sand and gravel
- [x] Stratified fine sand and silt
- [ ] Alluvium

Percent Wetland Bordering Open Water
- [ ] <33%
- [ ] 34-66%
- [ ] 67-100%
- [x] Does not border

Legal Access
- [x] Yes
- [ ] No

Fetch
- [ ] Over 2000 ft.
- [ ] Under 2000 ft.

Depth of Lake
- [ ] Deep >6 ft.
- [ ] Shallow <6 ft.

Social-economical Elements

Hydrologic Connection
- [ ] Connected to a Small Stream
- [ ] Connected to a River
- [ ] Connected to a Lake
- [ ] Connected to a Combination

Access to Public
- [x] Within 100 ft of Road
- [ ] Access by Passable Waterway
- [ ] Isolated

Surrounding Population Density
- [x] <1 person/acre (<320/mi²)
- [ ] 0.5 - 1.9 p/a (430-1220/mi²)
- [ ] >2 p/a (>1220/mi²)

Local Scarcity
- [x] 200 ft to nearest similar type
- [ ] 201 to 1000 ft to nearest similar type
- [ ] >1000 ft to nearest similar type

Known Crop Value or Potential
- [x] None
- [ ] Supports 1 family for part of year
- [ ] Completely supports 1 family
- [ ] Supports viable commercial interest

Inlet
- [ ] Absent
- [ ] Present, from wetland ___
- [ ] Perennial
- [ ] Ephemeral

Inlet
- [ ] Absent
- [ ] Present, from wetland ___
- [ ] Perennial
- [ ] Ephemeral

Outlet
- [x] Absent
- [ ] Present, to wetland ___
- [ ] Perennial
- [ ] Ephemeral

Outlet
- [ ] Absent
- [ ] Present, to wetland ___
- [ ] Perennial
- [ ] Ephemeral

Wetland Gradient
- [x] Slight 0-3%
- [ ] Steep >3%

Surrounding Slopes
- [ ] Slight 0-3%
- [x] Steep >3%

Topographic Position in Watershed
- [x] Upper
- [ ] Intermediate
- [ ] Lower

Geological Elements

Surficial Material
- [ ] Till
- [ ] Stratified Sand and Gravel
- [x] Stratified Fine Sand and Silt
- [ ] Alluvium

Bedrock
- [ ] Igneous and Metamorphic
- [x] Sedimentary

Organic Material
- [ ] Absent
- [ ] High Permeability
- [x] Low Permeability

Hydrological Elements

Hydrologic Position
- [ ] Perched Wetland
- [x] Water Table Wetland
- [ ] Water Table/Artesian Wetland
- [ ] Artesian Wetland

Transmissivity of Aquifer
- [x] Low <10,000 gal/day/ft
- [ ] Moderate 10,000 - 40,000 gal/day/ft
- [ ] High >40,000 gal/day/ft

Dominant Hydrologic Type
- [ ] Condition 1
- [ ] Condition 2
- [ ] Condition 3
- [ ] Condition 4
- [ ] Condition 5
- [x] Condition 6

Hydrologic Connection
- [x] Not Part of Riparian System
- [ ] Part of Riparian System

Water Level Fluctuation
- [ ] High
- [x] Low
- [ ] Vernal Pool

Groundwater Outflow
- [x] Absent
- [ ] Present

Inlet
- [x] Absent
- [ ] Present, from wetland ___
- [ ] Perennial
- [ ] Ephemeral

Inlet
- [ ] Absent
- [ ] Present, from wetland ___
- [ ] Perennial
- [ ] Ephemeral

Inlet
- [ ] Absent
- [ ] Present, from wetland ___
- [ ] Perennial
- [ ] Ephemeral

IEP inc.

WETLAND INVENTORY REPORT

PROJECT NUMBER 84-194
WETLAND NUMBER W7
FLIGHT, PHOTO NUMBER(S) _____

MAP NUMBER(S) _____

ACREAGE 0.033

ACREAGE	PERCENT	
0.017	50	WET MEADOW
		SHALLOW MARSH
		DEEP MARSH
0.016	50	SHRUB SWAMP
		WOODED SWAMP
		BOG
		OTHER _____
0.033	100	TOTAL

Species			
Carex stricta			X
(Tussock Sedge)			
Thelypteris palustris	X		
(Marsh Fern)			
Onoclea sensibilis	X		
(Sensitive Fern)			
Salix interior			X
(Sand bar Willow)			
Salix discolor		X	
(Large Pussy Willow)			
Typha latifolia	X		
(Common Cattail)			
Potentilla anserina	X		
(Silverweed)			
Cirsium muticum	X		
(Swamp Thistle)			
Fragaria virginiana	X		
(Strawberry)			
Equisetum sp.	X		
(Horsetail Rush)			
Cornus stolonifera	X		
(Red Osier Dogwood)			
Thalictrum dasycarpum			X
(Purple Meadow Rue)			
Phalaris arundinacea	X		
(Canary Grass)			
Heracleum maximum	X		
(Cow Parsnip)			
Calamagrostis canadensis	X		
(Blue Joint Grass)			

number W 7

date 6/20/84

field investigator(s)

W. Mueller

water quality

Stream or Brookside Wetland
Open Fresh Water
☐ Vegetated Subclass
☐ Non Vegetated Subclass
Deep Fresh Marsh
☐ Dead Woody
☐ Shrub
☐ Sub-Shrub
☐ Robust
☐ Narrow-Leaved
☐ Broad-Leaved
Shallow Fresh Marsh
☐ Robust
☐ Narrow-Leaved
☐ Broad-Leaved
☐ Floating-Leaved
Flood Plain/Flats
☐ Emergent
☐ Shrubs and Trees
Wet Meadow
■ Ungrazed
☐ Grazed
Shrub Swamp
■ Sapling
■ Bushy
☐ Compact
☐ Aquatic
Wooded Swamp
☐ Deciduous
☐ Evergreen
Bog
☐ Shrub
☐ Wooded

Stream or Brookside Wetland
☐ Open Fresh Water
☐ Deep Fresh Marsh
☐ Shallow Fresh Marsh
☐ Yearly Flooded Flood Plain
■ Wet Meadow
■ Shrub Swamp
☐ Wooded Swamp
☐ Bog
☐ Other ______

Wetland Class Richness
☐ 5
☐ 4
☐ 3
■ 2
☐ 1

Subclass Richness (Lateral Diversity)
☐ -10
☐ 6-9
☐ 4-5
■ 2-3
☐ 1

Vegetative Interspersion
☐ High
■ Moderate
☐ Low

Surrounding Habitat
☐ 90% of 2 or more of Listed Types
■ 50-90% of 1 or more; 90% of 1
☐ -50% of 1 or more of Listed Types

Cover Type
☐ 26-75% Scattered
☐ 26-75% Peripheral
☐ 75% or -25 Scattered
■ 100% Cover; 75% or -25% Peripheral

Percent Open Water
■ 0-33%
☐ 34-66%
☐ 67-95%
☐ 96-100%

Vegetative Species Richness
☐ Low
■ Medium
☐ High

Proportion of Wildlife Food Plants
☐ Low
■ Moderate
☐ High

Vegetative Density
☐ High
■ Moderate
☐ Low

Wetland Juxtaposition
☐ Highly Favorable
☐ Moderately Favorable
■ Unfavorable

Special Elements
☐ Aquatic Study Area
☐ Sanctuary or Refuge
☐ Wildlife Management Area
☐ Fisheries Management Area
☐ Educational Study Area
☐ Historical Area
☐ Other ______

Topographical Elements
Topographic Configuration
■ Closed Basin
☐ Semi-closed Basin
☐ Valley
☐ Hillside

unusual, rare, or endangered vegetation	unus	rare	end

unusual, rare, or endangered fauna	unus	rare	end

Wetland Gradient
- [ ] Slight 0-3%
- [x] Steep 3%

Surrounding Slopes
- [ ] Slight 0-3%
- [x] Steep 3%

Topographic Position in Watershed
- [x] Upper
- [ ] Intermediate
- [ ] Lower

Geological Elements

Surficial Material
- [ ] Till
- [ ] Stratified Sand and Gravel
- [x] Stratified Fine Sand and Silt
- [ ] Alluvium

Bedrock
- [ ] Igneous and Metamorphic
- [x] Sedimentary

Organic Material
- [ ] Absent
- [ ] High Permeability
- [x] Low Permeability

Hydrological Elements

Hydrologic Position
- [ ] Perched Wetland
- [x] Water Table Wetland
- [ ] Water Table/Artesian Wetland
- [ ] Artesian Wetland

Transmissivity of Aquifer
- [x] Low <10,000 gal/day/ft
- [ ] Moderate 10,000 - 40,000 gal/day/ft
- [ ] High >40,000 gal/day/ft

Dominant Hydrologic Type
- [ ] Condition 1
- [ ] Condition 2
- [ ] Condition 3
- [ ] Condition 4
- [ ] Condition 5
- [x] Condition 6

Hydrologic Connection
- [x] Not Part of Riparian System
- [ ] Part of Riparian System

Water Level Fluctuation
- [ ] High
- [x] Low
- [ ] Vernal Pool

Groundwater Outflow
- [x] Absent
- [ ] Present

Inlet
- [x] Absent
- [ ] Present, from wetland ____
- [ ] Perennial
- [ ] Ephemeral

Inlet
- [ ] Absent
- [ ] Present, from wetland ____
- [ ] Perennial
- [ ] Ephemeral

Inlet
- [ ] Absent
- [ ] Present, from wetland ____
- [ ] Perennial
- [ ] Ephemeral

Inlet
- [ ] Absent
- [ ] Present, from wetland ____
- [ ] Perennial
- [ ] Ephemeral

Size
- [ ] Large >4.6 acres
- [ ] Medium 1.1-4.5
- [x] Small <1 acre

Surficial Geologic Material of watershed
- [ ] Till
- [ ] Stratified sand and gravel
- [x] Stratified fine sand and silt
- [ ] Alluvium

Percent Wetland Bordering Open Water
- [ ] <33%
- [ ] 34-66%
- [ ] 67-100%
- [x] Does not border

Legal Access
- [x] Yes
- [ ] No

Fetch
- [ ] Over 2000 ft.
- [ ] Under 2000 ft.

Depth of Lake
- [ ] Deep >6 ft.
- [ ] Shallow <6 ft.

Social-economical Elements

Hydrologic Connection
- [ ] Connected to a Small Stream
- [ ] Connected to a River
- [ ] Connected to a Lake
- [ ] Connected to a Combination

Access to Public
- [x] Within 100 ft of Road
- [ ] Access by Passable Waterway
- [ ] Isolated

Surrounding Population Density
- [x] <1 person/acre (<320/mi²)
- [ ] 0.5 - 1.9 p/a (430-1220/mi²)
- [ ] >2 p/a (>1220/mi²)

Local Scarcity
- [x] <200 ft to nearest similar type
- [ ] 201 to 1000 ft to nearest similar type
- [ ] >1000 ft to nearest similar type

Known Crop Value or Potential
- [x] None
- [ ] Supports 1 family for part of year
- [ ] Completely supports 1 family
- [ ] Supports viable commercial interest

Inlet
- [ ] Absent
- [ ] Present, from wetland ____
- [ ] Perennial
- [ ] Ephemeral

Inlet
- [ ] Absent
- [ ] Present, from wetland ____
- [ ] Perennial
- [ ] Ephemeral

Outlet
- [x] Absent
- [ ] Present, to wetland ____
- [ ] Perennial
- [ ] Ephemeral

Outlet
- [ ] Absent
- [ ] Present, to wetland ____
- [ ] Perennial
- [ ] Ephemeral

IEP inc.

WETLAND INVENTORY REPORT

PROJECT NUMBER 84-194
WETLAND NUMBER W8
FLIGHT, PHOTO NUMBER(S) _____

MAP NUMBER(S) _____

ACREAGE 0.049

ACREAGE	PERCENT	
0.037	75	WET MEADOW
0.012	25	SHALLOW MARSH
		DEEP MARSH
		SHRUB SWAMP
		WOODED SWAMP
		BOG
		OTHER _____
0.049	100	TOTAL

unusual, rare, or endangered vegetation	unus	rare	end

unusual, rare, or endangered fauna	unus	rare	end

Size
- [ ] Large >4.6 acres
- [ ] Medium 1.1-4.5
- [x] Small <1 acre

Surficial Geologic Material of watershed
- [ ] Till
- [ ] Stratified sand and gravel
- [x] Stratified fine sand and silt
- [ ] Alluvium

Percent Wetland Bordering Open Water
- [ ] <33%
- [ ] 34-66%
- [ ] 67-100%
- [x] Does not border

Legal Access
- [x] Yes
- [ ] No

Fetch
- [ ] Over 2000 ft.
- [ ] Under 2000 ft.

Depth of Lake
- [ ] Deep >6 ft.
- [ ] Shallow <6 ft.

Social-economical Elements

Hydrologic Connection
- [ ] Connected to a Small Stream
- [ ] Connected to a River
- [ ] Connected to a Lake
- [ ] Connected to a Combination

Access to Public
- [x] Within 100 ft of Road
- [ ] Access by Passable Waterway
- [ ] Isolated

Surrounding Population Density
- [x] <1 person/acre (<320/mi²)
- [ ] 0.5 - 1.9 p/a (430-1220/mi²)
- [ ] >2 p/a (>1220/mi²)

Local Scarcity
- [x] 200 ft to nearest similar type
- [ ] 201 to 1000 ft to nearest similar type
- [ ] >1000 ft to nearest similar type

Known Crop Value or Potential
- [x] None
- [ ] Supports 1 family for part of year
- [ ] Completely supports 1 family
- [ ] Supports viable commercial interest

Inlet
- [ ] Absent
- [ ] Present, from wetland ___
- [ ] Perennial
- [ ] Ephemeral

Inlet
- [ ] Absent
- [ ] Present, from wetland ___
- [ ] Perennial
- [ ] Ephemeral

Outlet
- [x] Absent
- [ ] Present, to wetland ___
- [ ] Perennial
- [ ] Ephemeral

Outlet
- [ ] Absent
- [ ] Present, to wetland ___
- [ ] Perennial
- [ ] Ephemeral

Wetland Gradient
- [ ] Slight 0-3%
- [x] Steep >3%

Surrounding Slopes
- [x] Slight 0-3%
- [ ] Steep >3%

Topographic Position in Watershed
- [x] Upper
- [ ] Intermediate
- [ ] Lower

Geological Elements

Surficial Material
- [ ] Till
- [ ] Stratified Sand and Gravel
- [x] Stratified Fine Sand and Silt
- [ ] Alluvium

Bedrock
- [ ] Igneous and Metamorphic
- [x] Sedimentary

Organic Material
- [ ] Absent
- [ ] High Permeability
- [x] Low Permeability

Hydrological Elements

Hydrologic Position
- [ ] Perched Wetland
- [x] Water Table Wetland
- [ ] Water Table/Artesian Wetland
- [ ] Artesian Wetland

Transmissivity of Aquifer
- [x] Low <10,000 gal/day/ft
- [ ] Moderate 10,000 - 40,000 gal/day/ft
- [ ] High >40,000 gal/day/ft

Dominant Hydrologic Type
- [ ] Condition 1
- [ ] Condition 2
- [ ] Condition 3
- [ ] Condition 4
- [ ] Condition 5
- [x] Condition 6

Hydrologic Connection
- [x] Not Part of Riparian System
- [ ] Part of Riparian System

Water Level Fluctuation
- [ ] High
- [x] Low
- [ ] Vernal Pool

Groundwater Outflow
- [x] Absent
- [ ] Present

Inlet
- [x] Absent
- [ ] Present, from wetland ___
- [ ] Perennial
- [ ] Ephemeral

Inlet
- [ ] Absent
- [ ] Present, from wetland ___
- [ ] Perennial
- [ ] Ephemeral

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- [ ] Absent
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iEP inc.

WETLAND INVENTORY REPORT

PROJECT NUMBER 84-194
WETLAND NUMBER W9
FLIGHT, PHOTO NUMBER(S) _____

MAP NUMBER(S) _____

ACREAGE 0.038

ACREAGE	PERCENT	
0.038	100	WET MEADOW
		SHALLOW MARSH
		DEEP MARSH
		SHRUB SWAMP
		WOODED SWAMP
		BOG
		OTHER _____
0.038	100	TOTAL

Calamagrostis canadensis			X
(Blue Joint Grass)			
Calliergon boreale		X	
(Northern Bogmoss)			
Rubus idaeus strigosus		X	
(Red Raspberry)			
Carex sp.	X		
(Sedge)			
Convolvulus sepium	X		
(Hedge Bindweed)			
Poa compressa	X		
(Bluegrass)			
Onoclea sensibilis	X		
(Sensitive Fern)			
Carex stricta	X		
(Tussock Sedge)			
Solidago spp.		X	
(Goldenrod)			
Rumex orbiculatus	X		
(Water Dock)			
Salix interior	X		
(Sandbar Willow)			
Labiatae	X		
(Mint)			

number W9

date 6/20/84

field investigator(s)

W. Mueller

water quality

Stream or Brookside Wetland
Open Fresh Water
- [ ] Vegetated Subclass
- [ ] Non Vegetated Subclass

Open Fresh Marsh
- [ ] Dead Woody
- [ ] Shrub
- [ ] Sub-Shrub
- [ ] Robust
- [ ] Narrow-Leaved
- [ ] Broad-Leaved

Shallow Fresh Marsh
- [ ] Robust
- [ ] Narrow-Leaved
- [ ] Broad-Leaved
- [ ] Floating-Leaved

Flood Plain/Flats
- [ ] Emergent
- [ ] Shrubs and Trees

Wet Meadow
- [x] Ungrazed
- [ ] Grazed

Shrub Swamp
- [ ] Sapling
- [ ] Bushy
- [x] Compact
- [ ] Aquatic

Wooded Swamp
- [ ] Deciduous
- [ ] Evergreen

Bog
- [ ] Shrub
- [ ] Wooded

- [ ] Stream or Brookside Wetland
- [ ] Open Fresh Water
- [ ] Deep Fresh Marsh
- [ ] Shallow Fresh Marsh
- [ ] Yearly Flooded Flood Plain
- [x] Wet Meadow
- [ ] Shrub Swamp
- [ ] Wooded Swamp
- [ ] Bog
- [ ] Other ______

Wetland Class Richness
- [ ] 5
- [ ] 4
- [ ] 3
- [ ] 2
- [x] 1

Subclass Richness (Lateral Diversity)
- [ ] 10
- [ ] 6-9
- [ ] 4-5
- [x] 2-3
- [ ] 1

Vegetative Interspersion
- [ ] High
- [ ] Moderate
- [x] Low

Surrounding Habitat
- [ ] 90% of 2 or more of Listed Type
- [x] 50-90% of 1 or more; 90% of 1
- [ ] 50% of 1 or more of Listed Types

Cover Type
- [ ] 26-75% Scattered
- [ ] 26-75% Peripheral
- [ ] 75% or -25 Scattered
- [x] 100% Cover; 75% or <25% Peripheral

Percent Open Water
- [x] 0-30%
- [ ] 34-66%
- [ ] 67-95%
- [ ] 96-100%

Vegetative Species Richness
- [ ] Low
- [x] Medium
- [ ] High

Proportion of Wildlife Food Plants
- [ ] Low
- [x] Moderate
- [ ] High

Vegetative Density
- [ ] High
- [x] Moderate
- [ ] Low

Wetland Juxtaposition
- [ ] Highly Favorable
- [ ] Moderately Favorable
- [x] Unfavorable

Special Elements
- [ ] Aquatic Study Area
- [ ] Sanctuary or Refuge
- [ ] Wildlife Management Area
- [ ] Fisheries Management Area
- [ ] Educational Study Area
- [ ] Historical Area
- [ ] Other ______

Topographical Elements
Topographic Configuration
- [x] Closed Basin
- [ ] Semi-closed Basin
- [ ] Valley
- [ ] Hillside

unusual, rare, or endangered vegetation	unus	rare	end

unusual, rare, or endangered fauna	unus	rare	end

Wetland Gradient
- [x] Slight 0-3%
- [ ] Steep 3%

Surrounding Slopes
- [ ] Slight 0-3%
- [x] Steep 3%

Topographic Position in Watershed
- [x] Upper
- [ ] Intermediate
- [ ] Lower

Geological Elements

Surficial Material
- [ ] Till
- [ ] Stratified Sand and Gravel
- [x] Stratified Fine Sand and Silt
- [ ] Alluvium

Bedrock
- [ ] Igneous and Metamorphic
- [x] Sedimentary

Organic Material
- [ ] Absent
- [ ] High Permeability
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Hydrologic Position
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- [ ] High
- [x] Low
- [ ] Vernal Pool

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- [ ] Present, from wetland ____
- [ ] Perennial
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Inlet
- [ ] Absent
- [ ] Present, from wetland ____
- [ ] Perennial
- [ ] Ephemeral

Inlet
- [ ] Absent
- [ ] Present, from wetland ____
- [ ] Perennial
- [ ] Ephemeral

Size
- [ ] Large >4.6 acres
- [ ] Medium 1.1-4.5
- [x] Small <1 acre

Surficial Geologic Material of watershed
- [ ] Till
- [ ] Stratified sand and gravel
- [x] Stratified fine sand and silt
- [ ] Alluvium

Percent Wetland Bordering Open Water
- [ ] <33%
- [ ] 34-66%
- [ ] 67-100%
- [x] Does not border

Legal Access
- [ ] Yes
- [x] No

Fetch
- [ ] Over 2000 ft.
- [ ] Under 2000 ft.

Depth of Lake
- [ ] Deep >6 ft.
- [ ] Shallow <6 ft.

Social-economical Elements

Hydrologic Connection
- [ ] Connected to a Small Stream
- [ ] Connected to a River
- [ ] Connected to a Lake
- [ ] Connected to a Combination

Access to Public
- [ ] Within 100 ft of Road
- [ ] Access by Passable Waterway
- [x] Isolated

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- [x] <1 person/acre (<320/mi²)
- [ ] 0.5 - 1.9 p/a (430-1220/mi²)
- [ ] >2 p/a (>1220/mi²)

Local Scarcity
- [x] 200 ft to nearest similar type
- [ ] 201 to 1000 ft to nearest similar type
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- [x] None
- [ ] Supports 1 family for part of year
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- [ ] Absent
- [ ] Present, from wetland ____
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Outlet
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Outlet
- [ ] Absent
- [ ] Present, to wetland ____
- [ ] Perennial
- [ ] Ephemeral

APPENDIX C

List of Plants and Habitat Preferences for Species Found in the Proposed Trident Marina Study Area.

Scientific Name	Common Name	Habitat[1]
Scirpus validus	Hardstem Bulrush	OW
Thelepteris palustris	Marsh Fern	OW
Potentilla simplex	Common Cinquefoil	FW (O)
Carex aquatilis	Sedge	OW
Thalictrum dasycarpum	Meadow Rue	OW
Zizia aurea	Golden Alexander	FW
Spirea alba	Narrow Leaf Spirea	FW (O)
Eupatorium perfoliatum	Boneset	OW
Hieracium sp.	Hawkweed	F (O)
Rosa carolina	Pasture Rose	F (O)
Asclepias syriaca	Common Milkweed	FU (D)
Rubus idaeus stuigosus	Red Raspberry	FU (D)
Equisetum hymale	Smooth Scouring Rush	OW
Lathyrus palustris	Vetchling	FW (O)
Galium boreale	Northern Bedstraw	FW
Chrysanthemum leucanthemum	Ox-Eye Daisy	OU (O)
Hypoxis hirsuta	Stargrass	F
Rhamnus sp.	Buckthorn	F (O)
Tradescantia ohiensis	Spiderwort	F (C)
Polygonatum canaliculatum	Great Solomon's Seal	FU (O)
Juncus balticus	Lakeshore Rush	F (O)
Poa compressa	Canada Bluegrass	FU (D)
Solidago gigantia	Late Goldenrod	FW
Achillea millefolium	Yarrow	FU (O)
Fragaria virginiana	Wild Strawberry	FU (O)
Heracleum maximum	Cow Parsnip	OW
Rumex orbiculatus	Great Water Dock	OW
Sium suave	Water Parsnip	OW
Erigeron strigosus	Daisy Fleabane	FU (O)
Sporobolus sp.	Dropseed	F

Scientific Name	Common Name	Habitat[1]
Potamogeton pectinatus	Sago Pondweed	OW
Spiraea latifolia	Broadleaf Spiraea	FW
Cirsium arvense	Canada Thistle	FU (O)
Urtica gracilis	Slender Nettle	FU (O)
Rhus typhina	Staghorn Sumac	OU (O)
Galium aparine	Cleavers	FU (O)
Polygonatum biflorum	Solomon's Seal	FU (O)
Parthenocissus quinquefolia	Virginia Creeper	FU (O)
Plantago major	Common Plantain	OU (O)
Rumex acetosella	Sheep Sorrel	OU (D)
Festuca eliator	Meadow Fescue	FU (D)
Artemesia caudata	Wormwood	OU (O)
Salix humilis	Prarie Willow	FW (O)
Solanarum dulcamara	Bittersweet	F (O)
Cirisium muticum	Swamp Thistle	FW
Senecio pauperculus	Balsam Ragwort	F (O)
Iris versicolor	Larger Blue Flag	FW
Aropyron repens	Quack Grass	FU (C)
Carex stricta	Tussock Sedge	OW
Salix interior	Sandbar Willow	FW (O)
Eupatorium maculatum	Joe Pye Weed	OW
Potentilla anserina	Silverweed	OW
Calamagrostis canadensis	Blue Joint Grass	FW
Cornus stolonifera	Red Osier Dogwood	FW
Convolvulus sepium	Hedge Bindweed	F
Eleocharis compressa	Flat Stemmed Spike Rush	OW
Salix discolor	Large Pussy Willow	FW
Equisetum arvense	Common Horsetail	FW (O)
Myriophyllum sp.	Water Milfoil	OW
Potamogeton natans	Floating Leaf Pondweed	OW

Scientific Name	Common Name	Habitat[1]
Sparganium eurycarpum	Common Bur Reed	OW
Heteranthera limosa	Mud Plantain	OW
Eleocharis calva	Spike Rush	OW
Rorippia islandica	Yellow Cress	OW
Hypericium canadense	Canadian St. John's Wort	OW
Anemonella thalictroides	Rue Anemone	FW
Carex bebbii	Sedge	OW
Glyceria striata	Fowl Meadow Grass	OW
Bromus latiglumis	Ear Leaved Brome	FU (C)
Melilotus officinalis	Yellow Sweet Clover	FU (C)
Syringa vulgaris	Common Lilac	FU (O)
Oenothera biennis	Common Evening Primrose	OU (O)
Arenaria lateriflora	Grove Sand Wort	OW
Desmodium canadense	Showy Tick Trefoil	OU (C)
Cirsium discolor	Field Thistle	OU (O)
Smilacina stellata	Starry False Solomon's Seal	FU (O)
Sambucus canadensis	Common Elderberry	FU (O)
Lonicera tartarica	Tartarian Honeysuckle	F (O)
Hesperis matronalis	Dame's Rocket	FU (O)
Vitis riparia	Wild Grape	FU (O)
Morus rubra	Red Mulberry	FU (O)
Phalaris arundinacea	Reed Canary Grass	F (O)
Rhus radicans	Poison Ivy	FU (O)
Equisetum fluviatile	Swamp Horse Tail	OW
Solidago graminifolia	Lance-Leaf Goldenrod	F
Onoclea sensibilis	Sensitive Fern	FW (O)
Typha angustifolia	Narrow Leaf Cattail	OW
Phragmites maximus	Reed Grass	FW
Anemone canadensis	Meadow Anemone	FW
Prunus virginiana	Choke Cherry	FU

Scientific Name	Common Name	Habitat[1]
Typha latifolia	Common Cattail	OW
Solidago canadensis	Canada Goldenrod	FU (O)
Silphium terebinthinaceum	Prarie Dock	FW (O)
Carex granularis	Sedge	FW
Lobelia kalmii	Bog Lobelia	OW
Scirpus atrovirens	Dark Green Rush	OW
Scirpus americanus	Chairmaker's Bulrush	OW
Chara sp.	Muskgrass	OW
Quercus velutina	Black Oak	OU (C)
Populus deltoides	Cottonwood	FU (C)
Asparagus officinalis	Asparagus	FU (O)
Mirabilis nyctaginea	Four O'Clock	OU (O)
Commandra umbellata	Bastard-Roadflax	OW (O)
Carex stipata	Sedge	OW
Lynchinis alba	Evening Lynchnis	OU (O)
Bromus tectorum	Downy Brome	FU (O)

[1]Note:
- OW - Obligate Wetland
- FW - Facultative Wetland
- F - Facultative
- FU - Facultative Upland
- OU - Obligate Upland
- (D) - Dominant in Upland
- (C) - Common in Upland
- (O) - Occasional/Rare in Upland

EXHIBIT 3

GENERAL DESCRIPTION OF

THE INDEPENDENT SERVICE
OFFERED BY: IEP

IEP inc.

CONSULTING ENVIRONMENTAL SCIENTISTS
S22 W22660 BROADWAY, SUITE 3C, WAUKESHA, WI 53186
(414) 542-2733

June 14, 1984

Dennis Ward
Environmental Services Division
Sargent & Lundy
55 East Monroe Street
Chicago, IL 60603

Dear Mr. Ward:

As we discussed in our telephone conversation, I am sending you some materials that describe the consulting services offered by IEP Inc. IEP is composed of about thirty full-time, professional employees with expertise in biology, ecology, limnology, geology, geophysics, hydrology, land use, environmental engineering and planning.

IEP has provided environmental consulting services for ten years in the preparation of environmental impact statements, landfill and municipal water and sewer projects, wetland and floodplain issues, lake management and feasibility studies, and planning/assessment reports for land development projects. I would be happy to discuss our capabilities with you further should you require consulting services in environmental assessment, planning or permitting.

Sincerely,

Warren M. Mueller
Office Manager

WMM/sts

WETLANDS ASSESSMENT AND MANAGEMENT EXPERIENCE

Warren Mueller
Senior Biologist
Limnologist

IEP inc.
CONSULTING ENVIRONMENTAL SCIENTISTS
S22 W22660 Broadway, Suite 3C
Waukesha, Wisconsin 53186
414-542-2733

IEP inc.

CORPORATE OVERVIEW

IEP, Inc. is an environmental consulting firm composed of full-time professionals trained in a variety of the natural resource disciplines. Fields of expertise include biology, ecology, limnology, geology, hydrology, environmental planning and engineering. The firm was formed in 1975 and has become well established in the general area of environmental analysis, particularly water resource protection and management.

Since the corporation's inception, IEP has established itself as a leader in the field of wetland science. The firm has conducted more wetland related projects in the nation than any other organization. Clients include all levels of government, developers, engineering/planning firms, industry and private interest groups.

Among the services provided to clients involved with wetland issues are the following:

- Wetland Identification
- Wetland Mapping
- Wetland Function Assessment
- Wetland Function Enhancement/Management
- Wetland Impact Identification and Mitigation
- Wetland Permitting Processes
- Wetland Construction
- Expert Testimony

WETLAND EXPERIENCE

IEP has completed over 500 individual wetlands projects in Massachusetts, New Hampshire, Maine, Connecticut, Rhode Island, New York, Maryland and Wisconsin. These projects have ranged in scope from one day jobs to long-term projects. Clients have included developers, private interest groups, and local, state and federal agencies. In terms of volume, IEP's wetland work can be broken down into approximately 50% for development interests, 40% for local government agencies, 6% for private interest groups, and 4% for state and federal agencies. As a result, IEP is cognizant of and has been involved with all issues relative to wetlands protection. The majority of this work has resulted in the generation of documents which are part of the public record. This includes expert witness testimony provided in court and at administrative proceedings.

Both lectures and class instruction have been provided to a variety of interest groups, as well as to the U.S. Fish and Wildlife Service and the Army Corps of Engineers. In addition, IEP assisted the Massachusetts Audubon Society in developing the *Progressive Architecture* award winning guidebook entitled *A Guide to Understanding and Administering the Massachusetts Wetlands Protection Act*. This document covers both the technical and legal aspects ofthe wetland regulations. IEPwas also the primary author of *A Guide to theCoastal Wetlands Regulations of the Massachusetts Wetlands Protection Act* prepared for the Wetlands Division, Department of Environmental Quality Engineering.

Staff members of IEP are experts in understanding and applying wetland statutes and regulations, as well as performing the scientific aspects of wetlands science. As a result, the firm is highly qualified to address wetland issues in a manner best suited to meet the client's particular needs, while insuring a proper and sufficient scope of work within budgetary constraints.

Wetlands Assessment, Crandon Project, Exxon Minerals Company.

THE PROBLEM

The value of a wetland is determined by the functions it serves within the [illegible]. Wetland regulation has historically been designed to protect the functions [illegible] rather than the wetland itself. Examples of statutory wetland functions [illegible]

Wisconsin NR 1.95

Biological	Recreational
Hydrologic Support	Aesthetics
Groundwater	Educational
Storm and Floodwater Storage	Cultural and Economic
Shoreline Protection	Scarcity of Wetland Type
Water Quality Maintenance	Regional Context

Massachusetts Ch. 131, s. 40

Public and Private Water Supply	
Groundwater	Prevention of Pollution
Flood Control	Fisheries
Storm Damage Prevention	Shellfish

To protect these functions, each must be defined, and the numerous [illegible] elements which give rise to the individual functions must be identified. [illegible] have all of the identified functions, others only a few, and rarely, a wetland [illegible] the functions. Certain statutes require the rating and ranking of wetlands [illegible] determine those *significant* wetlands which deserve a greater degree of protection [illegible] wetlands which are *less significant*. The importance of this issue becomes [illegible] apparent when it is realized that projects adversely impacting the functions [illegible] be denied by the appropriate permitting agency.

THE SOLUTION

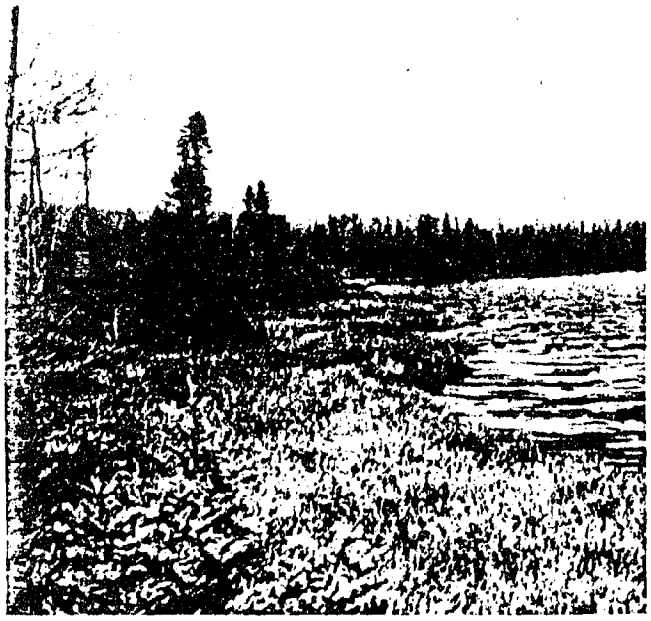
IEP has found the following steps necessary when determining the impact [illegible] functions by a proposed activity:

1. Inventory the natural resource elements which occur in the wetland.
2. Define the wetland. This requires mapping the wetland in such a manner [illegible] create closure by encircling a definite wetland entity.
3. Define individual wetland functions and determine the natural [illegible] elements of the wetland that create the individual functions.
4. Place the wetland inventory data into models designed to determine the functions of the wetland and to provide an *above average* or *below average* [illegible] for each function.
5. Identify the proposed activity, determine how it will change the wetland [illegible] natural resource elements, and analyze how these changes will either increase [illegible] decrease or eliminate a given function. Mitigative measures are identified from [illegible] procedure and their methods of implementation can be similarly assessed.

REPRESENTATIVE WETLAND PROJECTS

Project:
Wetlands Assessment/Impact Reports
Client:
Exxon Minerals Company
Rhinelander, Wisconsin

IEP aided Exxon Minerals Company in conducting an assessment of the wetlands contained in the project area of a proposed zinc-copper mine near Crandon, Wisconsin, in compliance with Wisconsin Administrative Code, NR 132. This regulation requires that assessments of wetland functions be conducted to insure that proposed project activities result in the least overall adverse impacts to wetlands. There were two primary objectives of this investigation: (1) to map, inventory and assess the functions of the study area wetlands; and, (2) to evaluate and compare wetland functions within the study area to the region at large. To fulfill the latter objective, numerical rating models were developed for each of the ten wetland functions listed in the Wisconsin Administrative Code. The data and results of this assessment were intended to aid Exxon, the Wisconsin Department of Natural Resources, and the public in applying the Wisconsin Administrative Code to mining activities. Through this process, functional damage to individual wetlands and to the regional wetland ecosystems could be minimized.



Duck Lake Wetland, Crandon, Wisconsin, Exxon Minerals Company.

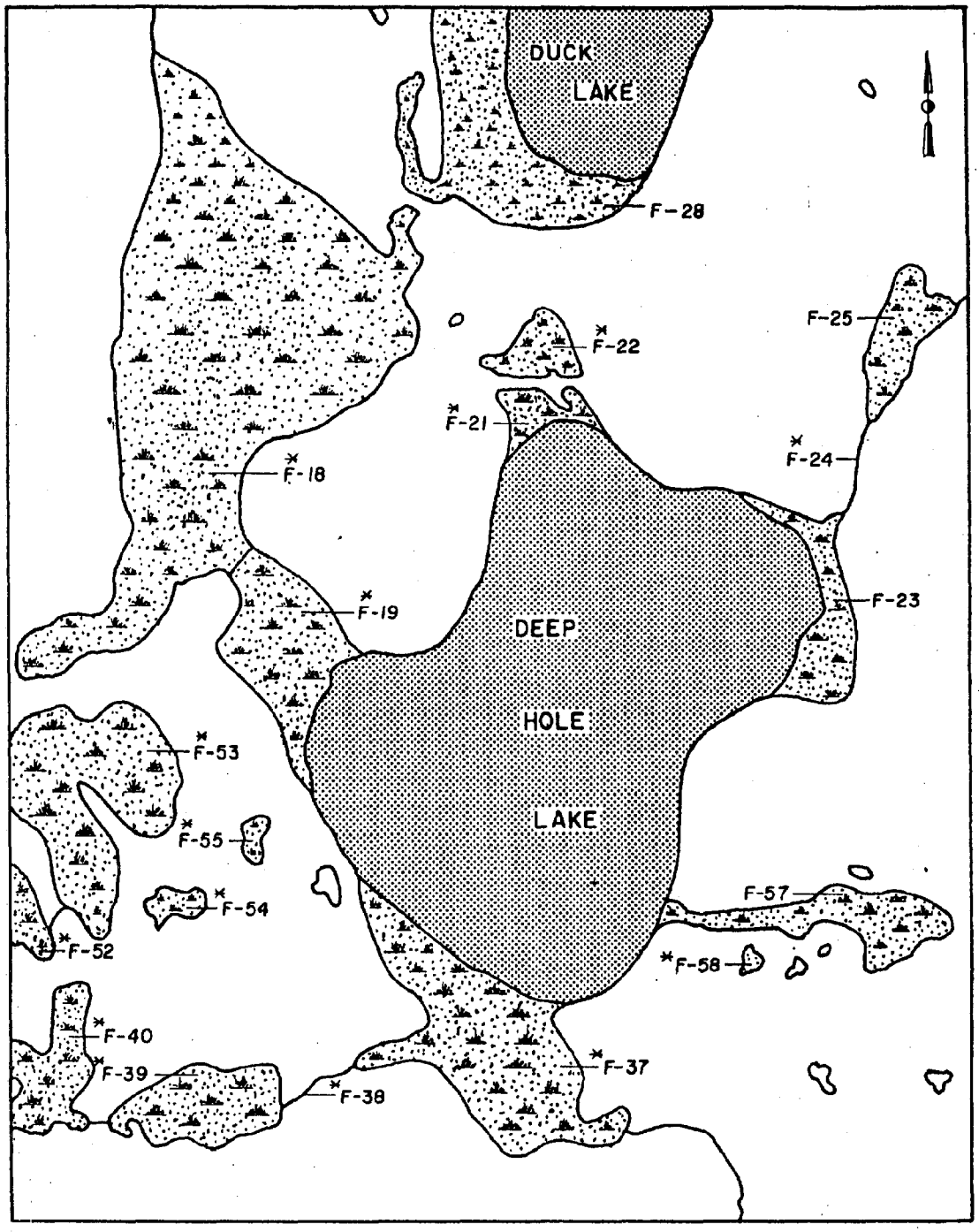
Table 5.4-1. Regional scarcity expressed as the percentage of supplemental wetlands versus those in the region.

WETLAND TYPE	AREA OF WETLANDS PROTOTYPED IN THE REGION		WETLANDS AS A PERCENTAGE OF THE TOTAL REGIONAL AREA	ESTIMATED AREA OF WETLANDS IN THE REGION		ACREAGE OF SUPPLEMENTAL WETLANDS		SUPPLEMENTAL WETLANDS AS A PERCENTAGE OF THE REGIONAL AREA WETLANDS
	Hectares	Acres	(Percent)	Hectares	Acres	Hectares	Acres	(Percent)
Shrub swamp	1,650	4,086	3.3	4,081	10,083	25.23	62.34	0.6
Bog	786	1,947	1.6	1,939	4,800	84.55	208.92	4.4
Aquatic bed	129	320	0.3	317	785	0.47	1.16	0.1
Deciduous swamp	2,604	6,446	5.3	6,440	15,940	10.74	26.55	0.2
Coniferous swamp	4,228	10,467	8.6	10,453	25,873	189.46	468.06	1.8
Marsh	356	881	1.1	1,285	3,176	25.42	62.62	2.0
Total	9,753	24,145	20.2	24,515	60,655	336.27	830.03	1.4

Total land area of the region: 121,967 ha (301,900 acres).
Total land area in the supplemental wetlands study area: 2304.7 ha (5693.8 acres).

The study area was approximately 11 square miles in size and contained five lakes and 224 wetlands including bogs, shrub swamps, wooded swamps, aquatic beds, marshes and streamside wetlands. Wetlands in the study area were first delineated on aerial photographs, and then mapped by field investigation. Detailed numerical rating models were developed for the ten wetland functions. An inventory list of resource elements required for the model inventory sheets was prepared, based upon established scientific criteria obtained from literature review. A field study was then conducted for each wetland larger than 0.25 acres and a resource element inventory sheet was also completed for each of these wetlands. Data from the inventory sheets were entered into each numerical model and the functions of the 157 wetlands were assessed using a numerical rating system.

The numerical modeling results were evaluated in a regional context by determining the regional scarcity of each wetland type. The frequency of occurrence, or scarcity, was then expressed as a percentage of the total study area. Results of the qualitative and numerical modeling assessments indicated which wetlands had above average ratings and which had below average ratings for each of the ten wetland functions. This information was then related to the proposed project activities and alternatives, and their impacts to wetland hydrology. A detailed analysis of the data identified wetlands of *special interest* based on their relationship to the proposed mine waste disposal areas, and the alternate routes for roads, railroads and pipelines.



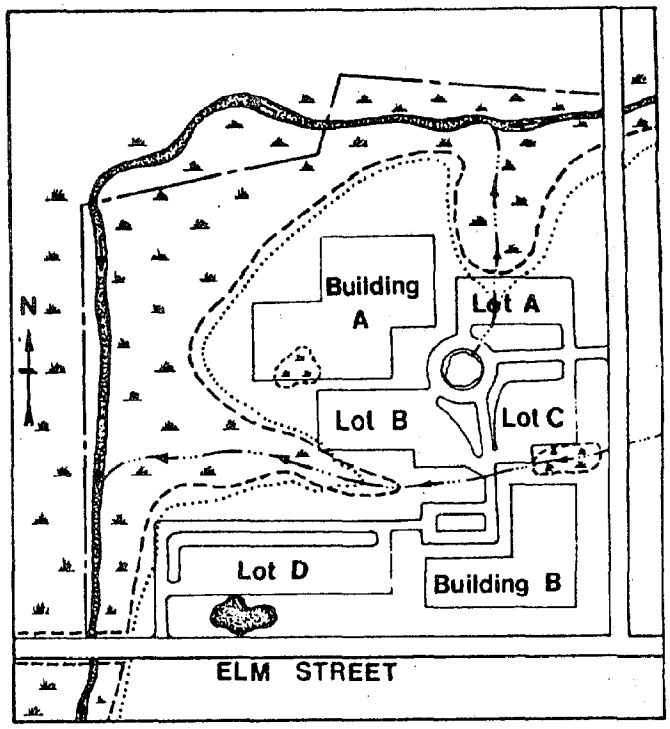
Portion of wetlands map, Crandon Project, Exxon Minerals Company.

Project Type: Wetland Variances for Landfill Expansions

Many existing and proposed landfill expansion areas throughout the country involve the filling of wetlands. In Wisconsin, the expansion of landfills into wetland areas requires a variance from the Department of Natural Resources under NR 1.95, the state environmental code which protects wetlands. If the proposed work will destroy a significant wetland, the request for a variance may be denied. Therefore, it is necessary to determine the functional value of the wetlands which are proposed to be filled through data collection and field investigation. This information must be submitted to the DNR as part of the request for a variance.

IEP has been involved in these assessments for all three stages of landfill development and expansion. Prior to the landfill design stage, IEP has been involved with determining the functional significance of wetlands in the proposed development areas, and assisting in identifying alternative upland areas where feasibile. In the case of expanding an existing landfill, IEP has determined which wetland areas have the least functional significance and will most likely qualify for a variance under the state regulations. After the landfill design has been completed, IEP has provided expert testimony when wetlands are to be altered and the project has become a contested case. All three of these situations have required IEP to identify, map, inventory and assess wetland functions, and propose alternatives or means to mitigate negative impacts.

Wetland at landfill site.



Proposed development plan and resource area identification.

Project Type: Residential, Commercial and Industrial Projects

Most land development projects involve sites which contain or are adjacent to wetland areas. Numerous state and local statutes exist which regulate or prohibit work in or adjacent to wetland and floodplain areas. Before work can begin, wetland permits are required. IEP has performed over 250 wetland projects for clients needing wetland permits. All of these projects have involved the identificaiton and mapping of wetland areas. In most cases, this field work is conducted prior to preparation of the definative site plan, with the wetland data being utilized as a critical site design criterion. IEP's scientists work with the client's engineers and designers in producing a site plan that meets the requirements of the applicable wetlands regulations, as well as fulfilling the goals of the client. This includes the design of wetland restoration and construction projects as a trade-off or mitigation measure for compliance. IEP will normally prepare the necessary documents for the applicant and represent the client at all types of public hearings, administrative proceedings, in court, or at adjudicatory hearings. IEP has successfully obtained wetland permits for a large number of developments, many of which posed difficult and complex wetland issues.

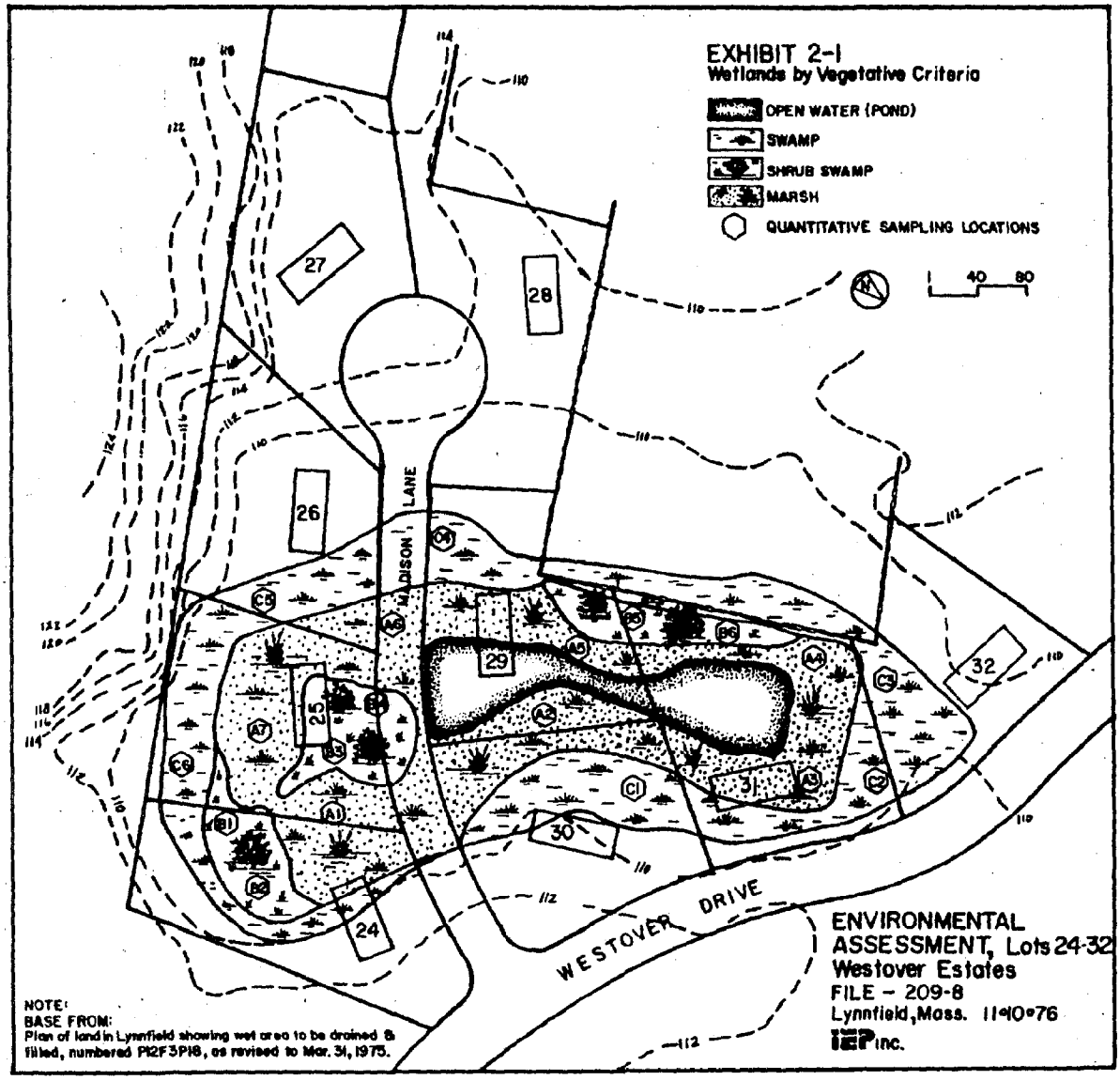


EXHIBIT 2-1
Wetlands by Vegetative Criteria
OPEN WATER (POND)
SWAMP
SHRUB SWAMP
MARSH
QUANTITATIVE SAMPLING LOCATIONS
40 80
MADISON LANE
WESTOVER DRIVE
24
25
26
27
28
29
30
31
32
ENVIRONMENTAL ASSESSMENT, Lots 24-32
Westover Estates
FILE - 209-8
Lynnfield, Mass. 11-10-76
IEP inc.
NOTE:
BASE FROM:
Plan of land in Lynnfield showing wet area to be drained & filled, numbered P12F3P18, as revised to Mar. 31, 1975.

Project:
Identification, Delineation and Classification of Wetlands
Client:
Planning Board
Town of Concord, Massachusetts

This study conducted for the Planning Board, Town of Concord, Massachusetts, involved detailed mapping of the extensive wetland system within the boundaries of the 16,500 acre municipality, and development of a regulatory program for protection of identified wetlands. Wetlands were identified by field survey methods and boundaries were delineated on 120 base maps with a scale of 1" = 100' and a two foot contour interval. Various key, value and interpretive maps were produced at a scale of 1" = 1000'. Wetlands were mapped and classified according to the vegetation, soils, surface water and groundwater criteria listed in Masschusetts General Laws Chapter 131, Section 40, as amended.

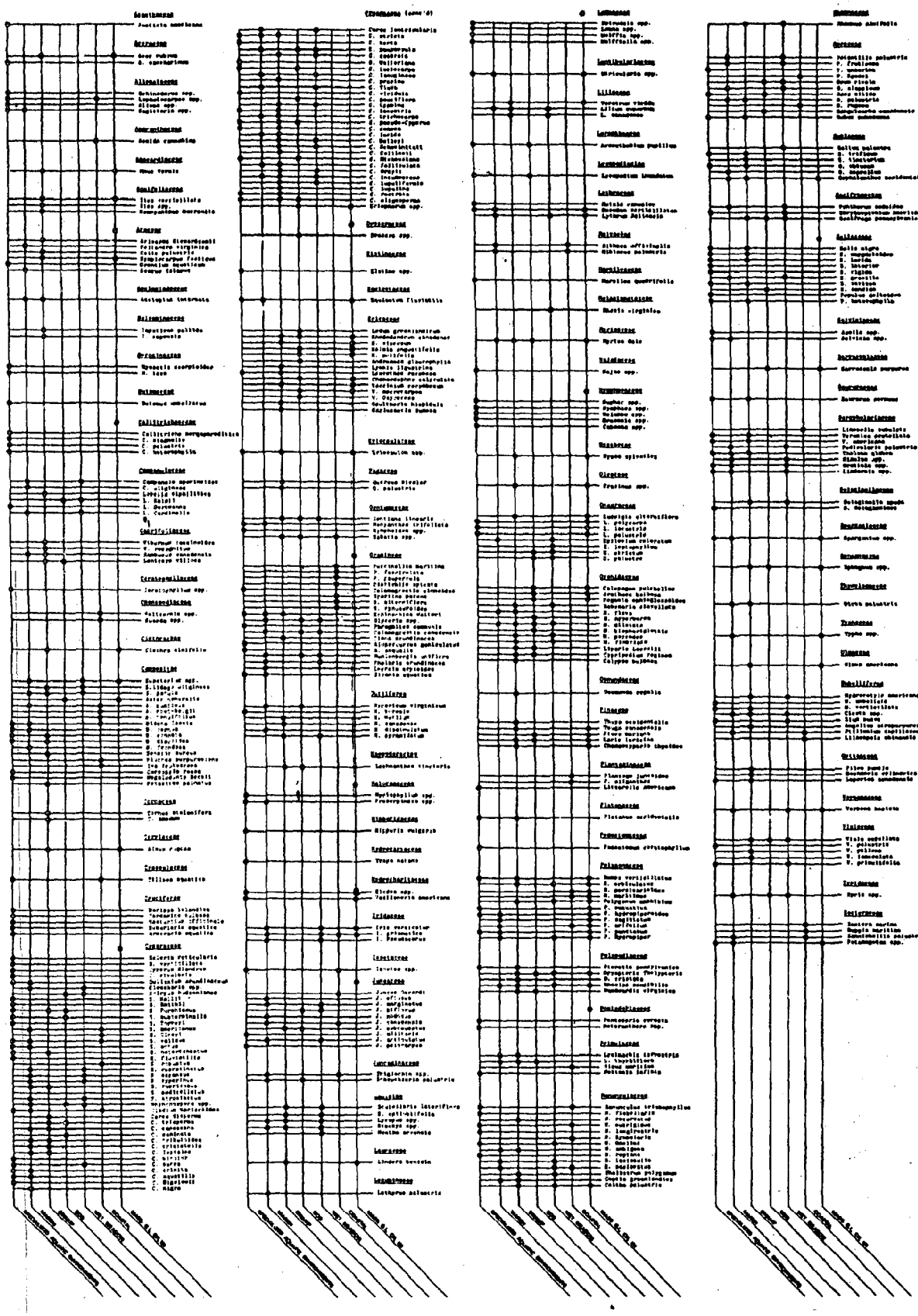
The field survey method was initially suggested by IEP because it would produce more accurate maps than could be produced by means of aerial photo interpretation. By using aerial photos, not all wetlands could be identified, since there were problems phototyping certain plant species categorized by Masschusetts General Laws, Chapter 131. Boundaries could not be accurately plotted. It was further felt that a wetlands map interpreted from aerial photography would be inappropriate, since a detailed list of species found within each wetland could not be developed, nor could the technique yield other information as readily as the field survey method. Field survey, on the other hand, especially using an interdisciplinary team, would yield information to town departments and boards that would be valuable in their various decision making processes. Rare plant species could be identified and located. The hydrologic and geologic situation could be determined for each wetland, as well as their sensitivity to various land use activites. Its value in terms of wildlife, plant resources, flood retention and groundwater storage could be identified. A buffer zone could be determined that would respond to the identified values, sensitivies and physical factors of the wetlands.

The town concurred with IEP's recommendation, judging that accurate maps would ease the current work load of the town Department of Natural Resources in administering the State Wetlands Protection Act, in that a determination could quickly and accurately be made as to whether a wetland actually exists and whether it would be affected. Secondly, accurate mapping would aid the town Board of Health in evaluating sewage disposal applications by determining the location of wetland boundaries as required by a town health ordinance, with one condition for approval being a 75 foot setback requirement from a wetland to an individual subsurface sewage disposal system. Thirdly, accurate wetland mapping would allow a more equitable town-wide property re-evaluation program.

Botanical survey.

The study then proceeded involving several steps. The first step included collection of all available existing data that could be interpreted as possible wetland areas within the town. Interpreted wetlands and waterbodies were delineated on the 1960 1" = 100' scale, two foot contour interval topographic base maps produced by Air Survey Corporation.

Soil Conservation Service maps provided data on soils classified as wetland soils or soils having severe land use limitations due to wetness. The United States Geological Survey had mapped surficial geologic deposits in the area. Certain surficial materials could be used to identify possible wetland situations. In addition, data on state-wide land use, including wetland categories, had recently been generated using aerial



DATA SHEET · WETLAND PLANTS

NOVEMBER, 1975

photograph interpretation by the University of Masschusetts under the Massachusetts Map-Down project.

Possible wetland areas based on these background data sources were then transferred to the one hundred twenty 100 scale town base maps by referring to the original data source to minimize transferring errors, and to delineate boundaries using the greatest degree of control that was possible. The 100 scale maps, each having the four boundaries of possible wetland areas, became the field base maps. The maps acted as field guides which identified where wetland situations might possibly occur. Each possible area was then investigated in the field by an interdisciplinary team involving a geologist and an ecologist, both well versed in wetlands identification. One team was utilized for the entire field study to insure consistency in techniques, and to insure the team's familiarity with all wetlands, such that relative judgements as to various wetland values could be made on a town-wide basis.

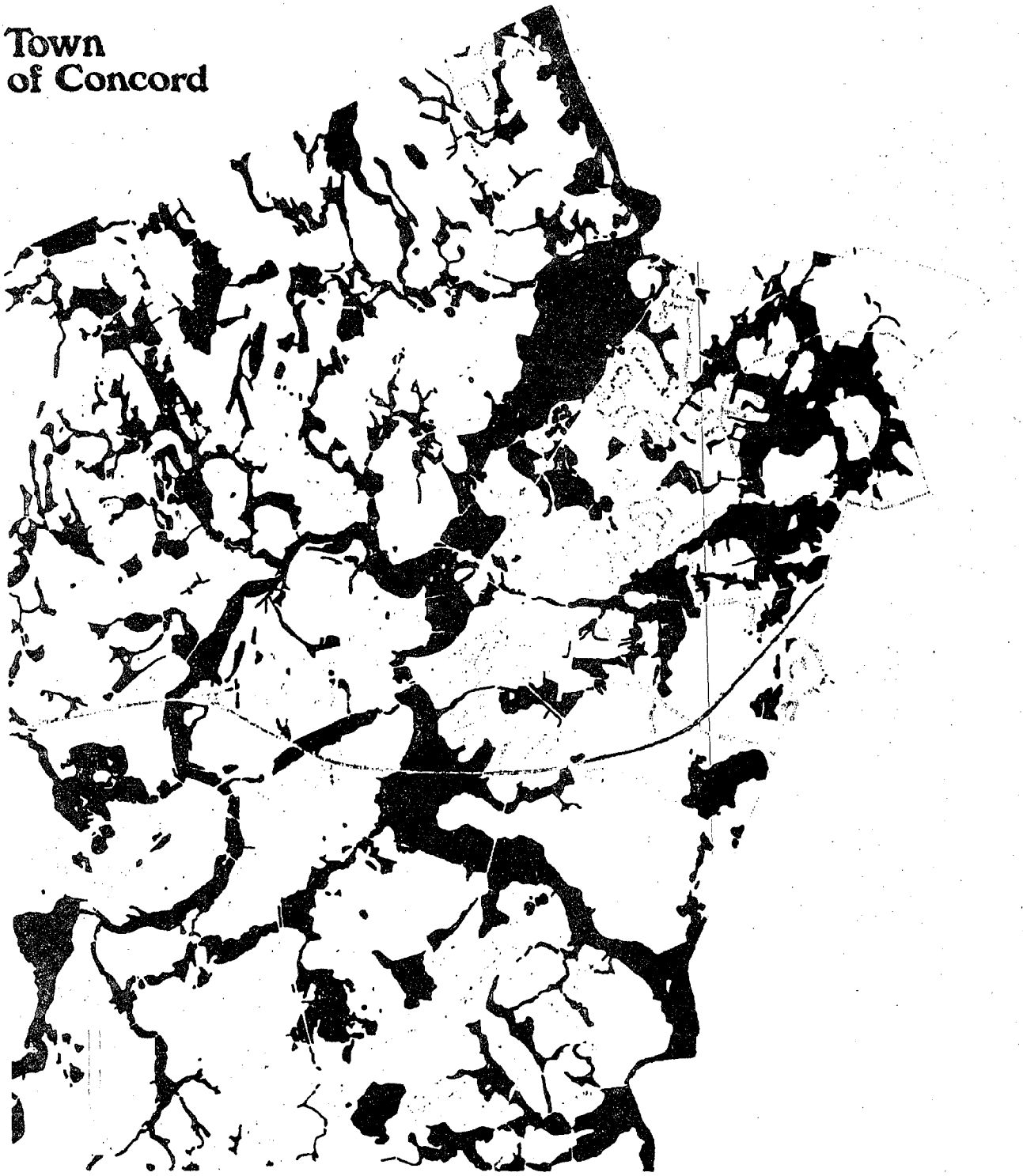
A detailed wetland plant species list was developed by IEP in consultation with established authorities to identify and delineate boundaries based on the wetland categories contained in Massachusetts General Laws, Chapter 131, Section 40, as amended. The various wetland communities, such as bogs, swamps, wet meadows and marshes, contain characteristic plant species, some of which are identified within the law. These vegetative communities reflect hydrologic conditions within the soil strata, which are caused by water being at or near the ground surface for a significant part of the growing season of wetland plants. Where vegetation did not exist or was greatly altered, wetland soils were mapped.

Wetland mapping.

Wetland boundary delineation.

The wetlands and the boundary about each area were identified in the field and plotted on each of the 100 scale field base maps using land navigation instruments and techniques. The boundary was also delineated in the field on 600 scale air photographs which were viewed stereoscopically and compared with the maps. The combination of detailed field base maps, high resolution stereo air photos and easily recognized ground control features allowed extreme accuracy in the location of wetland boundaries on the base maps. Final wetland maps were prepared as clear overlays for each of the 120 town base maps. A report on each identified and numbered wetland area or system was written to include a listing of the plant species found within the wetland, its category according to Massachusetts General Laws Chapter 131, its geologic and hydrologic occurance, and a discussion of its individual and town-wide relative ecological and hydrological value and sensitivity.

Finally, a regulatory program was developed to insure adequate protection of the town's valuable wetland resources. After an intensive survey and analysis of wetlands protection ordinances in eastern Massachusetts communities, a wetland zoning by-law amendment was written which was appropriate to the Town of Concord and which responded to the values and sensitivities of wetlands identified by the field survey.



WETLANDS

IEP inc.

Project Type: Review of Projects for Administrative Agencies

In many cases, local, county and state agencies charged with the protection of wetlands do not have the expertise or ability to determine the impacts of proposed projects upon wetland functions and resources. In other cases, these agencies may desire that the wetlands of counties or towns be formally mapped, often times with appropriate bylaws written as well. In still other cases, agencies may need assistance in the enforcement of existing wetland regulations. IEP has completed over 200 wetland projects for government agencies. These projects have ranged from small project site reviews of wetland issues to town-wide and county-wide wetland mapping and assessment of wetland functions. Many of these cases have resulted in administrative hearings and court testimony in which IEP staff members have provided critical evidence. IEP has successfully served as a mediator between developers and administrative agencies. This process involves the identification of significant wetland issues, focusing on these wetland issues through scientific scrutiny, and finding a solution that best meets the goals of both parties.

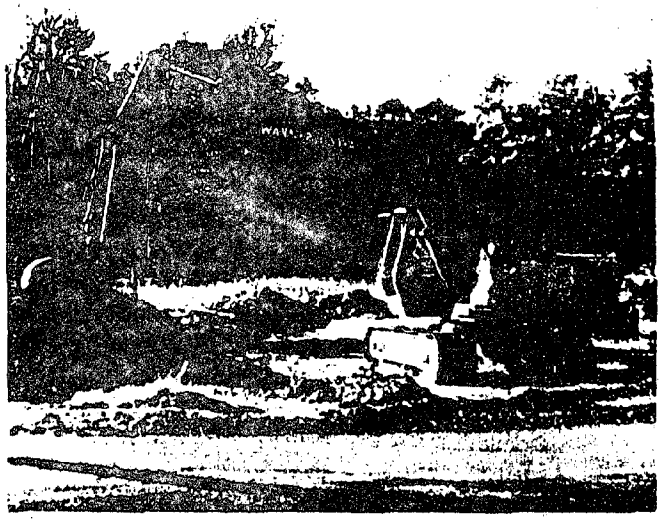
WETLAND INVENTORY REPORT

PROJECT NUMBER 448
WETLAND NUMBER B-2
FLIGHT, PHOTO NUMBER(S) 6-46

MAP NUMBER(S)

ACREAGE

ACREAGE	PERCENT	
		WET MEADOW
		SHALLOW MARSH
		DEEP MARSH
1.71	35.3	SHRUB SWAMP
3.13	64.7	WOODED SWAMP
		BOG
		OTHER
4.84	100	TOTAL



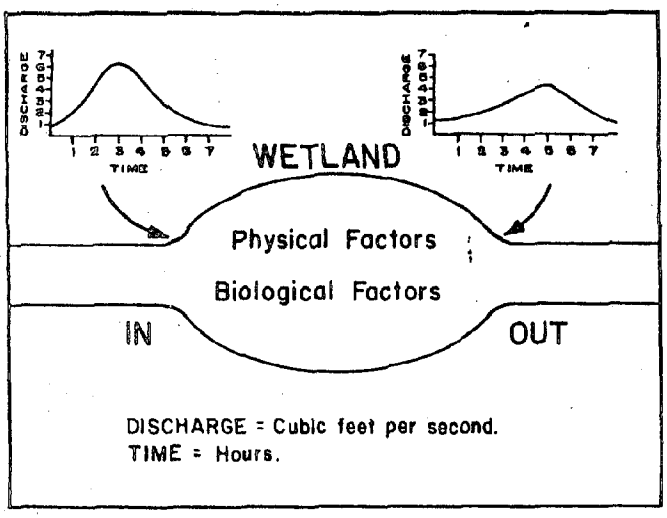
Replication of a wetland.

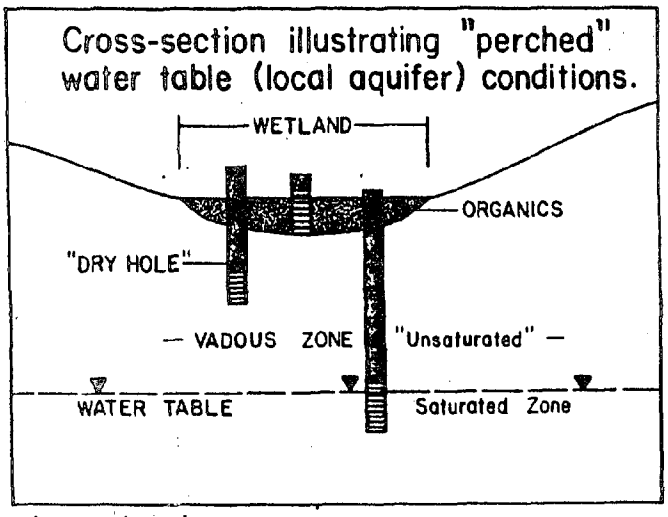
Project Type: Wetland Management and Replication

The continued loss of wetland areas has resulted in regulations requiring replacement of filled wetlands by construction of new *in kind* wetlands. In order to replicate a wetland *in kind*, the wetland that is to be replaced must first be inventoried and its functions understood. Only then can a new wetland be designed to replicate the old wetland. Critical to designing a new wetland is a thorough understanding of the hydrology of the proposed wetland. Detailed data must be obtained concerning predicted groundwater and surface water hydrology prior to selection of the vegetative community plantings. In some cases, the new wetland may be designed to have greater functions than the previously existing wetland. An *in kind* wetland can be managed to increase its functions, for example, to increase its flood storage potential or wildlife habitat. IEP has worked on a large number of studies where wetland replication or management has been conducted. To conduct these studies, an interdisciplinary team of geologists, engineers and biologists is commonly used. The goal of all of these projects has been to create better wetlands than those which are proposed to be lost. In addition, IEP personnel have performed construction inspections to insure that the construction work is properly carried out. Many of these projects have been conducted to comply with state wetland regulations.

Project Type: Wetland Education and Research

Wetland ecosystems and the way in which they function are generally poorly understood by scientists, the public and regulatory agencies. Many different vegetative and hydrogeologic wetland types occur in nature, and some aspects of wetland science, wetland hydrology for example, have been inadequately studied. Statutes and regulations futher compound the complexity of wetlands by creating *legal* definitions which do not always relate to wetlands as observed *in the field*. Furthermore, many of the values and functions ascribed to wetlands may not actually occur within a specific wetland. IEP has conducted a number of projects which have generated research data concerning wetland vegetation, surface water hydrology, groundwater geology, nutrient removal, and the relationship of wetlands to surface water and groundwater quantity and quality. One focus has been IEP's research in developing models to predict the function of wetlands and establish wetland values. Much of this data has been published and presented at professional meetings by IEP staff members. In addition, since 1975, IEP staff members have continuously given classes in wetland science and wetland education. These classes have ranged from high school to college level, including classes for the Army Corps of Engineers, U.S. Fish and Wildlife Service, Society of Wetland Scientists, state regulatory agencies, and various environmental organizations. IEP assisted the Wetlands Division of the Massachusetts Department of Environmental Quality Engineering in preparing and presenting more than twenty classes on the new Massachusetts Wetlands Protection Act Regulations. IEP prides itself in its oral and graphic presentations to provide information on wetland science.





Educational graphics.

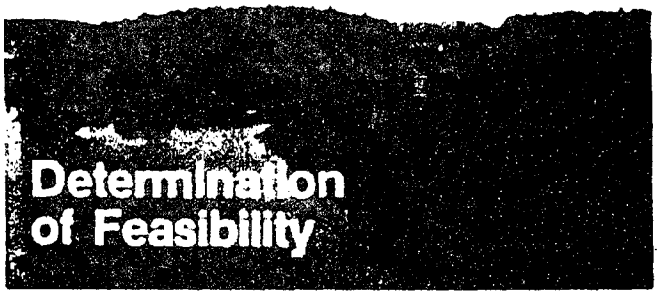
Reviewing wetland issues with landowner.

Project:
Feasibility Study of Wetland Disposal of Wastewater Treatment Plant Effluent
Client:
Commonwealth of Massachusetts
Water Resources Commission
Division of Water Pollution Control

"In line with federal and state regulations to restore and maintain the quality of the Nation's waters, an increasing amount of effort has been devoted toward finding innovative and efficient means of treating wastewater. All too often, economic considerations prohibit extensive utilization of advanced wastewater treatment systems which are designed to achieve maximum nutrient removal. The result, in Massachusetts, is a situation where the large majority of secondarily treated wastewater is discharged into the Commonwealth's streams and rivers with nutrient levels frequently sufficient to accelerate eutrophication in some of these waters. A variety of alternatives exist, or are arising through current experimental investigation, which might provide economic and efficient nutrient removal of this secondarily treated wastewater effluent.

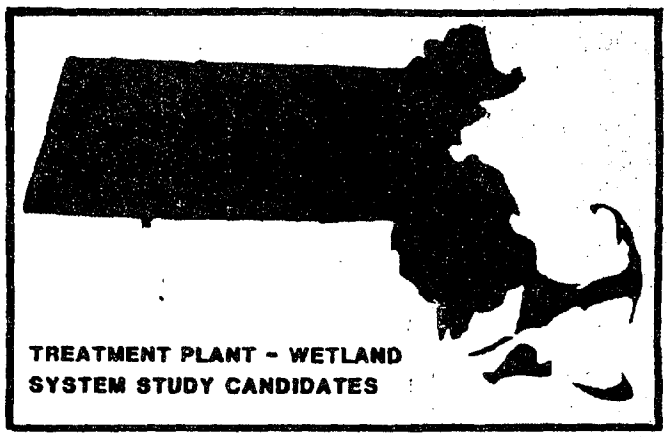
The use of wetland ecosystems in this capacity is an alternative which has been receiving increased consideration. The growing number of investigators in this field, and indeed the existence of functioning systems, attests to the potential of using wetlands for increased renovation of wastewater...Suffice it to state at present that the results of investigations throughout this country, Canada and Europe have suggested that wetland disposal of wastewater has potential.

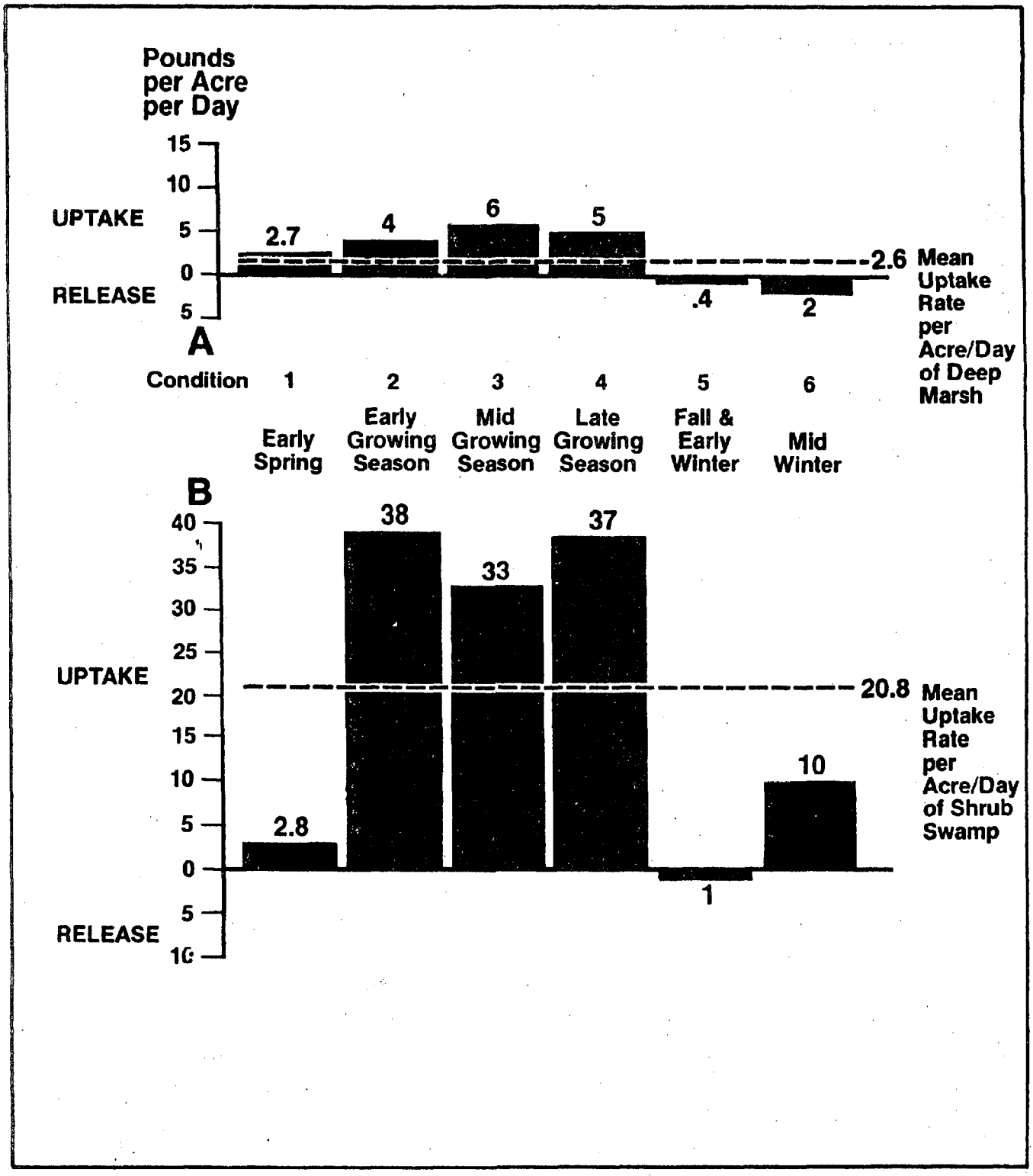
The results of many of these studies, however, indicate that geologic, hydrologic, and climatic conditions strongly influence the fate of wastewater or simulated nutrient additions in wetlands. Obviously, these conditions vary greatly between geographic areas, and direct application of the results of other investigations is not often possible. Given the sensitive nature of the proposed project, a very systematic and controlled approach was envisioned to assess the feasibility of utilizing wetland treatment systems within the environmental conditions specific to Massachusetts. In October 1977, the Massachusetts Division of Water Pollution Control (MDWPC) commissioned an 18 month study designed to fully examine the concept and its implementation in the Commonwealth." Excerpt from *Executive Summary—Feasibility Study of Wetland Disposal of Wastewater Treatment Plant Effluent* by IEP, Inc., 1979.



To investigate this concept thoroughly, IEP made full use of its interdisciplinary capabilities. A study team was created consisting of an environmental planner, ecologist, geologist, hydrologist, biologist and engineer. Together they outlined a series of tasks to be completed responsive to the client's schedule.

Task 1 was designed to identify those inland and coastal wetlands within the Commonwealth of Massachusetts which might have the environmental potential to serve as sites for acceptance of secondarily treated wastewater effluent. To accomplish this, all relevant data was collected and reviewed so as to formulate an understanding of wetland component functions under various conditions. Data was also collected on all municipal wastewater treatment plants having discharge permits within Massachusetts. Waste loads and distance from acceptable wetland situations were primary criteria used in evaluating whether or not the *natural filter* concept should be further examined. Thus, a preliminary evaluation of treatment plant-wetland system combinations was made in terms of potential research usage. Of the 108 original candidate treatment plant locations, twenty-one required more detailed examination.



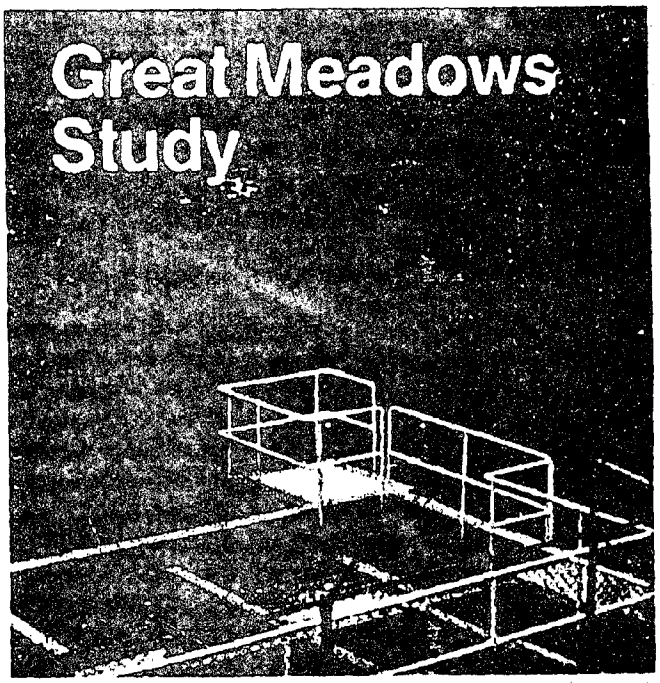


A - BOD
Uptake & Release Rates
Stations 1 to 3

B - BOD
Uptake & Release Rates
Stations 1 to 2

A FEASIBILITY STUDY:
WETLAND DISPOSAL OF WASTEWATER TREATMENT PLANT EFFLUENT
CLIENT: MASSACHUSETTS DIVISION OF WATER POLLUTION CONTROL CONTRACTOR: IEP, INC. WAYLAND, MASSACHUSETTS

Task 2 involved focusing more specifically on these twenty-one locations to determine the two best sites, one inland and one coastal, for implementation of a pilot project. This required intensive consolidation of existing data on each area's geology, hydrology and ecology, as well as cultural considerations such as town zoning by-laws, wetland ownership or existing use and other sensitivities. Subsequent to this was the development and implementation of field investigative procedures. Each area was the subject of detailed field work involving examination of those wetland components identified through the literature as having significance in influencing wetland renovating capacity. Hydrologic considerations, including flow conditions, retention-detention times, flooding periodicity and the ability to accurately model an area's hydrologic budget were most important. Sediments and vegetative communities were also characterized. Considereation of each area for use as a pilot project was then finalized with respect to the various constraints and advantages provided by each situation.



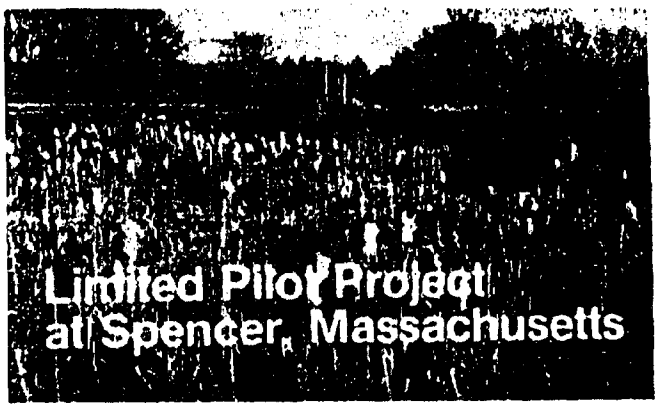
To complement this evaluation process, Task 3 involved the development and implementation of a monitoring program in an actual field situation involving wetland disposal of secondarily treated wastewater effluent. The objective of this monitoring program was to provide information on how a wetland system might function within the environmental constraints present in Massachusetts. For this purpose, MDWPC selected a site at the US Fish and Wildlife Service Great Meadows National Wildlife Refuge in Concord, Massachusetts, where secondarily treated effluent was being discharged into the Upper Pool section of the Refuge. The monitoring program made full use of IEP capabilities in the areas of hydrologic modeling, water quality testing and analysis, sediment quality testing, monitoring of invertebrate populations, and characterization of the vegetative community.

Wetland evaluation.

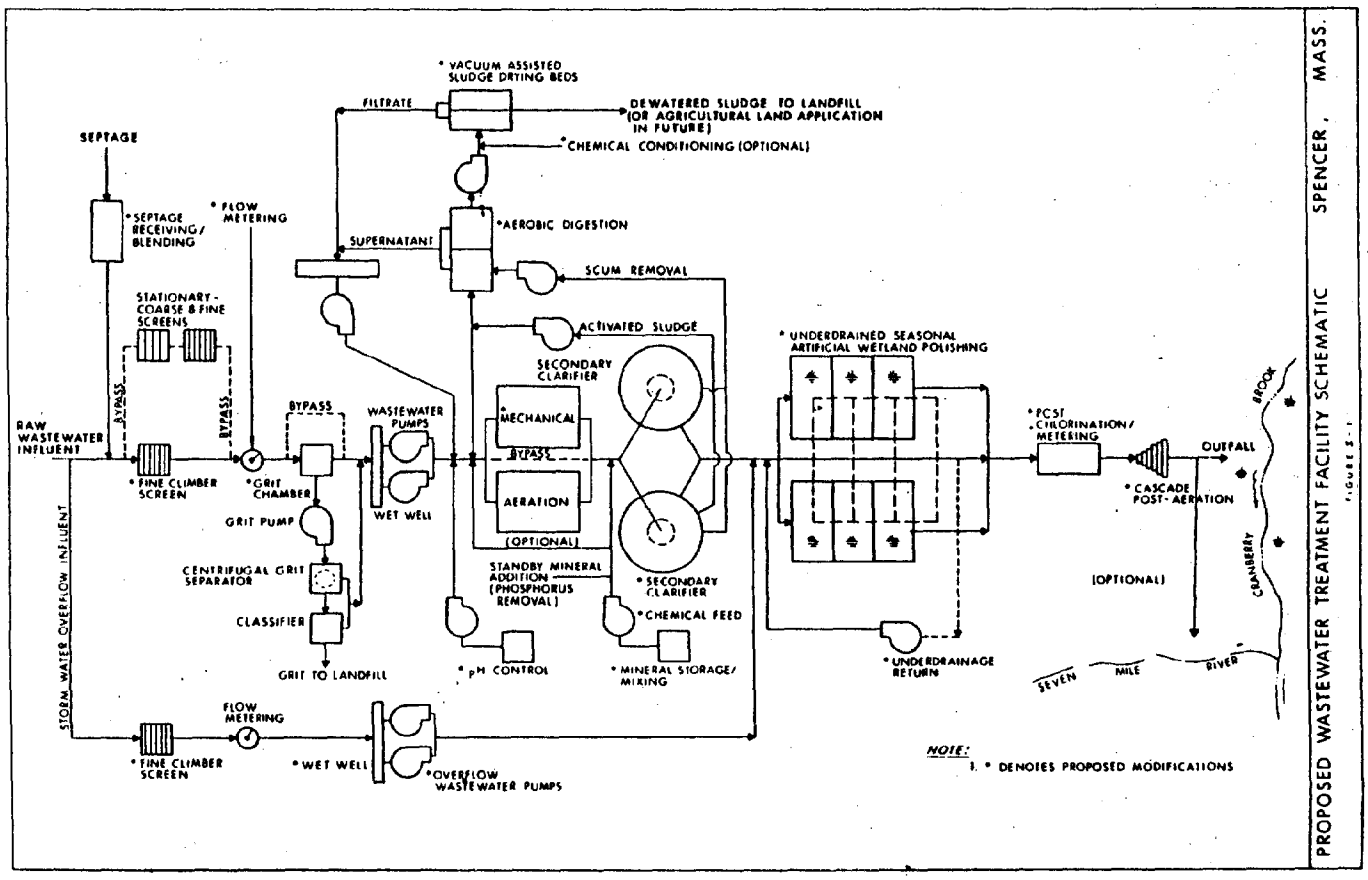
As a result of this systematic initial investigation, it appeared that conditions in Westborough and Ipswich, Massachusetts were most suitable for pilot project treatment plants. However, IEP determined that the use of only one or two wetlands in a pilot project would produce information specific only to those wetland situations. Therefore, IEP recommended that all existing situations in the state be monitored where wastewater is being discharged into vegetated wetlands. This would assist in determining those natural wetland conditions which contribute to the renovating efficiency of wetland systems in the region.

Even more importantly, IEP recommended the creation of artificial wetlands in the abandoned sewage lagoons at the Spencer, Massachusetts wastewater treatment facility. Each artificial wetland would be varied in terms of its influence upon the nutrient dynamics of wetland systems as a whole. This would enable the implementation of a monitoring program to determine the characteristics most desirable for wastewater renovation within Massachusetts.

A full-scale artificial wetlands system facility is currently in the process of being designed for Spencer based upon IEP's findings and recommendations. Such a wetlands system has been identified as the most cost-effective solution for the seasonal removal of nutrients from Spencer's wastewater effluent. Once the wetland system is in operation, a monitoring program will be instituted which will allow for the collection and analysis of all relevant environmental data.



Through implementation of this full-scale wetlands system and the monitoring of existing treatment plant-wetland discharge characteristics, comparisons of economic and renovating efficiencies between various wetland conditions can be made. In this way, the most feasible, efficient and environmentally sound course of action will be identified for the Town of Spencer and the Commonwealth of Massachusetts.



Town of Spencer, Massachusetts
Municipal Wastewater Facilities Plan, March 1983

Prepared by Cullinan Engineering Co., Inc.

IEP inc.

IEP inc.

Consulting Environmental Scientists

- Geology and Groundwater Science
- Hydrology
- Wetland Mapping and Evaluation
- Terrestrial and Aquatic Biology
- Environmental Planning and Engineering

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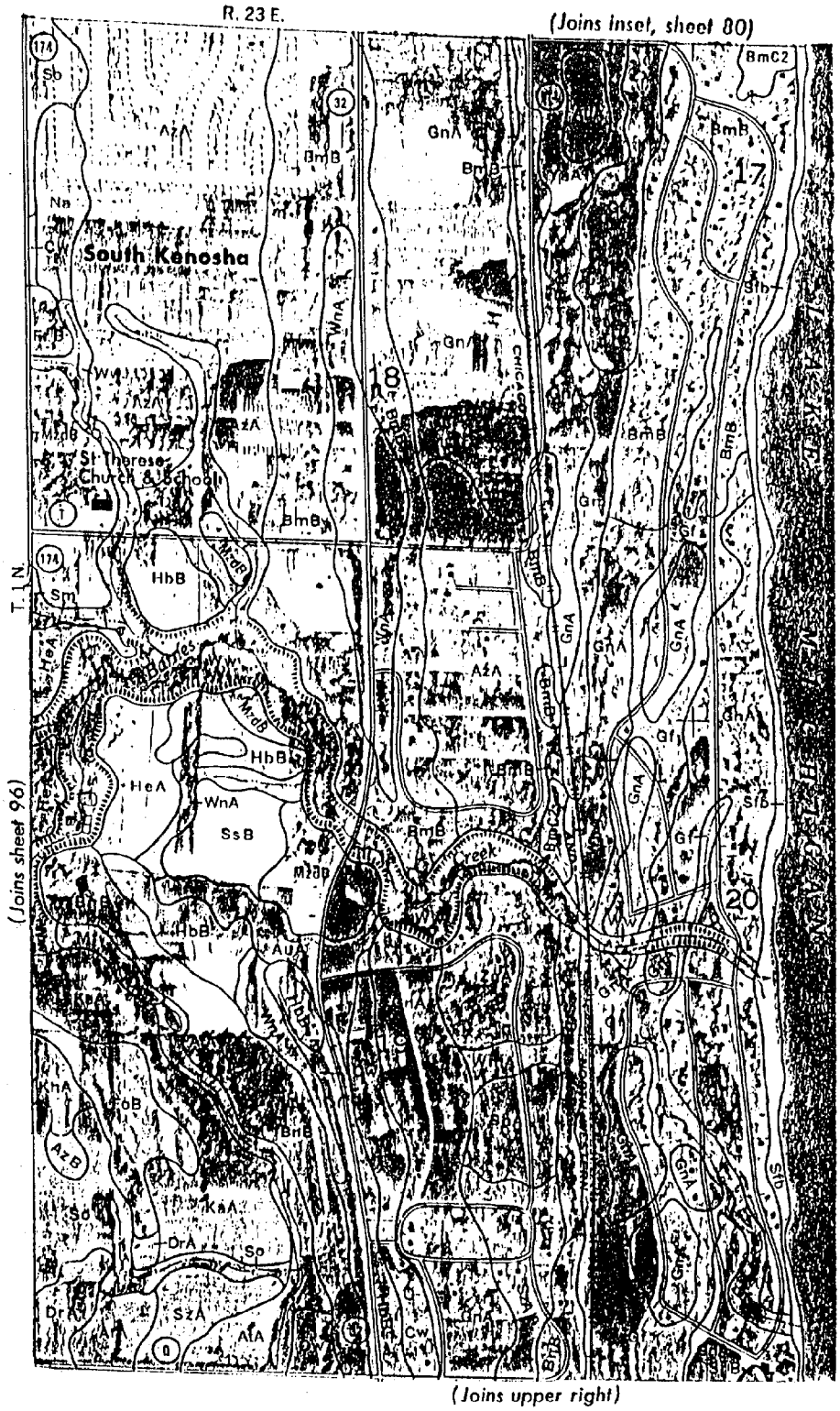
Printed 1984

EXHIBIT 4

1970 U.S. DEPARTMENT OF AGRICULTURE
SOIL MAP


R. 23 E.
(Joins inset, sheet 80)
South Kenosha
St Therese Church & School
T. 1 N.
(Joins sheet 96)
(Joins upper right)
17
18
20

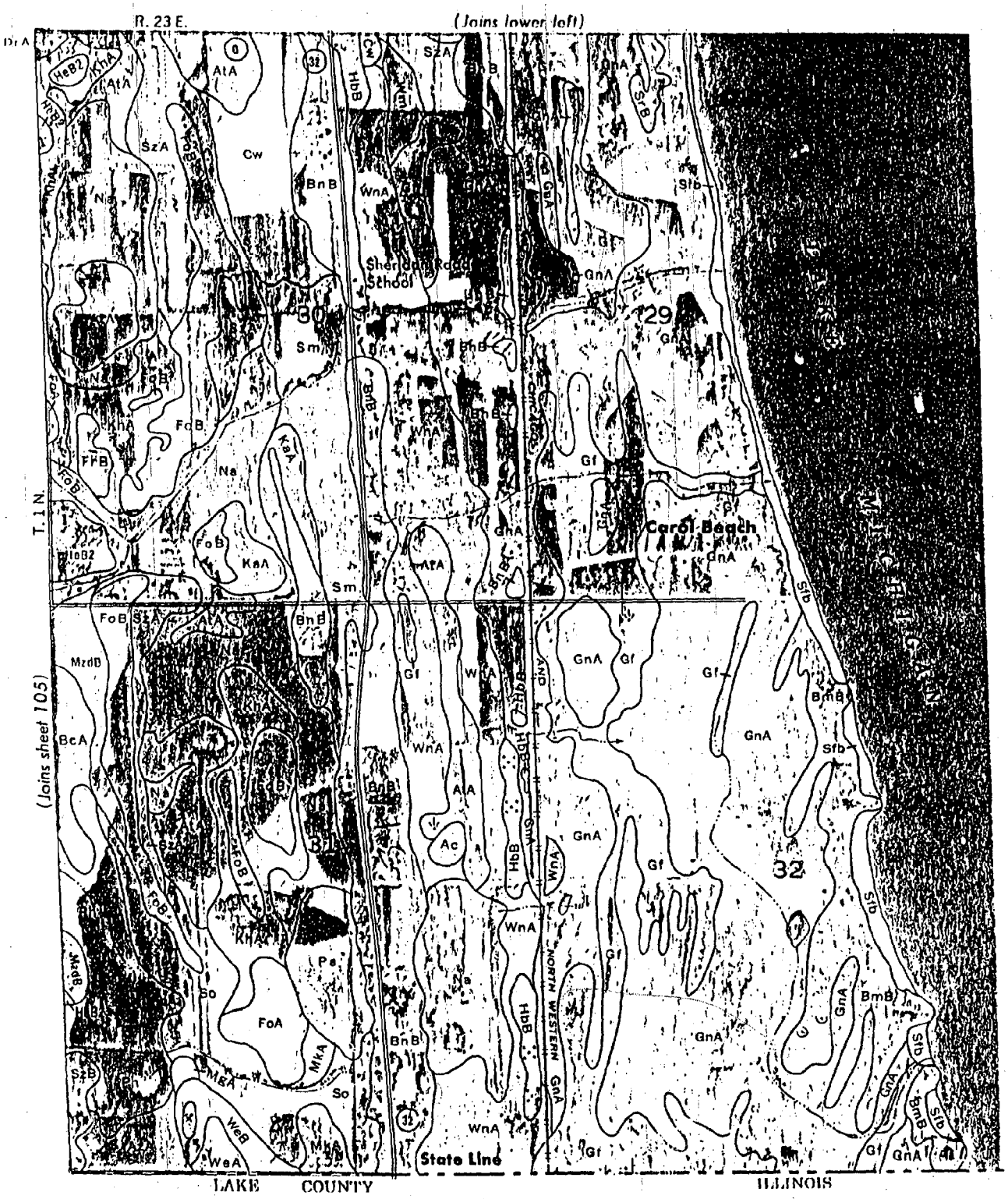

R. 23 E.
(Joins lower left)
T. 1 N.
(Joins sheet 105)
Sheridan Road School
Carol Beach
State Line
LAKE COUNTY
ILLINOIS
NORTH WESTERN
30
29
31
32

EXHIBIT 5

RECOMENDATION BY:

CHIWAUKEE-CAROL BEACH

CITIZENS COMMITTEE

CONCERNING
NEW INFORMATION NEEDS

Several areas of study are required to supplement the existing information. The categories of new information needs include scientific, economic, and political information. There are six primary categories of new information needs:

1) Botanical, hydrological, and soils investigations of wetlands;

2) Botanical and hydrological investigations of prairies;

3) Endangered and threatened species survey;

4) Compatability of development with preservation in adjacent lands;

5) Effectiveness of preservation status of currently protected Chiwaukee prairie;

6) Economic consequences of preservation versus development in terms of jobs, tax revenues, and multiplier effects.

The new information should be compared to the existing data

to correct inaccuracies and fill gaps. Estimated levels of effort, methods, and suggestions on who should collect the new information are presented in Section III.

1. Wetlands Studies

The biological, hydrological, and soils investigations of the wetlands in the project area would focus on the key indicators that define the existence and quality of these land cover types. The definition of wetlands is based on the occurrence of characteristic plant species, soils, and moisture regimes. Preliminary investigations of the study area indicated that many of the areas mapped as "wetland" lacked the necessary key indicators.

True wetlands in the area include deep marshes, shallow marshes, and low prairie. Deep marshes and shallow marshes are not difficult to define in that they are typically covered with surface water or obviously saturated near the surface. The vegetation is composed predominately of fairly distinctive hydrophytes such as sedges, rushes, and cattail.

Low prairies are more difficult to define because their indicator species include some grasses which, when observed by someone other than an expert botanist or when viewed on an aerial photograph, will appear similar to the grass-dominated mesic prairie. A diagnostic and universal indicator species within the low prairie of the study area is prairie cordgrass (*Spartina pectinata*). Closely associated with the prairie

Editor's Note: Page 7 of this Exhibit was not submitted.

are not wetlands now, nor have they been wetlands historically.

The studies described in Section III of this document will provide the necessary information on the occurrence and distribution of indicator plant species, wetland soils, and water table levels to accurately delineate true wetlands in the area. The functional value of the wetlands for flood control and water quality and the scientific value of the wetlands as pristine ecosystems will also be determined. Not all wetlands are worthy of preservation simply by virtue of being "wet land".

2. Prairie Studies

An apparent motivation for zoning much of the area for conservancy is the occurrence of virgin prairie vegetation. The Nature Conservancy has purchased and deeded to the state a large tract called the Chiwaukee Prairie and an active fund drive is currently directed toward purchasing other lots of undisturbed prairie in the area. Because the occurrence of virgin prairie politically affects the zoning decision, the true extent and quality of virgin prairie must be mapped.

As with wetlands, virgin prairies are characterized by the occurrence of "indicator species". However, the decision of whether an area that contains many prairie indicator species is in fact undisturbed and worthy of preservation depends more on disturbance indicator species than on the prairie indicator species. The reason is simple: truly undisturbed prairie, dominated by prairie species and lacking "disturbophytes" is

very rare. Disturbed areas that have been recolonized by prairie indicator species through succession, but which contain many "disturbophytes" are very common.

Preliminary investigation of the study area indicated that large tracts of grassland showed signs of severe disturbance. Canada bluegrass (Poa compressa), Kentucky bluegrass (Poa pratensis), and red top (Agrostis stolonifera) are key indicator species of disturbance. These species dominated the composition of some grassland areas which local residents stated were areas that the Sierra Club and Nature Conservancy have identified as virgin prairie worthy of preservation. In fact, the virgin prairie in much of this area was replaced by an 18-hole golf course 60 years ago. The golf course was abandoned approximately 50 years ago. During this 50 years many prairie species have reestablished and the area has the appearance of a prairie. However, the predominance of disturbance indicator species is evidence of the true history of the area. This abandoned golf course is an example of grassland in the area which appears to be prairie but is not worthy of preservation.

Preliminary investigations of the area also confirmed the existence of parcels of virgin prairie worthy of preservation. Other grasslands are somewhere in between in terms of quality because disturbance indicator species have heavily invaded the native unbroken sod due to past uses of the prairie (grazing or mowing perhaps).

A botanical survey, as described in Section III of this document, would accurately delineate and distinguish the areas of highest quality prairie (undisturbed sod/absence of disturbophytes), from low quality prairie (unturned sod/heavy invasion of disturbophytes) and historically destroyed prairie (dominance by disturbophytes/prairie species reestablishing).

3. Endangered and Threatened Species Survey

Another important factor for determining if an area is worthy of preservation is the presence of officially designated endangered or threatened species. Such species are reported to occur in places within the study area. These species are rare usually because they are sensitive to disturbance, and very little land has been left undisturbed. Because undisturbed parcels of prairie and wetlands are within the study area, the occurrence of some endangered or threatened species would be expected.

A biological survey of the area to identify the occurrences and distribution of endangered or threatened species must be performed to ensure that areas lacking such species and lacking other significant natural values are not unreasonably prohibited from development and, conversely, that such species are not threatened by development where they do occur. The requirements for a survey of endangered or threatened species are described in Section III of this document.

4. Compatibility of Preservation and Development

Preservation of worthy parcels of wetland and prairie should be compatible with development of other lands in the study area. The potential for impact on undisturbed prairies or wetlands from development would be dependent on the following factors:

1) Direct disturbance of soil and vegetation by surface perturbation;

2) Direct changes in surface hydrology by drainage or impoundment

3) Indirect changes in ground water hydrology by withdrawal of well water

4) Casual disturbances by increased pedestrian or off-road vehicle traffic because of higher density population in area.

The studies already described above for the biology and hydrology of the wetlands and prairies will provide the necessary information to properly plan avoidance of such impacts. Direct disturbance to soils, vegetation, and hydrology of areas worthy of preservation can be avoided simply by knowing where these areas are and zoning them accordingly. This would not be "spot' zoning if the standards for preservation are applied uniformly throughout the study area.

Surface drainage can be determined and upgradient or downgradient changes in drainage that would affect a preserved area could be zoned against while still allowing development of

upgradient or downgradient areas. The development could simply be required to preserve the existing topography.

Effects of wellwater withdrawal can also probably be mitigated. Primary sources of groundwater recharge in the area must be identified. Possibly, the groundwater regime is so dominated by Lake Michigan that the water table cannot be depressed significantly by domestic wellwater use in the study area. If the aquifer is recharged from inshore, the installation of water mains from Kenosha may be a solution to eliminate the need for water wells.

Control of pedestrian or off-road vehicle traffic on nature preserves can probably be handled the same as for the current preserves in the area. Fencing, posting notices, and barricading access points are typical measures. In addition, the ridge and swale landform inherently discourages access because of the parallel zones of wetland swales between the upland ridges. The density of residential development permitted by zoning should be studied to optimize the compatibility of development with preservation. Single family residences on large lots should probably be acceptable.

Although bringing sewer and water systems into the area creates the capacity for widespread development, that capacity does not necessarily have to be realized and can be controlled with proper zoning. The immediate shoreline zone is already largely developed. Where the shoreline is undeveloped, erosion

and loss of shore line is proceeding unchecked. Limited development along the shoreline and inland on lands not worthy of preservation would probably lead to greater shoreline protection measures which ultimately could protect the inland lands worthy of preservation. A sewer system to serve areas along the shoreline and some contiguous inland parcels could probably be constructed from Kenosha through already developed areas along the shore without disturbing pristine areas. Considering the length of time it could take to enact zoning, and the number of individual septic systems and holding tanks that could be built in the meantime, the environment might be better protected by a sewer and water system in the context of restrictive single-family zoning.

5. Effectiveness of Preservation

The costs versus the benefits of preserving the general study area must be evaluated before a zoning decision is made. Obviously preservation of natural areas has some benefits: protection of gene pools, scientific values, and natural heritage. However, just as development should be carefully controlled to prevent loss of these benefits, the preservation efforts should also be carefully controlled and monitored to determine if they are successful. If the preservation benefits are eventually lost despite the prohibition of development, the worst possible situation will have occurred. Landowners will have lost their development

values and the general public will have lost the natural values.

The need for the study of the effectiveness of preservation efforts is prompted by observations of the Chiwaukee Prairie preserve during preliminary investigations of the study area. The preserve is heavily invaded by white sweetclover (Melilotus alba), a noxious weed, and exotic grasses. This evidence suggests that the prairie preserve is being "overmanaged" by those charged with protecting it. This same phenomenon of sweetclover invading a prairie preserve has been observed before when prescribed burning was used too frequently and at unnaturally regular intervals. This overmanagement does not allow native prairie species to compete effectively with exotic species. If this study shows that management activities to "protect" the existing natural areas are ineffective, the benefits ascribed to preservation zoning must be weighed accordingly.

6. Economic Consequences

Zoning will ultimately be adopted by the county and/or township. The economic effects of the zoning will also ultimately be felt by the county and township. A study of the economic effects of preservation versus development must be considered in the planning process.

Preservation of the study area will probably initially reduce the assessed value of undeveloped and developed land and effectively freeze this value. The allowance of even partial

development of the area will enhance the value of those properties eligible for development and, when developed, those properties will obviously greatly increase in value. The effects on county and township tax revenues must be considered. The determination must recognize that this tax differential will exist far into the future. The probability of protected lands being deeded to a tax exempt entity should also be factored into the study.

Other economic considerations involve the services, jobs, and materials purchased by home builders and homeowners and the jobs and sales revenues of the marina.

Appendix E-2

CROSETTO AND VASH LAW OFFICES, S.C.

JOHN CROSETTO
BERNARD R. VASH

October 23, 1984

Technical and Citizen Advisory Committee
for the Chiwaukee Prairie-Carol Beach
Management Planning Program
Lance Junior High School Meeting

I am John Crosetto, a member of the law firm of Crosetto & Vash, S.C.. We have been retained by the Chiwaukee-Carol Beach Citizens Organization, Inc., to make sure that whatever is done to their property in the Chiwaukee Prairie-Carol Beach area be within the law. The questions which are before you are complicated and controversial. You have devoted much time and energy to laudable ends: The protection of valuable land and water interests while balancing the concerns of private land owners. In these difficult proceedings, my role as attorney for the Citizens Organization will be legally to stop any rezoning of the Chiwaukee-Carol Beach area:

1. Which would legally deprive the citizen-property owners of the area of the use of their property without just compensation, and

2. Which would deprive them of certain uses of their property through zoning which was based on erroneous facts and illegal proceedings.

The Chiwaukee-Carol Beach Citizens Organization has asked my law firm, and we intend to use every legal means available to us to see that our client has its interests protected and to see that all governmental agencies concerned go through the legally required decision making process fairly and justly, using accurate facts and legal procedures.

What we hope to accomplish tonight is to point out to you some of the problems with the proposed zoning plan: We believe that the present plan is flawed because it incorporates zoning which is unconstitutional and which is based on erroneous facts. Furthermore, the procedures used both to create and to support the plan in its present form are subject to serious legal and factual questions. If the plan in its present form is adopted, the county and state can be certain of expensive and time-consuming litigation by, among others, the Chiwaukee-Carol Beach Citizens Organization.

PROBLEMS IN THE EXISTING CHIWAUKEE PRAIRIE-CAROL BEACH ZONING PLAN

1. The Proposed Conservancy District Zoning Ordinance is Unconstitutional.

If the county or state adopts the proposed conservancy zoning district, the limitations on the property owners will be so severe as to deprive them of all practical value in the use or marketability of their real estate. In reality, the property owners will have had their property taken from them without having been justly compensated for the lost value due to the imposition of the conservancy

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zoning. Under present State and U. S. Constitutional law, property owners cannot have their property taken from them without just and timely compensation. Consequently, there are substantial legal questions which can and will be raised about the constitutionality of the proposed conservancy district zoning which would make the county and the state governments liable in money damage to any affected property owners for their lost property value as well as the costs of litigation.

As I have said, the Constitutions of both the United States and Wisconsin prohibit the taking of property without just compensation. The United States Supreme Court in San Diego Gas and Electric Company v. City of San Diego, 450 U.S. 621 (1981), clearly suggested that any governmental action, including zoning, rule making or other regulatory action, which deprives an owner of property of all or most of the owner's interest in the property without just compensation would violate the 5th Amendment of the U.S. Constitution. Wisconsin case law, particularly the 2nd District of the Wisconsin Court of Appeals, which is our judicial district, in the case of State ex rel. Nagawicka Is. Corp. v. Delafield, 117 Wis. 2d 23, 27, 343 N.W. 2d 816 (Ct. Appeals, 1983) has recognized and continues to recognize that zoning which severely restricts the use to which private property owners can put their property will be deemed an unconstitutional taking of property from an owner. The Nagawicka court said:

> The zoning of property is a legitimate municipal device to control land use and obtain orderly community development. However, when zoning classifications restrict the enjoyment of property to such an extent that it cannot be used for any reasonable purpose, a taking without due process occurs. ...

The Nagawicka court goes on to say that it is not within the police power of the city to force land to stay in its natural state without going through condemnation procedures.

Legal questions and actions are presently being litigated in Kenosha County Circuit Court, for example, Baum, et al., v. Town of Somers, 84-CV-847, challenging the constitutionality of the conservancy district zoning ordinances previously passed by Kenosha County. On July 13, 1983, the Town of Somers rezoned four parcels of real estate from "industrial" to C-1, a low-land resource conservancy. Four lawsuits were filed by property owners of the rezoned parcels. Legal proceedings are now scheduled to determine whether or not there was "inverse condemnation," i.e., a "taking" of property by zoning without just compensation paid by the town to the property owners. If the Town of Somers is found to be liable and if the Kenosha County Court rules that there has been a taking without compensation, then, pursuant to San Diego Gas, supra, and the Nagawicka case, the "government entity must pay just compensation for the period commencing on the date the regulation first affected the 'taking,' and ending on the date the government entity chooses to rescind or otherwise amend the regulation," and the zoning ordinance will be deemed unconstitutional.

Litigation to determine the legality of conservancy zoning is expensive and time consuming. With litigation already being instituted against a portion of the conservancy district zoning ordinance, it does not seem wise for the Technical and Citizen Advisory Committee tonight to adopt a zoning plan which incorporates the illegally flawed zoning categories. Most assuredly, the Chiwaukee-Carol Beach Citizens Organization will authorize and start additional litigation if and when the present Chiwaukee Prairie-Carol Beach zoning plan in its present state is adopted by the county or the state.

At this time, we, therefore, request that you adopt the proposed Chiwaukee Prairie-Carol Beach zoning plan so that we can avoid the costs and expense of additional litigation. If the advisory committee decides to adopt policies to keep the Chiwaukee-Carol Beach land in its natural state, then it should recommend that the county or state attempt to purchase the land from the private property owners. Zoning cannot legally be used as a means to preserve land in a way which limits private owner usage to a substantial degree.

2. Wetlands Map -- Procedural Irregularities and Erroneous Factual Bases.

Any zoning plan for the Chiwaukee-Carol Beach area cannot be finalized or approved without an accurate map which shows what areas need to be conserved and preserved as wetlands. The process for determining a wetlands map which is to be approved by the state government and used by the county in instituting county ordinances is outlined in NR 115 of the Wisconsin Administrative Code. The Code requires the county zoning agency to hold a public hearing to solicit public comments on preliminary drafts of wetlands inventory maps. At this time, it is uncertain as to whether or not the county zoning agency has held a public hearing to solicit comment on a preliminary draft of a wetlands inventory map for this area. Furthermore, according to the Wisconsin Administrative Code, the Department of Natural Resources is required to meet with the county zoning agency after the county's public hearing to review the map in order to discuss map inaccuracies. The Department shall, if necessary, at department expense, consult available soil survey maps and shall conduct onsight inspections if appropriate in order to evaluate the county's recommendations. Eventually, the Department of Natural Resources will have to prepare and adopt a final Wisconsin wetlands inventory map which is to be used as the basis for county or state shoreland and wetlands zoning ordinances. At this time, the Department of Natural Resources has not adopted a final wetlands inventory map for the Chiwaukee Prairie-Carol Beach area.

Because there are substantial questions as to whether or not the county zoning agency and the Department of Natural Resources have followed the correct Wisconsin Administrative procedures in developing and adopting a wetlands map, any zoning plan which incorporates a non-final wetlands map may be subject to legal challenge. It is well established in Wisconsin and U.S. Constitutional law that governmental actions can be overturned by courts when the procedures used are in and of themselves illegal or contrary to administrative procedures.

The Technical and Citizen Advisory Committee can avoid certain challenges to any Chiwaukee Prairie-Carol Beach zoning plan on these stated issues if it adopts a plan after a wetlands map has been correctly adopted and drawn up. It does not make sense to spend the time and energy to debate the validity of a zoning plan when the zoning plan itself may be based on factually incorrect or incomplete information or information that has not been acquired through proper procedures.

The Chiwaukee-Carol Beach Citizens Organization has substantial questions and objections to both the factual accuracy of the preliminary wetlands map used to support the zoning proposal under consideration as well as the procedures used by the Southeastern Wisconsin Regional Planning Commission in the formation of the zoning plan. During the course of this hearing, various people will speak and articulate some of their objections as to how the Regional Planning Commission defines wetlands and to the factual accuracy of the Commission's on-field studies which identified wetlands areas. At this time, the extent to which there is agreement with the determiniations and procedures used by the Regional Planning Commission is uncertain because it is unclear as to how the Southeastern Regional Planning Commission designated the wetlands areas currently identified in the zoning plan before you. If the proper administrative procedures will be used to formulate any final wetlands map and if we will be given access to the Southeastern Regional Planning Commission's field notes and onsight evaluations of the land within Chiwaukee Prairie and Carol Beach, some, if not all, of the potential disputes may be avoided. In any event, my client expects and we will see to it that the property owners in the Chiwaukee Prairie-Carol Beach area be treated fairly and lawfully. Thank you.

Respectfully submitted,

CROSETTO & VASH, S.C.

By: John Crosetto
John Crosetto

JC/lmw

Appendix E-3

October 23, 1984

STATEMENT OF

WARREN J. BUCHANAN JR.

My name is Warren J. Buchanan, Jr. I am a professional consultant in environmental sciences and have been in this profession for 12 years. I have an undergraduate degree in botany and a masters degree from the University of Wisconsin - Madison Institute for Environmental Studies in land resources. My research specialty in graduate school was the use of aerial photographs for mapping wetlands. I have performed ecological assessments of many wetlands in Wisconsin both as part of my graduate research and as an environmental consultant. I have participated in a seminar at the University of Wisconsin on wetland systems and presented original research on the response of wetlands to disturbances.

I became involved in this project at the invitation of the Chiwaukee - Carol Beach Citizens Organization because they said they were concerned about inaccuracies in the wetland maps being used as a basis for planning the zoning of their land. They agreed to pay me by the hour to visit the area, make an independent judgement whether or not inaccuracies existed, and recommend any studies to rectify the situation, if necessary.

I visited the area this August and qualitatively studied several areas which were mapped by SEWRPC as wetland. One area in particular that I concentrated on was the area south of 116th Street and west of 1st Court which the residents claimed was historically a golf course. I observed many areas of upland dominated by introduced grasses which were obviously not wetland and had little ecological value. Based on these observations, I recommended further detailed studies of the area. These included vegetation, soils, and hydrology studies. The definition of wetlands as used by the state and most experts includes all three of these factors.

Another motivation in commending further studies is that I also observed that other parts of the project area support very rare and valuable ecological communities including wetlands. Although the existing wetland map was obviously inaccurate for planning purposes, it was also obvious that some areas worthy of preservation are present and an accurate map was necessary to protect them, along with protecting the interests of the land owners.

Based on my recommendations the Homeowners hired IEP, an environmental consulting firm which specializes in wetland mapping, to check a sample of the project area.

IEP checked three different areas totalling 17 acres. They used the definition of wetland specified by Wisconsin State Statute and based their mapping decisions on both soils and plant indicator species. I have reviewed their report and believe it is technically sound and unbiased. In the first sample area they found that 80% of the area mapped as wetland by SEWRPC was incorrect. In the second area 50% was incorrect, and in the third area 40% was incorrect.

SEWRPC itself, as a result of the appeal of the owners of 296 lots, came back and checked them in the field. Most of these lots are 1/2 acre lots so this represents a sample of approximately 150 acres or about 8% of the study area. Of these 150 acres checked, SEWRPC reduced the net wetland acredge by 71 acres. This was the result of 35 acres of wetlands being incorrectly omitted and 106 acres being incorrectly included in the original map. These numbers suggest that nearly all of the area checked was incorrect in one way or another. The results of this sample check strongly supports my recommendation that a detailed field investigation be performed to accurately map the entire study area. It is worth noting that my investigation, IEP's investigation, and SEWRPC's own field check consistently find significant bias toward overstating wetland.

I believe that SEWRPC recognizes that the definition of wetlands and uplands in this area is difficult. I notice that in the notes of the September 6, 1984 Sixth Meeting of the Technical and Citizens Advisory Committee, the following information was presented by SEWRPC:

> "It was the clear understanding of all wetland mapping and regulatory personnel that such areas would require special consideration in the regulatory process. Specifically parcels proposed for development in the EZKs area would necessarily be field investigated on a case-by-case basis and a determination made as to the occurrence of any dune top or swale conditions present on the parcel of concern."

Well these landowners are proposing to develop this area and their interests as well as the interests of those wanting to preserve worthy areas would be served best by such a case-by-case investigation.

In conclusion, my observation, the studies by IEP, and the rechecking by SEWRPC of 296 lots have shown significant errors in the wetland map. There is no doubt that the only fair way to rectify these inaccuracies is for an independent unbiased expert to resurvey the area accompanied by a member of SEWRPC's staff.

#7 RAY FELTON

CHEWAUKEE PRAIRIE 1984 OCT. 23RD

THIS PRARIE STARTED THE BEGINNING OF TIME, AND LIKE ALL GOOD THINGS IN LIFE, WE'LL MAKE IT BETTER (OR WILL WE?)
RAY FELTON 2513 HAMILTON AVE. RACINE WI. I'M A DIRECTOR FOR WISCONSIN WILD-LIFE FEDERATION, THIS IS A STATE WIDE ORGANIZATION AND I WAS GIVEN PERMISSION TO REPRESENT THEM ON OCT. 6TH IN STEVENS POINT. I AM ALSO PRESIDENT OF THE WISCONSIN SPORTSMAN'S ASSOCIATION AND THE AUTHORITY TO REPRESENT THEM ON ALL ISSUES OF IMPORTANCE IS GRANTED IN JANUARY.

THIS PRAIRIE AND BEACH AREA IS 1825 ACRES. A VERY THREATENED PIECE OF PROPERTY AT THE EDGE OF THE LARGEST POPULATION IN WIS. THIS MAKES ANY LAND THAT LOOKS USABLE ATTRACTIVE TO DEVELOPERS HOUSING OR INDUSTRY.
WE KNOW WHY WE ARE HERE TONIGHT THIS IS THE FIRST TIME ANY OF US HAVE BEEN GIVEN A CHANCE TO GIVE ANY IMPUT AS AN ENVIRONMENTALISTS.
A PRAIRIE OF SAND, EVEN A FOOT PRINT WILL LEAVE ITS MARK. THE POINT I AM TRYING TO MAKEIS: IF WE GO ALONG WITH THIS PLAN 1. THE MARINA TO EXPAND INTO THE WET LANDS. NOT ONLY LOSE OF WETLAND IT WILL MEAN MORE ROADS, HEAVY EQUIP-MENT TO BUILD. EVEN AFTER BUILT THERE IS THE OIL AND SALT TO CONTEND WITH PLUS THE RUN OFF.
2. WIS. ELECTRIC CO. 400FT. CORRIDOR (NO RESTRICTIONS) LEAVING THEM TO DO AS THEY WILL, and they will 3. KENOSHA WASTE WATER PLANT TO EXPAND (AND THEY WILL) 4. OVER HALF TO BE OPENED FOR DEVELOPMENT. 5. THE ONE THAT HAS ME TROUBLED ALSO THE POPULATION TO 4260. 6, SEWERS AND UTILITIES TO ALL DEVELOPMENTS ALL OF THIS MAKING FOOT PRINTS IN THE SAND.

IF WE DON'T AGREE ON ANYTHING ELSE WE HAVE TO KEEP IN MIND LIKE A BULLET LEAVING A GUN, same as ONCE WE DISTURB THIS LAND WE CAN NEVER GET IT BACK. I HAVE NO AXE TO GRIND WITH DEVELOPERS, BUT WE HAVE LOST TOO MUCH OF WHAT WE HAVE TAKEN FOR GRANTED.

IF THERE IS ANY CONSTRUCTION SEWERS, ROADS, FOOTINGS, IT WILL CHANGE THE WATER LEVEL IN THE WET LANDS.
IN 1930 A GOLF COURSE WAS BUILT AND WENT OUT.IN 1940. IT'S OVER 40 YEARS AND THERE IS STILL SIGNS OF IT THERE.

ED NELSON #-1

KETTLE MORAINE AUDUBON SOCIETY, INC.

10/22/74

To Whom it may concern:

My board has directed me to enter a statement of support for the preservation of Chiwaukee Prairie; given the information that I have read I would support the CPR Preservation Plan as submitted. To follow on the developmental effects upon the Prairie I cannot accept the Development - Preservation Plan alternative submitted by the Technical and Citizen Advisory Comm. of May, 1974. Although I realize that, it may happen that compromise may be necessary if the Prairie is to be saved. My major support, however, lies with the CPR Preservation Plan.

I would, therefore, request that the Chiwaukee Prairie area not be developed as proposed based, on for one, the May, 1973 Checkaver Report that points out rather clearly that development on or near the

KETTLE MORAINE AUDUBON SOCIETY, INC.

(2)

Chiwaukee Prairie Area will:

— Have a serious hydrological effect on the Prairie (this could have a negative impact on the plant species endangered or threatened).

— By development (Ditches, roads, sewers, sump pumps in Homes etc.). that the water level in the Prairie area will be seriously effected by either a rise or fall in water table levels.

— that the marina expansion not be allowed for onshore or nearshore environmental disturbance reasons.

— Construction projects could impact the Prairie by both lowering (roads, Ditches)

OR RAISING (SHORE PROJECTS); THE LEVEL OF GROUNDWATER, THIS COULD HAVE SERIOUS LONG RANGE CONSEQUENCES ON THE PRAIRIE. FURTHERMORE, DEVELOPMENT NEAR THE PRAIRIE OR THROUGH IT WILL TEND TO DRAW DOWN WATER LEVELS OR INCREASE THEM. THIS WILL CHANGE THE ECOLOGY OF THE AREA; WHICH WOULD DESTROY THE ECOLOGICAL BALANCE IN THE AREA...

FINALLY, I WOULD LIKE TO TAKE AN APPROPRIATE QUOTE FROM THE SEWRPAC SUMMARY AND CONCLUSION ON THIS PROJECT... THE PRESERVATION AND PROTECTION OF THE NATURAL RESOURCES IN THIS AREA IS COMPLICATED BY THE FACT THAT A LARGE PORTION OF THE AREA HAS BEEN PLATTED FOR URBAN DEVELOPMENT. DESPITE PAST CONSTRUCTION ACTIVITIES, WETLAND AND PRAIRIE FEATURES HAVE PERSISTED IN MANY AREAS, AND THE NATURAL RESOURCE VALUES OF MUCH OF THE AREA REMAINS INTACT.

KETTLE MORAINE AUDUBON SOCIETY, INC.

(4)

The CPR Preservation Plan, I believe, offers a sensible, viable alternative to proposals to this point. Ecologically, Chiwaukee should be preserved for all to enjoy - now and in the future. Economically, the development of the area can not be justified. Therefore, I hope this gathering will decide to save Chiwaukee, not destroy it.

I would conclude that after having read as much material as is possible, and thinking of the people involved that the Prairie should be protected after all their efforts and the history of the area, the thoughtless to cancel it out, that this prairie area; in a region of this nation which counted itself among the thousands, now stands almost alone.

E. Nelson

E. Nelson

Conservation chr.

KMAS

Testimony Regarding The Chiwaukee-Prairie-Carol Beach Land Use Plan

Lance Jr. High School
Kenosha, Wisconsin

October 23, 1984

C. Gregory McAndrews
8860 First Avenue
Kenosha, Wisconsin 53140
414: 694-8295

I'm testifying in favor of the compromise plan developed over the last three years by the Technical and Advisory Committee, with some modifications. This plan represents a compromise between the many valid interests described in the plan.

I would like to reinforce the plan's acknowledgment that all properties set aside for environmental, recreational, or scientific reasons will be purchased from their owners at an appropriate price. Any deviation from this principle would make the plan unacceptable and in my opinion, subject to legal challenge.

I would like to further reinforce the utilization of a reasonable time limit for the acquisition of properties to occur. I feel five years is a reasonable length of time.

There are, however, several modifications I would suggest that the Technical Adivsory Committee consider in the final Chiwaukee-Prairie-Carol Beach Land Use Plan.

1. There has been much discussion regarding the state-wide significance of the properties included in the area set aside for environmental, recreational, and scientific reasons. The plan calls for the Department of Natural Resources (DNR) to include the cost of purchasing these properties within a five year period if these properties have not been purchased by the Nature Conservancy, Kenosha County, or the Town of Pleasant Prairie. The appropriation of this money will ultimately be the decision of the State Legislature which represents the interests of the entire state of Wisconsin. Therefore, if the State Legislature, upon careful consideration

of the Department of Natural Resources' budget, decides not to appropriate sufficient money for the purchases called for in this plan, we can only conclude that these properties are not of state-wide significance. Therefore, the plan should be ammended to provide that if the Nature Conservancy, Kenosha County, Town of Pleasant Prairie, or the Department of Natural Resources cannot purchase the properties identified for preservation for environmental, recreational, or scientific reasons; these properties should revert to their original zoning at the end of the five year time. Possibly the plan should call for a gradual rezoning of properties, for example, a property would be rezoned only when it can be purchased by the Nature Conservancy, or other such agency.

2. I questioned the extension of the environmental corridor north of 90th St. Since more than one half of the narrow neck of land between 8th Avenue and 4th Avenue at 90th Street has been filled with inert clay from the city of Kenosha's recent sewer separation program, there is less than 200 feet of land that has any environmental value left at all. Since an environmental corridor requires a minimum of 200 feet, the land north of 90th Street does not meet this minimum criterion.

3. Although this plan considers the loss in revenue to the town of Pleasant Prairie, and Kenosha County due to removal of these properties from the tax base, the plan fails to address the loss of revenue from income tax of potential residents and the maintenance costs to the state of Wisconsin, Kenosha County, and Town of Pleasant Prairie which will result from setting aside the large number of properties for environmental, recreational, and scientific reasons indicated in the plan. I would like to see the plan consider a projection of state income tax which will be lost if further development of the Chiwaukee-Prairie-Carol Beach area is restricted. I

would also like to see the plan project maintenance costs for such items as increased police protection, the development and maintenance of parking areas, trails, and other improvements which will be necessary if these properties will achieve their environmental, recreational, and scientific objectives as indicated in the plan.

I thank the Technical Advisory Committee for the opportunity of addressing these concerns which I have regarding the Chiwaukee-Prairie-Carol Beach Land Use Plan.

TESTIMONY PRESENTED AT SEWRPC HEARING, OCTOBER 23, 1984, KENOSHA, WISCONSIN, 7PM, BY BERNICE BENEDICT POPELKA, 845 S. SILVERBROOK DRIVE, WEST BEND, WISCONSIN.

I have been involved with environmental preservation since 1961---seven years in the Chicago area and sixteen years in Wisconsin. My accomplishments include such projects as creating public awareness of water pollution & the hazards of spraying DDT, preservation of two prairies and the setting aside of a school forest for environmental education. I returned to school in 1972 and received my bachelor degree in botany at the University of Wisconsin-Milwaukee. I am currently president of the Kettle Moraine Audubon Society, which has 450 members from Dodge, Washington, and Waukesha Counties.

In the 1960's I worked three long years to preserve Peacock Prairie. During that time I became acquainted with the people who were struggling to save Chiwaukee Prairie. Chiwaukee Prairie at that time was of the same high quality as Peacock. It still is. Today Chiwaukee Prairie has many groups and citizens concerned about preservation of this rare and valued ecological unit of wetlands, prairie, dunes and swales and great variety of plants and animals. When I started, there was just a small group. Tonight we are fortunate to have at least one governmental agency speaking out on behalf of Chiwaukee. It is indeed unfortunate that the agency responsible for good long range planning has not seen fit to truly speak out in defense of this valuable natural land.

Hundreds of people, not only from the Midwest, but also other parts of the U.S., have come to appreciate Chiwaukee Prairie in the past. Many of them do not yet even know that our planning agency, SEWRPC, intends to reduce this ecological unit to a mere garden surrounded by city. I have told people who live in Minnesota, Iowa, North and South Dakota, and all parts of Wisconsin, and they are shocked beyond belief that such destruction could happen to a rare and valuable place they once visited.

SEWRPC can not compromise Chiwaukee Prairie away and retain a clear conscience that they have done their duty for posterity. Indeed, the compromise plan now espoused is an irresponsible act not reinforced with sufficient facts, but with politics. This plan is biased; it is unfair to the natural

area, indirectly unfair to the landowners (although most of them presently appear unaware of that), and unfair to our future generations. Indeed, this plan is not even a compromise.

The SEWRPC Technical and Advisory Committee (TAC), first of all, is not a fair committee. How many people abstain from voting because they are representatives of agencies? What, exactly, does the stated League of Women Voters' position say, and does the Committee member who claims to represent League truly belong to League and know what that position is? Furthermore, Wallace Piroyan, a voting member of the Committee, shows his willingness to pursue emotions, not facts as evidenced in his guest editorial in the Kenosha News of September 4. He says, "Chiwaukee Prairie is not a 10,000-year-old virgin prairie. It is an abandoned 18-hole golf course that was in operation from 1923 to 1932." I have also witnessed his biased remarks, possibly unfounded, at the last Committee meeting.

Mr. Kurt Bauer has also revealed his willingness to be swayed by politics. In his letter to the Public Intervenor he demonstrates heavy leaning on the positions of the TAC without fully seeking out facts. Perhaps he is also swayed by politics. In his letter to the Public Intervenor, page 6, dated September 19, 1984, he says, "In summary, the Commission staff believes that the plan, as presented to the advisory committee, is sound and in the public interest, broadly defined. The plan is, in fact, a proposed compromise between inherently conflicting, but legitimate, objectives. Despite its compromise nature, the Commission staff believes that the plan performs well both from an urban development and an environmental protection viewpoint."

Dr. Douglas S. Cherkauer, Consulting Hydrologist, in his September, 1984, "Review of the Potential for Ground Water Impacts from Proposed Developments in the Vicinity of Chiwaukee Prairie," says, "All agencies involved in the discussions on the site have worked with surprisingly little real information. Some have been quick to make assertions that the planned actions will do no harm when they have no quantitative data on which to base that claim. .....Furthermore any statement to the effect that development of

a part of the study area will have no, or only minor, impact on areas to be preserved is without scientific basis....It is the role of a regulatory agency to require that adequate information be provided to assess possible impacts before approving the plan."

The TAC has not held any hearings, and yet Mr. Bauer has his leanings. Is this the way we whittle away at valuable natural areas?

I urge you to do your homework, SEWRPC. Study all aspects of this natural area. Study and seriously consider Chiwaukee Prairie Rescue Coalition's alternative proposal. Study and seriously consider Dr. Cherkauer's paper on the hydrology and soils of this ecological unit.

Over these many years I have witnessed or taken part in the battles fought and won to save the Indiana Sand Dunes, Peacock Prairie and Markham Prairie. These were hard, bitterly-fought battles that started with only a handful of people interested in preservation. Surely, with all the evident support and value placed on Chiwaukee Prairie this place must be preserved. Surely the citizens of Wisconsin and the Midwest deserve better than the positions taken by Kurt Bauer and TAC.

I urge SEWRPC to do what is ultimately right for this growing megopolis--save this valued green spot, this earth's environment, this island that the people will some day thank you for.

Bernice
Bernice Popelka

October 22, 1984

Stephen H. Barasch
8610 2nd Avenue
Kenosha, Wisconsin 53140

SWRPC
D.N.R.
Madison, Wisconsin

Dear sir or madam:

Please be advised that we are the owners of the following parcels within the study area:

40123-184-0660
Lot 17 Block 49 Carol Beach
Estates Unit No. 5-A.

40123-203-0320
Lot 18 Block 35, Carol Beach
Estates Unit No. 4.

40123-172-0052
Lot L Se-Sub Lot 1 Block 1
Carol Beach Estates Unit W

We never received any written notice nor did we see any published notice that our land was proposed to be in the wetlands. We therefore had no opportunity to challenge this or to have our lots tested.

We protest this unfair treatment and ask that our lots be tested and that there status as wetlands be reexamined.

Sincerely,

Stephen H Barasch

Nancy M Barasch

Nancy M Barasch

Statement of Stephen H. Barasch-October 23, 1984

I have been a resident and property owner within the study area for over 12 years. We appreciate the natural beauty of the area and wouldn't like to see it overdeveloped or spoiled. Until the recent SWRPC hearings I had always sympathized with environmental and conservationist causes. My naive optimism soon dissipated in the face of the government's callous disregard for the individual rights of the study area's residents and property owners. Although conservation is undeniably a public good, it must not be achieved by disregarding the rights of the minority. Conservation costs must be borne by the public as a whole; private property rights must not be violated to achieve a public good. The end does not justify the means.

The so-called "compromise" suggested by Kurt Bauer at the last hearing on this subject, was that instead of just having their land zoned unbuildable, property owners would first have the chance to sell their lots to D.N.R. voluntarily, but still under the threat of being zoned unbuildable. This is essentially a form of illegal condemnation; also because there are phony "voluntary" sales. It denies property owners the right to receive payment offered and still have court appeal if he or she believes the price is below fair market value. D.N.R. is demanding a period of five years to gather the funds to purchase such property, denying the promptness of due process required in legal condemnation. In the meantime the property cannot be sold to anyone else because these proceedings have clouded the title and made it unmarketable. Property owners would also be required to pay taxes on their lots while they await payment from D.N.R. It it impossible to regard these so-called voluntary sales as anything else but a form of illegal condemnation.

Another unfair situation is the current low level of fair market values. There has been a systematic effort by certain state and county officials to perpetuate the myth that the land in the study area was mostly unbuildable and that septic holding tanks were substandard, expensive and otherwise undesirable. In point of fact, most of the lots are indeed buildable, but without conventional basements. Such slab on grade construction techniques are used extensively in warmer climates with high water tables. Our climate only requires four-foot deep foundation walls with footings below the slab at an additional cost of only two or three thousand dollars.

Far from being undesirable, septic holding tanks actually disturb the surrounding soil less than soil filtration methods. Their initial cost is two or three thousand dollars less than any other system. It is true there are pumping charges, but for an average family they are probably only about 50% more than standard city sewer and water charges. Although it is unlikely a large-scale development will take place with holding tanks, there has been

greater acceptance of them as a permanent septic system by both homeowners and lending institutions. Were it not for the threat of conservancy zoning this greater acceptance of holding tanks would have caused values to increase.

The plan as it exists now violates the civil and property rights of the lot owners because it denies them condemnation by due process guaranteed by Wisconsin Statutes and the Federal Constitution.

I believe that the following amendments be included in the plan so that it might truly be a compromise:

1. All land must be acquired by condemnation. This may mean that D.N.R. must obtain legislative approval as well as funds. (The present plan is merely designed to cloud title, making it impossible to sell the land, and in effect giving D.N.R. a five-year option to buy without making it pay for such an option.)
2. The area to be acquired by D.N.R. by condemnation should be limited to what it now has funds to acquire. If it wants more land later, it can ask the legislature to condemn it when it has the funds. The logical choice would be a more narrow corridor connecting the original Chiwaukee Prairie south of 116th Street and the dunes adjacent to the City of Kenosha sewage treatment plant. The corridor could be expanded east and west from the Chicago Northwestern right of way.
3. No single-family residences shall be condemned, nor shall any construction in progress be condemned.
4. No existing public roads should be vacated until all condemnations have been finalized.
5. No single-family residences shall be moved.
6. Construction of single-family residences is not incompatible with conservation. Special land use zoning could be passed restricting landscaping, paved drive ways, incompatible species of plant life, etc. This type of restriction has not been proposed for the urban areas in the plan. The reason this idea may not have occurred to the planners is because they are more preoccuppied with acquiring park land and sewers than with conservation.
7. Lot owners shall have the right to build homes on their lots, unless they are served with notice of condemnation. Payment in full to be required within three months of notice. If payment is not made within three months, the lot owner shall again have the right to build and if construction starts, the lot may not thereafter be condemned.
8. Sewer expansion shall be limited to Sheridan Road and the Trident Marina.

If this limitation makes the expansion uneconomical then it should be abandoned. No residential areas are to be sewered. Many lots would have to use holding tanks, but this method is the most desirable environmentally. The extra pumping cost and inconvenience is not prohibitive and it is a price many people are willing to pay to live in a less developed natural area. The use of holding tanks will also keep the development pace low by use of free market factors rather than government coercion. (Under the present plan, as soon as urban areas are sewered they will probably be fully developed within a year with more housing units than have been built south of 91st Street in the past thirty years!)

9. No multi-family residential use shall ever be allowed anywhere in the study area.

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October 19, 1984
C 11128

MEMORANDUM

To: Southeastern Wisconsin Regional Planning Commission, and
Technical and Citizens Advisory Committee for the
Chiwaukee Prairie-Carol Beach Land Use Management
Planning Program

From: Robert W. Trefz, P.E. RWT

I would like to take this opportunity, on behalf of our client, Trident Marina, to set forth some comments and observations concerning the "Recommended Land Use Plan - Chapter V", "Plan Implementation - Chapter VI", and "Summary and Conclusions - Chapter VII" along with the September, 1984 paper by Douglas S. Cherkauer, consulting hydrologist, entitled "Review of Potential for Groundwater Impacts From Proposed Developments in the Vicinity of Chiwaukee Prairie". These comments, while in many instances may apply to much of the study area, are directed primarily at the Trident Marina area, the proposed future expansion area in the vicinity of Trident Marina, and its immediate vicinity. This area can generally be described as bounded on the west by the railroad right-of-way, on the north by 122nd Street, on the east by Lake Michigan and on the south by the Wisconsin-Illinois State line.

In general, we agree with the basic goals and philosophies as expressed in the "Recommended Land Use Plan", et al. and with the comments concerning potential for groundwater impacts as described by Douglas Cherkauer in his referenced paper. We also concur with the requests and recommendations concerning the "Recommended Land Use Plan", et al. reported in the minutes of the September 6, 1984 Technical and Citizens Advisory Committee meeting particularly as it relates to Mr. Knetzer's concerns relative to access from Sheridan Road to the Trident Marina area and the need for adequate utility services to this area. The proposed text revisions as indicated on page 5 of the minutes appear to be appropriate.

We do have some concerns relative to the Cherkauer report inasmuch as that report was prepared without benefit of specific on-site information and consequently may, in many instances, misrepresent the magnitude of these potential impacts. Although Mr. Cherkauer acknowledges the inadequacy of information available to him and therefore states that specific responses cannot be developed, he does attempt to indicate numerous reasons for opposition of proposed development in the area. He further indicates an advocacy of delaying approval of the proposed plan pending further studies.

We are unaware of the extent of information available to Cherkauer or the extent to which he sought to obtain such information. We certainly concur that before specific plans for construction are implemented, it is necessary that the area be fully investigated, analyzed, and appropriate design developed so as to mitigate potential adverse impacts of the proposed development. We

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feel, however, that such investigations, analysis and design should be performed on a project specific basis and that such in depth studies performed as part of a planning function, such as this, would be inappropriate.

Warzyn Engineering has performed some preliminary site specific investigations and analyses and has reviewed other available geological and hydrogeological data as was available through the U.S Geological Survey offices and other sources. We acknowledge that as part of more detailed studies and design development for the Trident project, significant additional investigations and analyses would be warranted.

We currently believe that the shallow aquifer immediately underlying the ground surface consists primarily of a shallow sandy stratum extending only to a depth of approximately 10 feet. At that depth, a siltier, much more dense stratum is encountered which would tend to significantly restrict the vertical component of groundwater flow. The sands in this shallow water-bearing stratum have permeabilities of approximately 1×10^{-3} to 3×10^{-3} cm/sec. Consequently, because of this level of permeability, a relatively free flow of groundwater through this stratum is expected.

The horizontal component of groundwater flow is easterly towards Lake Michigan with the groundwater surface pitching downwards towards the lake at a rate of approximately 1/3 of one percent to 1/2 of one percent.

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Existing wells located in the vicinity generally draw from much deeper limestone (silurian dolomite) aquifers. Wells are usually 90 to 135 feet deep and are cased to rock. These wells are used primarily for single family residential purposes. Test capacities are typically $\leq$10 gpm. Consequently, because of their depth and low rates of pumping, the impact of these wells on the shallow water-bearing stratum is probably very insignificant. We would anticipate that the area will continue to be served by this type of relatively low capacity, deep, water supply wells. Consequently, future impacts to the shallow water-bearing stratum resulting from these wells should not be significant.

In order to attempt to put into perspective the quantitative impacts of various features which could affect the shallow water-bearing stratum, we have prepared some estimates based on certain developmental assumptions. Within the area previously described, annual precipitation should result in a recharge to this shallow water-bearing stratum at an average rate of approximately 233,000 gallons/day, based on an infiltration rate of 15 inches per year. Obviously this rate of recharge will vary significantly from day to day during the year. This recharge rate neglects what could be quite significant amounts of groundwater which would flow into the stratum from upgradient locations.

In comparison, it is estimated that the total discharge from existing septic system wastewater tile fields would contribute only approximately 4,000 gallons/day or less than 1.7% of the total recharge to the stratum. This volume is based on a discharge rate of 100 gallons per capita. If sanitary

sewers were installed in the area, and if the sewer lines were installed in such a way so that leakage was at the maximum rate of 200 gallons per day per inch diameter of pipe allowed by Administrative Code, potential infiltration or exfiltration from such sewers would only amount to approximately 1,200 gallons/day or less than 1/2 of one percent of the recharge to the stratum. Some concern has been expressed that the installation of shore protection along the Lake Michigan shoreline would have an adverse effect on the water levels in the shallow water-bearing stratum. It is not currently anticipated that the entire Lake Michigan shoreline, throughout the study area, would receive shore protection. Furthermore, there are many methods of shore protection which could be provided which will have minimal impact on the flow of groundwater. Since any such shore protection would probably be located at least 800 feet away from those natural areas identified as warranting protection, and because the sandy soils of the stratum permit relatively free flow of groundwater, it is highly unlikely that even the most flow restrictive types of shoreline protection would result in measurable impacts to the groundwater level in the areas designated for preservation. Furthermore, since the construction of such shoreline protection requires regulatory approval, it would be reasonable to expect that the potential for such impacts would be considered as part of the review process preceding the granting of such approvals.

Concern has also been expressed that sewer construction through the area would have a significant adverse effect on the shallow water-bearing stratum Although we acknowledge that careless or abusive construction techniques could cause such a result, we again contend that since such construction is

subject to regulatory agency review and approval, and because numerous well established construction techniques are available which can significantly reduce the short-term construction related impacts to local groundwater condition, such construction should not have a significant adverse environmental impact on this area. Long-term impacts to this stratum which might result from the existence of such sewers can be mitigated by utilizing backfilling materials similar to the adjoining stratum and/or constructing barriers within the trench to control the flow of groundwater in a longitudinal direction along the pipelines.

Roadways requiring upgrading, reconstruction, or relocation, can be constructed through areas of significant environmental concern in such a manner so as to minimize the impacts on the local groundwater flow patterns. A variety of construction techniques to accomplish this are available, including the installation of equalizing pipes, utilization of geotechnical fabrics and drain systems, etc. Consequently, we feel that such construction can be accomplished in a manner so as to not significantly alter the local groundwater flow patterns.

We do feel that expansion of the marina basin would probably result in local drawdown of the surrounding groundwater table unless design provisions were made to control the groundwater flow in this area. We do expect to incorporate appropriate design considerations so as to maintain desired groundwater levels in sensitive environmental areas in the vicinity of the marina expansion. We have used such techniques successfully in numerous other applications and are confident that they can be applied equally successfully at Trident Marina.

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Site development work in the vicinity of the existing Trident Marina would undoubtedly require the placement of additional fill in the development area. There should be more than an adequate supply of such fill materials resulting from proposed basin expansion. Fill material utilized for this purpose is anticipated to be of a sandy nature, thereby causing minimal change in the ability to support surface water infiltration and therefore, should not significantly affect the groundwater flow of the area.

The installation of parking lots and other developed surface areas associated with expansion of the Trident Marina facility is expected to have some impact on recharge to the shallow water-bearing stratum. If deemed appropriate, design techniques can be incorporated into the work which will allow surface water infiltration from these areas to be optimized. Such concepts as the utilization of permeable surfacing materials for these areas would be considered.

The impact of snow and ice control on area roadways is also of concern. If emphasis is placed on the improving and upgrading of existing roadways, or the construction of new roadways to replaced abandoned and removed roadways, rather than the construction of additional roadways, the total length of roadway to be maintained in safe winter driving condition can be minimized. Winter roadway maintenance program management can be established in such a manner so as to minimize the amount of deicing chemicals applied to pavements in this area. Such techniques have proven very effective in many areas throughout Wisconsin in reducing chemical content of surface waters and shallow groundwater strata.

It is our recommendation that this plan be adopted in its present form, incorporating appropriate corrective language modifications as may be needed, consistent with recommendations as outlined in the previously referenced minutes of the September 6, 1984 committee meeting. We further recommend that provisions be made to review and approve specific project proposals for those areas designated as developable, in order to establish that such development proposals will be implemented in a manner consistent with the objectives of this plan: the preservatives of significant natural environmental zones. Decisions relating to proposed development should be made in a manner consistent with the plan and with the concept of preserving significant natural resources.

RWT/blc
[blc-46-4]

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Appendix E-10

Statement for Public Hearing on the Land Use Management Plan for the Chiwaukee Prairie-Carol Beach Area, October 23, 1984.

The Chiwaukee Prairie-Carol Beach area is a unique and priceless natural resource for residents throughout Southeastern Wisconsin and, indeed, throughout the state. As Director of the Wehr Nature Center, I have taken many groups to the Chiwaukee Prairie as part of the environmental education programs offered by the Center.

At the Wehr Nature Center, we have a few acres of restored prairie but, in no way, can we duplicate the diversity and abundance of flora and fauna that nature has produced over thousands of years at the Chiwaukee Prairie. As one specific example, our sparse spring flora pales in comparison with that of Chiwaukee Prairie.

Moreover, to my knowledge, there is no other area in the state outside of Chiwaukee Prairie with a unique swell and swale topography enabling both dry-loving and wet-loving prairie plants to grow in close proximity. This great diversity of flora, including both threatened and endangered species, makes Chiwaukee the richest prairie remnant in the state, with nearly 350-400 species of plants. In addition, it harbors over 100 speices of breeding birds. We simply do not have the knowledge to recreate this complex ecosystem elsewhere in the state.

For these reasons, I fully support the Chiwaukee Prairie Rescue Coalition's preservation plan which aims to preserve homeowner's rights, as well as the natural resources of the area.

One of my greatest objections to the plan of the Southeastern Wisconsin Regional Planning Commission is the proposed sewer development and expansion (including that of the Trident Marina) east of Chiwaukee Prairie. The whole water structure of the prairie will be drastically altered. Dr. Douglas Cherkauer, a geologist of the University of Wisconsin-Milwaukee, cites this development as having one of the greatest potential negative impacts on the prairie. All of the already preserved prairie acreage, designated as a Wisconsin state scientific area and a National Natural Landmark, will lose much of its present diversity and wildlife value should this occur.

I also object to the expansion site for the Kenosha Sewage Treatment Plant - especially since alternative parcels are available which will not threaten the Kenosha sand dunes. In addition, as the Chiwaukee Prairie Rescue Coalition's plan suggests, any utility corridor for the Wisconsin Electric Power Company should be subject to the stipulations that no permanent buildings be constructed and no herbicides be used in the corridor.

In conclusion, I believe we have an obligation to consider the Chiwaukee Prairie-Carol Beach area in terms of the residents of all of this region and, in fact, of the entire state. Chapter VII of the SEWRPC Report states that there are four areas of statewide significance and three areas of regionwide significance within the study area. We have an opportunity here to establish a park or preserve akin to the Illinois Beach State Park with its nature preserves and wildlife refuges. There is precious little of Wisconsin's original prairie and wetlands remaining and we owe it to ourselves and our posterity to preserve this outstanding relic area - a small fraction of the millions of acres which once were our heritage.

Mariette Nowak

Mariette Nowak
Director, Wehr Nature Center
5998 Sycamore St.
Greendale, WI. 53129

We the undersigned agree with the Chiwaukee Prairie Rescue Coalition that with regard to Chiwaukee Prairie there should be reasonable treatment of existing property owners combined with maximum preservation of the Prairie. This means that the 1825 acres of the Carol Beach/Chiwaukee Prairie study area be zoned conservancy, that no new roads be built through it and that unnecessary existing roads be restored to wetland/prairie.

DATE	NAME	ADDRESS	CITY + STATE
/21	Joanne L Matz	811 Forest St - R	Racine, Wi. 53404
10/21	Robert W. Mohr	1413 Grand Ave	Racine, Wi 53402
10/21	Dean von Germeter	314 10th St., #2	Racine, WI 53403
10/21/84	Joan H. Rohan	1612 S. Main St.	Racine, WI. 53403
10/21/84	Donald Putning	1800 Michigan Blvd	Racine Wi 53402
10/21/84	Michael Kaiserhan	4038 Mallard Ln.	Racine, WI 53405
10/21/84	GEORGE W BRAY	3802 MONARCH Dr. Apt 4	" " 53406
10/21/84	Nancy A. Hass	~~1523 Deane Blvd.~~	Racine, Wis. 53405
10/21/84	James R. Hass	1523 Deane Blvd	Racine, Wis 53405
10/21/84	Roger W. Sellers	605-74th Street	Kenosha, Wis. 53140
10-21-84	Jim Singer	326 Parkview	Racine, Wi. 53404
	Robin Kuypers-Witte	1651 Park A	Racine, Wi 53403
10-21-84	Gabriela Pettit	1914½ Erie St.	Racine 53402
10/21/84	Nicholas C. Longo	1413 Grand Ave	Racine 53403
10/21/84	Ellen H. Schmidt	1315 93rd Avenue	Kenosha 53142
10/21/84	Joseph R Longo	4817 High Meadows Ter	Racine 53406
10/21/84	Joyce Vande Bunt	925 West Lawn Av.	Racine. 53405
10/21/84	William J. Cote	5606 Greedy Av.	Racine 53406
10/21/84	Shelly Carter	1655 Park Ave	Racine WI
10/21/84	John C Carter	1655 Park Ave	Racine, WI
10/21/84	Susan Morgan	6720 37th Ave	Kenosha Wis
10/21/84	Roderic C. Botts	1632 S. Wisconsin Ave	Racine WI
10/21/84	[illegible] Egerton	4400 Ridgeway Ave	Racine, Wis.
10-2-84	Frank M. Egerton	4400 Ridgeway Ave	Racine
10-21-84	[illegible]	6720 37th Ave	Kenosha Wis
10/21/84	Paul R. Safransky	411½ Main St	Racine 53403

10/21/84	Mary Ann Main	4525 Appleton Cir	Racine 53405
10/21/84	Thom Story	6404 5th Ave	Kenosha, WI 53140
10/21/84	Charlotte A. Cote	5606 Freedy Ave.	Racine, WI 53406
10/21/84	Mercedes Dzwinglski	611 1/2 - 7th St.	Racine, WI 53403
10/21/84	Thomas Anger	609 7th St	Racine W. 53403
10/21/84	Dottie L Koch	634-2104	Rac, Wi 53403
10/21/84	Mary Etta Bublitz	1633 Howell St.	Rac Wi 53403
10/21/84	Edwin Wiseman	324 1/2 OLD MAIN ST.	RAC WI 53403
10/21/84	[illegible] W [illegible]	324 1/2 MAIN ST	RAC Wi. 53403
10/21/84	Carol Ruxton	1815 Park ave	Racine 53403
10/21/84	Richard M Hartig	1210 Valley View Dr	" 53405
10/21/84	Mary Robinson	3548 Douglas #116	Racine, Wis 53402
10/21/84	Camille Gendron	3518 75th St. Kenosha	Kenosha, Wis.
10/21/84	M J Bassertian	4058 Mallard Lane	Racine, WI
10/21/84	John P Schmidt, M.D.	1315 - 93rd Ave	Kenosha WI 53142
10/21/84	Nora Macias Pavao	412 9TH ST.	Racine, WI 53403
10-21-84	Antonio R. Pavao	412-9th St	Racine, WI 53403
10-21-84	Margaret Joy Botts	1632 S. Wisconsin Ave	Racine, Wi 53403
10-21-84	William J. Rohan	1612 S. Main St	Racine, Wis. 53403
10/21/84	Judith M Hartig	1210 Valley View Dr.	Racine, Wi 53405
21 Oct 84	Susan M Kastenson-Wikstrom	1145 Villa St.	Racine Wis. 53405
21 Oct 84	Tony Larsen	1024 Main St., #306	Racine, WI 53403
21 Oct 84	Paul Wikstrom	1145 VILLA ST	RACINE 53403
22 Oct 84	Gerald H. Kungstvedt	1400 Spring Valley Dr	Racine, Wis 53405
22 Oct 84	Carolyn Harvey	5110 Hwk Pt Rd	Racine Wi 53402
22 Oct	Donna Peterson	810 Sycamore	Racine, 53406
22 Oct 84	Jan A. Lewis	813 Augusta, Racine	Racine 53402
22 Oct 84	Mary Lou Jeanmaire	3725 Sherrie Lane	Racine 53403
22 Oct. 84	Marianna Rothe	5001 Deerwood Dr	Racine 53406
22 Oct. 84	Nancy T. Elsmo	208 E. 4 Mile Rd	Racine 53402
22 Oct 84	Deborah Di Pasquale	1917 Taylor Ave	Racine 53403
Oct 22, 1984	Pat Kardas	103-7th St. #3	Racine 53403

Appendix E-12

#49

October 23, 1984

Statement for Public Hearing

Land Use Management Plan for the Chiwaukee Prairie-
Carol Beach Area of the Town of Pleasant Prairie

Speaker: Jerrine Osenga, representing WEAL (Waukesha County Environmental Action League)

WEAL supports the Environmental Corridor Plan connecting and thus helping to preserve the Kenosha County's Carol Beach and Chiwaukee Prairie Areas.

WEAL applauds the State's "Advisory" Regional Planning Commission's assistance in this long range planning that will make possible the preservation of these state and nationally significant natural resource lands.

HOWEVER, WEAL views with skepticism and is appalled at SEWRPC's proposal to allow filling of wetlands as part of planned recommended land use as described in Chapter V of Report no. 88, dated 8-24-84.

I refer to allowing expansion into wetlands by:

1. proposed additional urban development with sewer service extension,
2. proposed sewer plant expansion into wetlands owned by WEPCO which was denied by DNR in 1975,
3. proposed expansion of Trident Marina into the complex of the Chiwaukee Prairie Preservation Area of National Significance,
4. proposed widening of the WEPCO Utility Corridor into Kenosha's Sand Dunes Area of National Significance.

Is this planned filling of wetlands not influencing the Regulatory Agencies to compromise their legislative mandate to protect the wetlands?

WEAL is expecting our Regulatory Agencies to safeguard the future of our state's wetlands as well as our precious natural areas of significance.

ROBERT AHRENHOERSTER : (HOME ADDRESS) 1190 HWY. 83 S.
HARTFORD, WI. 53027
PRAIRIE SEED SOURCE
P.O. BOX 83
NORTH LAKE, WI. 53064

I HAVE BEEN RESTORING PRAIRIES FOR OVER 15 YEARS. MY BEST ATTEMPT TO DATE CONTAINS 138 SPECIES OF SEED. THESE ARE ONLY ATTEMPTED SPECIES. IT WILL NOT BE KNOWN FOR SOME YEARS WHEATHER OR NOT THEY WILL BE FOUND AS ADULT PLANTS.

FROM MY YEARS OF EXPERIENCE I HAVE LEARNED THAT PRAIRIES, AS WE KNOW THAT ECOSYSTEM CAN NOT BE RECREATED. FOR THAT REASON I STRONGLY URGE THAT SUCH FEATURES AS SEWER, NEW ROADS TO A MARINA, OR AN EXPANDED MARINA BE ACCEPTED.

I SUPPORT PRESERVATION & PURCHASE OF BOTH UPLAND & LOWLAND PRAIRIE AREAS. THE PURCHASE OF UPLANDS SHOULD BE A PRIORITY AS THE WETLANDS HAVE SEVERAL AREAS OF PROTECTION ALREADY GOING FOR THEM.

TO PRESERVE ONLY LOWLAND PRAIRIE, WHEN A FULL PRAIRIE ECOSYSTEM CONTAINS (FREQUENTLY) BOTH LOWLAND & UPLAND IS A GREAT FAULT. PLEASE CONSIDER UPLANDS AS WELL.

R. Ahrenhoerster

Chiwaukee Prairie is a gem. We all realize that! It's a miracle that it has existed in its pristine state for so many years. To carve it up now seems terribly short sighted. Every effort should be made to keep it intact. Once lost gone forever.

There are plenty building sites throughout the County. Considering the value of this unique place ~~and its~~ for posterity all building should be fazed out eventually.

Ruth Drotenrath Lichtner
3626 A N. Maryland
Milwaukee, Wi
53211

Not Here

Statement for Public Hearing on the Land Use Management Plan for the Chiwaukee Prairie-Carol Beach Area

Of Wisconsin's original two million acres of prairie, only a fraction - about a thousandth - remains. One of the richest and most diverse remnants is the Chiwaukee Prairie area. It is a gem of regional and national significance - a State Scientific Area as well as a National Natural Landmark.

For this reason, I must object to the plans for sewer systems to accommodate the suburban expansions and the expansion of the Trident Marina east of the Chiwaukee Prairie. Geologist Dr. Douglas Cherkauer of the University of Wisconsin-Milwaukee has cited sewers and the other impacts of this expansion as having the second greatest negative impact on the Prairie. (The greatest impact would be development west of the prairie, which is not as yet planned.)

Also, I object to the proposed expansion of the Kenosha Sewage Treatment plant which would threaten an excellent sand dunes area. Parcels just west and south of the plant could be used instead.

Please reconsider your plans and help preserve this relatively small but precious fraction of our natural heritage. We have so little yet existing in Southeastern Wisconsin.

David J. Nowak

David J. Nowak
5998 Sycamore Street
Greendale, WI. 53129
Citizen of Southeastern Wisconsin

I am a life member of The Nature Conservancy; a charter member of the Wis. Chapter and a former board member of the Wis. Chapter.

I have walked in prairies in Missouri, Ohio, Iowa, Kansas, N. Dakota, Minn., Illinois, & Wis. Chiwaukee is certainly the most beautiful and diverse of all!

When I first saw Chiwauke, a wise man said that I should never forget how little prairie we have left. "It is like walking into a store with 100 dollars and coming out with 10 cents. Then the Journal writes an editorial on multiple uses for the 10 cents."

Two years later, the same teacher said, "Imagine 2 groups of people with 2 bags of marbles. One keeps taking marbles from the other's bag until only one is left. That is the conservationist's bag."

It appears that Chiwauke Prairie is now that "marble."

I would like to support the Chiwauke Prairie because preservation plans

Tom [illegible]

President, [illegible]

WISCONSIN METRO AUDUBON SOCIETY

October 22, 1984

Southeastern Wisconsin Regional
Planning Commission
P.O. Box 769
Waukesha, WI 53187

Gentlemen:

The Board of Directors of Wisconsin Metro Audubon Society support the Chiwaukee Prairie Rescue Coalition preservation plan. This plan works for the existing property owners and most importantly preserves the prairie.

We feel that the SEWRPC TAC plan is insufficient in its attempt to satisfy the existing landowners and the prairie.

Sincerely,

Jim Reis

Jim Reis
President

Wisconsin Electric POWER COMPANY
231 W. MICHIGAN, P.O. BOX 2046, MILWAUKEE, WI 53201

October 22, 1984

Kurt W. Bauer, Executive Director
Southeastern Wisconsin Regional
Planning Commission
P.O. Box 769
Waukesha, WI 53187

Dear Mr. Bauer:

Re: Recommended Land Use Management Plan for the Chiwaukee Prairie Carol Beach Area of the Town of Pleasant Prairie

This letter, submitted for Wisconsin Electric Power Company, contains its comments on the above land use management plan.

Wisconsin Electric is the largest single owner of property affected by the aforesaid land use management plan and has had a representative on the drafting committee. Early in the discussion leading to the adoption of the plan, we, through our representative, raised a continuing objection (the basis of which is set forth below) to any plan which greatly changed our future ability to use our property. Because of the makeup and structure of the plan study group, however, this objection was never acted upon. While we thereafter participated in the formulation of the plan, it was with the understanding that our objection to the underlying concept of the plan had not been abandoned or waived.

Turning to the recommended plan, our objection centers on the pervasive appropriation of the potential for development of our property which would result from adoption of the plan. This property, it must be recalled, was acquired as subdivision lots or under zoning which permitted a multitude of uses; is property upon which Wisconsin Electric has paid taxes for many years based upon assessments premised on this nonrestrictive zoning; and is property the shoreline of which was improved at substantial Company expense to prevent erosion from substantially reducing its size and value.

Throughout the development of the plan it has been apparent that our property, for no reason other than it is a large assembled undeveloped parcel, was going to be singled out for special treatment. The ultimate result of this special treatment is to leave Wisconsin Electric with title to land having little if any economic value. It seems to us fundamentally wrong to use rezoning to take property for "environmental preservation" when the major reason for such preservation is that similar neighboring properties have previously been developed. This is not zoning pursuant to a coherent plan for the community but rather a form of reverse spot zoning and an expropriation of the property of the last developing property owner.

Because we believe that implementation of the plan, as it affects Wisconsin Electric Power Company property, would work an expropriation of our property rather than a permissible exercise of the police power, we must oppose it.

Very truly yours,

Richard P. Rouse

RICHARD P. ROUSE
Legislative Counsel

RPR/df

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES
Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: 8250

Mr. Kurt W. Bauer
Executive Director
Southeastern Wisconsin Regional
Planning Commission
P.O. Box 769
Waukesha, WI 53187

Dear Mr. Bauer:

The Department of Natural Resources has completed it's review of the preliminary draft recommended land use management plan for the Chiwaukee Prairie-Carol Beach area. The Department's comments on the plan are provided herein. We request that these comments be included in the official record of comments received at the public hearing scheduled for October 23, 1984.

Chapter V

1. On page 7, it is noted that 812 acres of the study area are recommended for inclusion in the open space preservation area. The open space preservation area is described as a continuous corridor extending from the Kenosha Sand Dunes on the north end to the Chiwaukee Prairie on the south end of the study area. However, review of Map 3, page 10, shows two utility corridors are located within the northern portion of the preservation area. The proposed utility corridor for the WEPCO Pleasant Prairie power plant results in a break in this continuous corridor. This is a significant departure from the original objectives of the planning effort. One of these objectives was to provide a continuous corridor from the Kenosha Sand Dunes to the State line to ensure species interaction and gene pool transfer between these two areas. The recommended plan does not fully achieve this objective since disturbance within the utility corridor could potentially interrupt species flow. In addition, the utility corridor along 7th Avenue effectively isolates a small portion of the open space preservation area between 7th Avenue and the railroad right-of-way. The Department recognizes it is the extent of modification and the periodicity of reconstruction/maintenance that will determine the impact of the corridors on species interaction. Nonetheless, the Department disagrees with the conclusion on page 7 that a continuous corridor is provided for in the plan.

2. On page 10, the proposed acreages of land to be included in the above referenced utility easements should be identified.

3. On page 10, reference is made to Table 3 - A Summary of Wetlands Preservation under the Recommended Plan. It is stated that the plan would preserve 565 acres or 87% of all wetlands which are significant by virtue of providing the important functions listed in Chapter NR 115, Wisconsin Administrative Code. These significant wetlands are referred to in the plan documents as "special value wetlands". On page 13 it is noted that the remaining special value wetlands would not be preserved. This section should indicate the amount of significant wetlands within the shoreland zone that would not be preserved under the plan. Chapter NR 115.05(2)(e)4., Wisconsin Administrative Code, states: "...a county shall not rezone a shoreland-wetland zoning district, or portion thereof, if the proposed rezoning may result in a significant adverse impact upon any of the..." seven criteria listed. Therefore, all significant wetlands within the shoreland zone must be included in the open space preservation area and the plan should be adjusted to reflect this. The Department does not believe this requirement is inconsistent with the concept of a compromise plan. The Department has maintained throughout this planning process that some wetlands, including wetlands in the shoreland zone, may be excluded from preservation. The Department has also maintained that by law all wetlands within the shoreland zone that are significant under NR 115 must be preserved. Since one purpose of the land use plan is to provide the County with the basis for a wetland rezoning proposal under NR 115, it is imperative that the plan reflect the requirements of the law.

   In addition, on page 13 in the first full paragraph, it states that "the special value wetlands which would not be preserved are typically isolated from, or located on the periphery of, other special value wetlands." It seems that the excluded significant wetlands on the periphery of other significant wetlands should logically be included in the open space preservation area.

4. On pages 13 through 15, the plan proposes two utility corridors within the open space preservation area. We have estimated that the north-south corridor east of 7th Avenue encompasses approximately 25 acres of significant wetlands. The east-west corridor north of 85th Street encompasses a total of 12 acres, of which 8.5 acres are significant wetlands, and 3.5 acres are upland. In total, the utility corridors represent an estimated 35.2 acres (overlap by 1.8 acres) or 4.3% of the open space preservation area.

   The need for the north-south corridor is not apparent. Utility lines are typically located along existing streets. The establishment of a special utility corridor in a high value natural area such as the Kenosha Sand Dunes is not essential and, therefore, is not justified. Although the plan recommends that work involving the utility lines include restoration of the land to natural conditions, there is no guarantee such restoration

will occur. In addition, the plan notes on page 13 that the north-south corridor is intended to accommodate installation and servicing of utilities for the study area and "...to other portions of the southeastern area of the Town of Pleasant Prairie." Under this scenario, the frequency and degree of disturbance is likely to be much greater and more destructive.

The east-west corridor, north of 85th Street, is intended to allow servicing of the water intake and discharge lines for the Pleasant Prairie power plant. The existing corridor is 75 feet wide. Even with the installation of additional water intake and discharge lines as suggested on page 15, a maximum corridor width of 150 feet, twice the existing width, would seem adequate. Please note, however, that even this 150 foot wide corridor is not a documented need for the twenty year horizon of the plan.

In summary, while NR 115.05(2)(c)10. establishes utility corridors as a permitted use in a shoreland wetland zone provided no practical alternative exists and construction minimizes wetland impacts, deletion of these corridors from regulatory jurisdiction is not necessary and not acceptable from the Department's perspective. Thus, the need for, and size of, these utility corridors should be re-evaluated in light of these concerns and those stipulated in comments #1 and 7.

5. On page 15, the plan notes that the open space preservation area includes a drainageway north of 115th Street between 3rd Avenue and Lake Michigan. The discussion in the plan implies that the amount of the drainageway included in the open space preservation area could be reduced by placing culverts or other alterations in the drainageway. The Department is concerned about the implications of a recommendation that replaces the natural floodwater management functions provided by wetlands with man-made alterations. The alteration of drainageways also has implications for local groundwater recharge/discharge and vegetative community composition. In addition, there is no discussion in the plan of the flood hazard area extending from the old golf course to the marina.

6. On page 16, the recommended plan proposes that 36 acres located west of 1st Court and north of the State line, be reserved for expansion of the Trident Marina. This land is included in the urban area. It is estimated that 17 acres of this land is comprised of significant wetlands. Expansion of the marina into any significant wetlands within the shoreland zone is unacceptable for the reasons specified previously in comment # 3. In addition, portions of the marina expansion area contain the endangered plant species smooth phlox and the threatened white-fringed prairie orchid. Loss of this habitat area is a serious negative effect of the plan which has not been considered. We suggest that the recommended plan be reviewed to reconsider the need for 36 acres for marina expansion and to redefine the area set aside for that purpose.

In addition, on page 17 the plan suggests that if the marina development is not underway in five years, lands should be redesignated as part of the open space preservation area. In the Department's view, the lands proposed for marina expansion should initially be included in the preservation area. Designation of this land as part of the urban area increases the potential for unauthorized alteration or disturbance of the area and loss of its natural values. Under such circumstances, redesignation to open space preservation area in five years may be impractical if the marina does not expand. Designation of this area as urban at this time without specific plans for marina expansion also increases the threat of indirect disturbance of the Chiwaukee Prairie Scientific Area due to its close proximity.

7. On page 17, the plan proposes that 18 acres of lands within the Kenosha Sand Dunes be set aside for future expansion of the Kenosha Wastewater Treatment Plant (WWTP). The land in question is a Natural Area 1 and contains significant wetlands, although only a small portion is within the shoreland zone. The plan states that currently there is no additional area for future expansion at the present site, and that the only direction in which the WWTP could expand is to the south.

   The existing WWTP is currently being upgraded and expanded with the improvements scheduled to be operational by February 19, 1985. This present plant expansion is designed to handle Kenosha's wastewater treatment needs through the year 2000, with a design capacity to serve a population equivalent of 135,000 persons. Preliminary population projections by the Wisconsin Department of Administration-Demographic Services Center estimate the population of the Kenosha planning area to be 100,072 in the year 2000, or approximately 35,000 less than the WWTP capacity. By the year 2010, a further decline in population to 97,566 is projected by the Demographic Services Center. Thus, at this point in time, a decreasing demand for wastewater treatment is projected for the Kenosha planning area.

   The Department is opposed to setting aside the 18 acres as urban land for expansion of the WWTP. Based on a review of the current situation, there is no demonstrated need for inclusion of the 18 acres for expansion in the land use plan. The need for WWTP expansion is not likely to occur until considerably beyond the planning horizon of the land use plan. At this time, it is impossible to evaluate the performance and useful life of the newly expanded WWTP to establish a documented need for expansion. Should minor adjustments or improvements to the plant be required during the 20 year planning period (or beyond), there are currently five acres of vacant land at the current site of the WWTP to accommodate them. Additionally, there has been no consideration of other potential expansion sites that are not currently connected to the WWTP, e.g., vacant lands to the west. Since the 18 acres in question are part of an NA-1 area including some significant wetlands, the lands should be designated as open space preservation area in the land use plan.

Finally, designating the land as urban area does not distinguish the future optional use of the site for WWTP expansion from such uses as housing, industry, or commercial development. Should expansion of the WWTP into the area in question be proven the most feasible alternative at some future time, a plan amendment could be considered and the area rezoned. Preservation of the land for that contingency can be effected more adequately under the open space preservation designation than under the urban use designation where competing uses may supercede WWTP expansion.

In concluding our concerns for the land use plan's impact on the Kenosha Sand Dunes Natural Area, we note that while the impacts of the utility corridors or the expansion of the Kenosha WWTP may not individually destroy the entire value of the natural area, the combined effects of these land use changes will have a significant cumulative impact on it.

8. Population, housing and sewer service areas are discussed on page 18. The plan identifies an ultimate population of 4,260 persons based on the plan development recommendations. The population was derived using the number of vacant lots. NR 121.05(2)(c)3 requires that population forecasting methodologies used by designated planning agencies for sewer service areas be consistent with Wisconsin Department of Administration (WDOA) approved standards. The method used in the plan is not the same procedure used for previous water quality management activities, which has been approved by WDOA. Therefore, population projections used in the plan should be discussed with WDOA.

9. On page 18, the plan proposes that during the 20 year planning period public sanitary sewer service be extended to all urban areas in the study area. Chapter NR 121.05(2)(g)2, Wisconsin Administrative Code, states that 10 year service area boundaries may also be included in addition to the 20 year boundary. Given the unique and sensitive character of the natural resources in the study area, the Department strongly suggests that staging or phasing of sewer service to the study area be considered in the plan. At the present time, the effects on the preservation area of sewering the urban areas is not well understood but such effects may be substantial. By phasing in sewer service to less sensitive areas and/or areas clearly in need of sewers due to failing septic systems, the effects on the preservation area can be monitored. Phasing sewer service also ensures that public resources are only committed to improvements justified by population growth.

10. Pages 19 through 21, the land use plan identifies certain road segments along which sewer service would be provided to only one side of the road. A review of Map 1 and Map 3 indicate that there are certain areas involving significant wetlands within the shoreland area for which sewer service is proposed on both sides of the road. Specifically, these areas are: An area south of 91st Place and west of 1st Avenue; an area south of 90th Street and west of 3rd Avenue; and an area between 108th Street

and 109th Street, west of 1st Avenue. These areas should be reconsidered for preservation, particularly in light of comment # 3 above, as they are are identified as high quality wetland with very few currently developed lots.

11. The first full paragraph on page 21 suggests that the 30 homes remaining within the open space preservation area could be considered for sewering at the time a sewer system is installed to serve the surrounding urban areas. This is unacceptable. Under NR 121, the open space preservation area would be considered the primary environmental corridor for the study area. Lands within the environmental corridor are to be excluded from sewer service. The suggestion that these homes be sewered is in direct conflict with the premise that the open space preservation area should remain in its natural state. For example, sand or other porous backfill used in buried utility installations is likely to dewater some wetland areas unless special construction techniques are employed.

    In addition, providing sewer service to these scattered houses is not likely to be cost effective and therefore could induce additional development within the open space preservation area through private lateral connections in order to lower the overall costs to the individual homeowners. This is environmentally unacceptable and is not in keeping with the principal of a compromise plan.

12. Pages 22 through 23 discuss road access to the Trident Marina and existing residences south of 116th Street. The plan proposes that access continue to be provided via 116th Street. In the event that an alternative access route is necessary, the plan indicates that an east-west access road along 122nd Street would be preferable to an access route along the State line. We concur with the recommendation that access be provided via 116th Street. An alternative access routes along the existing 122nd Street corridor would require detailed evaluation and is beyond the scope of this plan. An alternative access route along 128th Street would not be permitted use under NR 115 Shoreland Zoning criteria. This matter will have to be fully evaluated as part of any plans for expansion of the Trident Marina.

13. A review of Map 3 indicates that sewer service lines would extend along portions of 1st Avenue, which are considered to be a high erosion hazard areas. It is imperative that this plan identify the fact that these sewers, in addition to the road, will eventually erode into Lake Michigan unless substantial public funds are spent to control shoreline erosion. (Note: In 1979, these costs were estimated by WDOA to vary from $150 to $350 per linear foot to provide intermediate to long-term shore protection.) The benefits of such expenditures would be realized by a few private citizens at a substantial cost to the public.

Chapter VI

1. On page 2, the plan discusses the responsibility of local level agencies. Since the City of Kenosha could potentially annex portions of the study area at some future time, the City should be included in this section. The plan should also note that the City will eventually be required to adopt wetland protection ordinances under NR. 117. Any annexation that may occur will retain existing County Shoreland/Wetland Zoning.

2. A discussion of open space acquisition begins on page 6. While the Department agrees in concept with the acquisition of valuable natural resource lands, acquisition by the Department or other public or private groups is only a recommendation of the plan. The Department would welcome the opportunity to discuss an acquisition program with the Commission, Town, and County, nonetheless, inclusion of this recommendation in the plan does not commit any private or public agency to acquisition. Furthermore, it should be emphasized that any acquisition by the Department forthcoming from this plan would result from the Department's interest in, and long standing practice of, acquiring valuable and scarce natural resource lands. Acquisition of natural resource lands does not exempt the County from shoreland zoning requirements under Section 59.971 of the Wisconsin Statutes, and NR 115, Wisconsin Administrative Code. Any natural area acquisition forthcoming from this plan is not to be interpreted as being required by the application of the statutorily mandated statewide shoreland zoning requirements.

3. On page 6, paragraph 2, the plan should note that the County and Town have the responsibility to seek out sources of acquisition funds other than from the Nature Conservancy and the Department of Natural Resources.

4. On page 9, the plan recommends that open space acquisition occur over a five year period beginning in 1985. It is unrealistic to set a five year acquisition horizon in the plan. Past experience in land acquisition by the Department has shown that acquisition of the lands in question over the 20 year planning period is a much more reasonable recommendation. The fact that many individual property owners will be involved in negotiating sales will significantly extend the acquisition period beyond five years, particularly as the acquisition proposal is based on a willing seller-willing buyer situation.

5. On page 10 it is noted that the acquisition of existing homes within the open space preservation area is not proposed in the plan, however, such acquisition is not precluded by the plan either. The estimated costs of acquiring these developed lots should be noted in the plan for information purposes.

6. A discussion of zoning as a means of implementing the recommended plan begins on page 13. The plan recommends that a new C-3 Conservancy District be established for the open space preservation area. The

permitted uses identified for the C-3 district appear to meet the requirements of Chapter NR 115 for open space preservation areas involving wetlands within the shoreland zone. However, the provisions of the proposed C-3 Conservancy District do not specify prohibited uses, a provision which is necessary under Chapter NR 115 for shoreland-wetlands. Also a review of Map 2 shows a substantial portion of the shoreland zone in residential zoning. Review of the proposed residential zoning districts (R-3, R-5, R-6) under the general county zoning ordinance reveals that the provision of such districts does not fully meet the requirements for zoning of shoreland areas as specified in Chapter NR 115.05(3). Therefore, the general county zoning ordinance would have to be revised to include all of the provisions required by Chapter NR 115.

7. On page 19 it is stated that the area reserved for the Kenosha WWTP would be placed in the C-3 District until expansion was required. While we agree with this proposal, it is inconsistent with including this land in the urban area as discussed in Chapter V of the land use plan.

Concluding Remarks

In conclusion, the recommended plan as presented in the preliminary draft could not be approved. The Department cannot legally approve a plan which does not comply with existing statutes and administrative rules. The most serious problem in this regard is the recommendations concerning shoreland wetlands as explained in the previous comments. Other issues raised in our comments reflect ongoing concerns which the Department has identified throughout the planning process.

We recognize that the plan attempts to reach a compromise between conflicting interests in the study area. We also recognize, however, that at the onset of this planning process in 1980 a substantial majority of the lands east of the C&N Railroad tracks were designated as primary environmental corridor (as shown in Map 13 of Chapter II), and as such were protected from sewering and its attendant development. We believe that modification of the plan to address the concerns expressed in our comments would not substantially alter the plan to invalidate the compromise. Rather, we believe our comments encourage a cautious approach to development of portions of the study area while insuring preservation of other portions. Such an approach is warranted given the natural resources present in the area and the substantial public and private costs likely to be incurred in order to achieve plan implementation.

Finally, we wish to commend the Technical Advisory Committee and the Commission staff for their efforts in producing this plan. The issues addressed in the plan are diverse, and at times are the focus of directly conflicting interests. In many areas, the plan successfully bridged these conflicts and recommended a course of action that all interested parties can abide by. Despite our conclusion that the plan, as it is now presented, is

not approvable, we believe that an approvable compromise plan is close to realization. Recognizing that such a plan, if approved by the Department, is advisory in nature (particularly regarding the proposed acquisition portion of the plan), it nonetheless would provide a common framework from which all interested and affected government and private parties can work.

Sincerely,

Lyman F. Wible

Lyman F. Wible, Administrator
Division of Environmental Standards

George Meyer

George Meyer, Administrator
Division of Enforcement

3398U
cc: WDNR - Southeast District
All Bureaus

Appendix F

MATERIALS SUBMITTED AFTER PUBLIC HEARING

Appendix F-1

RECEIVED
OCT 25 1984
SEWRPC

Sherry Dragula
4409 Toronto #1
Ames, IA. 50010

Kurt Bauer
S.E.W.R.P.C.
P.O. Box 769
Old Court House
Waukesha, WI. 53187

10/22/84

Dear Mr. Bauer,

I am writing to express my concern for the possible loss of a unique prairie & wetland, the Chiwaukee Prairie - Carol Beach Study Area. I am a native Illinoisan now living in Iowa who is saddened by the loss of prairies in the midwest. The Chiwaukee Prairie's 1825 acres is truly a midwestern treasure that should be kept free from sewers, paved streets, and other development.

I hope the S.E. Wisconsin Regional Planning Commission has the foresight to recognize the value a natural prairie wetland has as a refuge for plants and animals, as an archeological site, and as a unique study area.

Please do what you can to preserve the Chiwaukee Prairie in its present form.

Sincerely,
Sherry Dragula

LAKELAND
UDUBON SOCIETY, INC.

October 20, 1984

Mr. Kurt W. Bauer
Executive Director
Southeastern Wisconsin Regional
Planning Commission
P. O. Box 769
916 North East Avenue
Waukesha, Wisconsin 53187

RECEIVED
OCT 25 1984
SEWRPC

Dear Sir:

Re: Land Use Management Plan for the Chiwaukee Prairie-Carol Beach Area of the Town of Pleasant Prairie
SEWRPC Planning Report N. 88
Preliminary Draft

Lakeland Audubon Society, a chapter of National Audubon Society appreciates the opportunity to offer written comments of this Land Use Plan. I was told in the Waukesha office on October 11th that written comments would be accepted.

The following comments of this Land Use Plan are given because of our concern about the impending threats to the Chiwaukee Prairie area. This is an area where our Audubon members have visited often to study and enjoy birds, wildlife, and the rare and numerous plants and wildflowers found there. Each visit has been a "lift to our spirits." We visited at various times throughout the growing season of the year....each different...each some surprise. It is an area such as we can see nowhere else in Wisconsin, and that hosts one of the fewer than 100 Calcareous fens known in the entire United States. It is a high value habitat and the only non-disturbed Palco Indian Site in Wisconsin. In early spring we can see the vivid blooms of the marsh marigolds, and later, we catch our breath at the sight of the rare, white fringed orchids in their incomparable natural splendor. Will all this be lost to growth and urban sprawl?

Here lies 1800 acres of irreplaceable beautiful virgin prairie, unchanged since the glacial age growing only native species. According to the Wisconsin State Board of Soil & Water Conservation, wetlands have a special value in densely populated areas. They serve as natural reservoirs for flood water storage, reduce peak flows in creeks and trap potentially

P.O. BOX 473 · ELKHORN, WISCONSIN 53121

polluting sediments and nutrients. This area is part of the Lake Michigan Basin that represents Wisconsin's most extreme situation in terms of water use and water problems which are related to water quality. According to the Board, "The area has been markedly degraded through the impact of human activities, such as sewage treatment plants, sewer overflows, private septic waste disposal systems and urban stormwater runoff. Half of the basin is covered by soils unsuitable for septic systems." In their study of 1980, they stated further that Wetlands provide aesthetic values, intangibles derived from the presence of open space that contains natural flora and fauna which are essential to the contentment of the human "inner person." Are we going to ignore the facts and conclusions in this entire study?

I don't know whether any of our wetland areas can long withstand the pressures of land speculation and urban sprawl and all it involves or whether people can long withstand the increase in taxes, over-priced housing, and expensive new sewer systems. MORE GROWTH soon may not be the answer for quality of life for it may involve soon the <u>quality of water</u> on which ALL life depends...not just the flora and fauna. I agree with Orville Schell who wrote: "Progress, growth, development need redefinition. They need to be rescued from the destroyers." Why must this historically, ecologically, and aesthetically valuable beautiful prairie be sacrificed? Some things man can preserve in a museum, but NOT a wetland area. Its entire purpose and function would be lost forever. Often decisions are made by those with little knowledge of the environmental fact of the interdependency of nature. Threats to the water systems....threaten every man for he cannot live or survive witho ut CLEAN water. As Russell Peterson, Pres. of National Audubon has said, "Whenever human activities dirty the air, foul the water, and disrupt the land, we add to the accumulation of pollution that over the long run reduces the quality of EVERYONE'S LIFE." We cannot <u>preserve</u> a prairie or a wetland while at the same time have activities, such as drainage and heavy construction, that <u>destroy</u> its ecological systems.

Secondly, I'm concerned that a Committee of (20) persons (TAC) changed and amended SEWRPC's original plan without any input from the public. A Committee that consisted of City and County supervisors, government agencies, utility representatives, landowners, and developers. I am concerned that a PLAN with great environmental importance such as Chiwaukee Prairie was without environmental representation except the Nature Conservancy. This Committee made decisions with little expertise about an environmentally sensitive area. This Committee has worked on a plan that contains MAJOR environmental, biological, and hydrological laws. Meetings were held that gave "no voice" to any environmentalist. Even though Lakeland Audubon has contributed to The Nature Conservancy to aid in preservation of this unique area, this apparently is not enough for it is now seriously threatened by development on all sides.

Thirdly, this plan involves a Wisconsin environmental law.....The Wetland Zoning Law. The Shoreland Zoning Law is part of the WATER RESOURCES ACT of 1966. Its purpose is to prevent and control water pollution, protect spawning grounds and fish, etc . . . to control building sites and land use . . . to preserve the natural beauty etc." The zoning to be done by the County "is to be based on Wetlands Inventory MAPS." The Maps to be done by the Regional Planning Commission with the DNR to set standards, such as 300 ft from a river or 1,000 ft from a lake, there will be NO buildings or construction. Wisconsin Administrative Code NR 115 (to map Wetlands) was put into effect in 1978 but with no protection, thus rules were adopted and revision was made in June, 1978 and became a LAW .....November 1, 1980.

This most certainly applies to any Land Use Plan involving Chiwaukee Prairie. I believe that NR 115 should be stricly enforced. This COULD be a test case. This Prairie is CRITICAL because of statewide and even national significance and as a habitat of several endangered species.

If this law cannot be sustained here, and breaks down under development interest and demands for sewer service extensions, prospects for statewide WETLAND PROTECTION under NR 115 is seriously undermined and in jeopardy!

How can (under this law) an extension of the Trident Marina to 500 slips, new breakwater structures, new access road, and a four story HOTEL with 225 rooms be justified? To name only one portion of this plan .....THE MAPS by which the County sets up the Zoning SHOULD REMAIN AS DRAWN by the Regional Planning Commission originally. This law is of major importance to both our surface and ground water preservation. The first thing in the process of adoption of this plan was to CHANGE the Wetlands Zoning Map. Why spend resources and a vast amount of time to set up this Mapping System and then the FIRST development idea that appears....change the map to suit the situation...or perhaps to suit the "special interest groups."

Furthermore, I am concerned that I was unable to secure a copy of the ENVIRONMENTAL IMPACT STATEMENT. "Not completed," I was told. A DECISION on this plan should NOT be made until the public (and the Committee) has access to an EIS. I understand the DNR promised by August 1st and I believe that it applies to this case. The National Environmental Policy Act of 1970 requires an EIS written for all actions that include Federal agencies and having significant impacts on the environment. And manditory in cases that involve "unique aspects of an area such as wetlands . . . or ecological critical areas. . . where endangered or threatened species exist or their habitats."

And an EIS "must be made available to the public at least (15) days in advance of a hearing..." "An agency MAY NOT make a decision on proposed action until at least 90 days after the release of the draft EIS."

And as of October 15th..... NO EIS was available!

To add to my concerns, I found that according to

Dr. Douglas Cherkauer, geologist, who has reviewed the hydrogeological system in and around Chiwaukee Prairie. He states assertions have been made that the planned actions will do no harm.....when NO QUANTITATIVE DATA EXISTS on which to base this claim. That is, the available data is NOT adequate. In my opinion, this is a major flaw in the Plan.

He states there will be disruption of the flow system and water quality by surface development. And that it WILL have a negative impact on the areas to be preserved as wetland/prairie/environmental corridor. He says that only description information from SEWRPC exists. Therefore, and I agree, that <u>any statement</u> on impact is <u>without scientific basis</u>.

This area, according to Dr. Cherkauer is a self-contained ground water system and the flow is from west to east. Septic systems discharge into this system. In <u>shallow systems</u>, ground water and surface water flow systems are really ONE. Any disruption, such as ditching or roadbeds will cause a change. He points out that no information on construction methods exist in the plan and the impacts from construction on a prairie such as this, mostly wet prairie could be great. He says that any development on the west (not in the plan) is the greatest danger while development to the east offers the second greatest danger to the prairie. This is in the plan. He concludes that more data must be available <u>before any</u> acceptance of the plan. As he words it, "Chiwaukee Prairie is a very hydrological vulnerable area."

You state (Chap V, Page 7) that the plan attempts to accomodate significant additional urban development with the area, while AT THE SAME TIME preserving the most important natural features of the area. Can this ACTUALLY be accomplished without sacrificing the ecological patterns of the wetlands.....of the prairie..... and of the dunes?

On reading your plan I noted that after several years of work, on May 3, 1984, a compromise Plan...."Development-preservation alternative".....was selected by the Technical and Citizen Advisory Committee. The Committee requested a revision of the Wetland Inventory Map, as mentioned before in my comments. The degree of development being planned is so extensive as to jeopardize The Prairie Area that is being preserved. I read very little material on how and WHY to save a precious resource such as Chiwaukee Prairie. According to the revision, 71 acres of the wetland area was decreased, critical plant habitat was reduced 13 acres, significant wetland area was reduced by 64 acres, prairie area was reduced by 32 acres. I did not find the reason why. You project a triple increase in both housing developments and population.....serious impacts on this area in the future.

You allow 851 acres for urban development, "most single family units." This is vague, in my opinion. Later you state some commercial and institutional. How much is some? How much is most? You also state "multiple family" south of 91st street. This only increases the density for the area. I do approve of allowing existing homes to remain.

My overall opinion is that this is not a plan on "how to preserve a valuable resource area." This is a plan on HOW TO DEVELOP an area such as this. This is a plan on HOW TO PLEASE county agencies, developers, utilities, and special interest parties, such as the Trident Marina expansion with the 225 room hotel. Where is this actually to be located? This is a plan on WHAT TO DO with drainage problems in a Wetlands area and sand and erosion problems in a beach area to make development possible.

This is a plan on HOW TO PUT A CITY IN A WETLAND AREA. First, it is necessary to "drain", ditch, and install sewers to get rid of the water to accomodate the structures and the necessary roadways. These are negative impacts on any wetland area. This is the same process the Park Service did in Yellowstone Park. First, they built a campground in a forest area.....then they cut down all the trees for the safety of the campers. Why not another location in the first place?

This is a plan on HOW TO DESTROY CHIWAUKEE PRAIRIE. The encroachments are too many and too foreign to the natural ecology of a Wetland area. The construction necessary to implement this plan, alone, could damage this sensitive area of Wetlands, Dunes, Wildlife habitat, and Prairie beyond any repair or restoration.

I think the entire plan should be re-thought and re-studied and should include the knowledgeable concerns of the environmentalist and the basic data requested by Dr. Cherkauer and the information from the Environmental Impact Statement before ANY DECISION..... any final decision is made.

In 1977, The Southeastern Wisconsin Regional Planning Commission stated: "The natural resource base of an area is a primary determinant of its development potential and its ability to provide a pleasant and habitable environment for all forms of life. Thus, the preservation, protection, and wise use of the natural resource base is of vital importance to sound social and economical development, as well as to the preservation of environmental quality in that area."

This is an excellent summation of my comments..... I couldn't word it any better!

Sincerely yours,

Helen Kluge

Helen Kluge,
Conservation Chair
Lakeland Audubon Society

Comments approved by: Mary Ann Harkins

Mary Ann Harkins,
President of Lakeland Audubon Society

MRS. HELEN KLUGE
119 S. WASHINGTON
ELKHORN, WIS.
53121

RECEIVED
OCT 25 1984
SEWRPC

Mr. Kurt Bauer
S.E.W.R.P.C.
P.O. Box 769
Old Courthouse
Waukesha, WI 53187

October 23, 1984
2060 Manitowoc Rd. #9
Green Bay, WI 54302

Dear Mr. Bauer:

I am writing to you to express my concern about the development planned for Chiwaukee Prairie. I grew up in Kenosha and travelled to Chiwaukee Prairie as a youngster. There, I learned how important this remnant of original prairie was, how fragile the ecology of these areas are, and why "Kids like me" should appreciate the uniqueness of it. This area was my first introduction to nature and the concepts of conservation. Now, I hear they want to build, cover it up with asphalt, and greatly reduce its size. When I heard this I felt that I lost a little bit of myself--a friend, a memory, a sunny day with a group of children who got an early education about conservation.....

Things change I guess. I learn now that the Trident marina wants to expand. More people who live in Illinois need places to put their boats and a hotel and convention center is needed to bring in the all important tax revenues. Other folks want to build on the land they paid so dearly for. Everyone wants to be by the lake. The soil is very sandy there and wetlands may be filled. The people then demand decent roads, sewer, and water connections. The sewers and roads then attract more people and greater demands are made to develop the adjacent properties. Kids with minibikes will continue to tear up the nature trails and loss of the prairie from encroachment along its edges will cause a loss of some species and decrease the diversity of the life in the prairie. The increase in the amount of groundwater mining will alter water tables and paving of roads will alter the regenerative capacities of the underlying aquifer. This could result in the <u>total destruction</u> of this valuable natural resource. Although I understand the personal motives of those who want to build or otherwise use their property, I ask myself "Is this the best alternate use of this resource?". I would say that for people like myself and for future generations, overdevelopment will sacrifice the greater good for the more directly measurable benefits of a few. The option to develop this land will preclude the use of this land for a natural area, so we must be very sure of our assessment of the best use of the land for all of us. For those of us who have seen the praririe and believe it is a vital resource for the nation, state, and region, the loss of this area would be great. I can only hope that funds can be raised by the Nature Conservancy or the State to obtain enough of this land to maintain this wondrous place. It must be preserved intact in order to preserve its genetic integrity and assure that others can look and marvel at what remains of Wisconsin's virgin prairie.

My children may some day ask to see a prairie. Do I tell them that some people decided to build homes over it, simply because it was in their way and in spite of the knowledge that it is a rare prairie remnant? Or do I tell them that people saw past their own noses in order to preserve something for people they could never know or meet? The question will be answered, but I wish that my children and other children can have what was such a wonderful experience for me and have an opportunity to understand the sacrifices that someone made in their behalf, to save Chiwakee Prairie.

Thank you for allowing me the opportunity to comment on the subject. I feel strongly about this. I would also like to ask that someone look into declaring the entire parcel a scientific study area or some other like mechanism, in order to allow for greater protection of the parcel.

Sincerely,

Jeffrey D. Myers

Jeffrey D. Myers

October 25, 1984

Kurt Bauer, Executive Secretary
SE Wis. Regional Planning Commission
916 N.East Avenue
Waukesha, Wis. 53187

RECEIVED
OCT 26 1984
SEWRPC

Greetings:

I attended the public hearing on Chiwaukee-Carol Beach development plans October 23 and am submitting my comments in writing.

I have been a Wisconsin resident over 45 years. My husband and I built our home in the city of Racine about 20 years ago.

First: I wish to register objection to those who heckled a Racine teacher at the hearing, saying "Go Back to Racine".

Racine and Kenosha are not separate communities, but are linked inseparably by economic, cultural and educational ties. Hundreds of Kenosha people work in Racine and Racine people work in Kenosha. For example, our eldest son is a security guard at Carthage College and our daughter and son-in-law drive for a trucking firm which makes frequent deliveries and pick-ups at Kenosha factories and warehouses. My husband golfs at several Kenosha County courses. We attend Kenosha Symphony concerts and sing with the combined orchestras in the Racine-Kenosha Community Chorus. Our daughter and youngest son (who is serving in the air force) enjoyed competing with Kenosha school athletes. Many Racine-Kenosha churches like ours belong to the same district, our peoples attend Parkside together, shop at each other's malls and patronize restaurants in both counties. We share the same weather systems, air pollution problems, and lakeshore. Our Racine-Kenosha Sierra Group has about a third of its membership in Kenosha County, a third in the city of Racine, and a third in other nearby communities.

How can we not be concerned about developments in our neighbors' environment?

My husband and I have even experienced fears similar to those of Carol Beach families, when twice in five years we built a home in a beautiful natural area, only to find state maps which proposed to send a freeway through our backyard. We understand what they are going through.

Second: I would like to endorse the maximum preservation concept presented in the Chiwaukee Prairie Rescue coalition plan. I heard 25 speakers...both residents and non-residents...say they loved and wished to preserve the beauty of the natural prairie.

I share the alarm expressed by 15 speakers over damage to the ecology of the prairie which would result from proposed development of sewers, roads, utility expansion, and increasing the number of homes from 500 to 1500.

Most of all, I protest the reckless development plans of Trident Marina!!! There is no possible way the prairie can exist if dredging, filling, pavements and large buildings are installed as they propose. Shoreline alterations can cause erosion far south into Illinois, where they are already blaming Wisconsin for loss of beaches along their dunes and prairie. Who knows what it would do to the Carol Beach residents along the Wisconsin lakeshore?

Please consider Professor Cherkauer's warnings most seriously, concerning the wide range of effects on water systems of all the proposed construction. When highway improvements were made near us on Green Bay Rd. and Spring Street, residents found six feet of water accumulating in their yards, and no one would accept responsibility for the damage. We also have friends on Chickory Road, who finally succeeded in draining their wetland lot, only to have insufficient water in their well. Obviously, expert advice and supervision must accompany Chiwaukee development plans to protect both the prairie and the residents.

Finally: I deplore the threats which were heard concerning financial loss to residents of Carol Beach. Home owners deserve protection of their assets. However, those who bought large number of lots hoping to make a profit when taxpayers provided necessary improvements, should realize that land speculation involves risk. There is no money-back guarnatee necessary for them, although I believe some states allow a tax write-off when such land is donated to the state.

I appreciate the difficulty of drawing up plans for Chiwaukee-Carol Beach area. I hope those who attended the hearing will continue to work for a compromise which protects both the prairie and home owners.

Thank you very much.

Sincerely yours,

Mrs. John Berge

Mrs. John Berge
1529 Crabapple Drive
Racine, Wis. 53405

copies sent to Wallace Piroyan, Cm. Carol Beach Citizens
Carroll Besadny, Sec. Wis. DNR

6846 3rd Av., Kenosha, Wi. 53140
10-26-84

Please give careful consideration to the alternative plan suggested by the Chiwaukee Prairie Rescue Coaligion headed by Mary Ellen Johnson. We don't want the wetland destroyed.

Sincerely,

Dorothea H. Kent

RECEIVED
OCT 29 1984
SEWRPC

J. E. SHAFFRON & Associates, Inc.

8440 Sheridan Road • (414) 654-3506 • Kenosha, Wisconsin 53140

REALTOR®

October 26, 1984

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OCT 29 1984

SEWRPC

SEWRPC
916 N. East Ave.
Waukesha, Wi. 53187-1607

Gentlemen:

I am pleased to make the following statement in addition to the statement that I made at your meeting.

Being the developers of Carol Beach Estate, every time a news article appears about the activities of your committee we get telephone calls, personal visits at our office, letters from property owners at Carol Beach Estate on all your activities. Property owners are in doubt about the results of your committee activities.

I don't blame the people for being scared and do think that you should be more explicit in your activites so people can understand your objectives.

When people come to me requesting information obout your committee I tell them not to worry about it as I feel that your committee will not do anything that will hurt the value of the property in Carol Beach Estates.

As I stated at the meeting thet Carol Beach Estates is far from being a "wet land". If anything it is a dry land and you activities hurt the property owners and you should stop this.

Sincerely yours,

J.E. Shaffron

JES:sk

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OCT 29 1984
SEWRPC

Appendix F-7

2114 Van Hise Ave.
Madison, Wis. 53705
October 23, 1984

Southeastern Wis, Reg. Plan Commission
Courthouse, Waukesha, Wis.

Re: Comment on SEWRPC's recent plan for land use management in the Chiwaukee, Kenosha, & Carol Beach area, Wisconsin. I am out of state until late November and could not attend the October 23 hearing, and request these comments be added to that record.

Chiwaukee Prairie and the scattered remnants north and south along Lake Michigan is a national treasure. A large number of people have made a considerable investment in purchase of lands in the area in order to preserve this treasure, for all time. Thus we doubly have an investment to protect. I feel that with enough information, which is not yet available, it will be possible to mesh moderate private development in the area and still protect this fragile natural area.

My own studies of wetlands, especially of fens and wet prairies, indicate that they are extremely sensitive to hydrologic conditions and reflect a special set of same which are not yet fully understood. I have also had considerable experience with developments in wetland areas and conclude that people do not understand water movement even on the surface and that current planning and construction procedures are not sensitive to hydrologic needs and often create serious and costly problems not only for natural resources but for adjacent landowners by causing flooding, erosion, alteration of well water quality, and so on. It is time to develop wiser guidelines for developments to eliminate these undesirable hazards and costs which are not borne by those responsible. A bonding system ought to be required to insure better performance but until the hydrologic regimes and systems are better understood such requirements are meaningless. Chiwaukee is an important place to begin such studies and tests since the accomodation of private land users and important natural resources must be found.

In view of these threats to the prairie resources, the property values of adjacent landowners and homeowners, and the budgets of town and county governments who must bail out the injured parties when mistakes are made, it is reasonable to ask that no plans be approved and no construction begun in the area until adequate hydrologic studies are completed. That includes developments, roads, utility corridors, sewage plant plans, and marinas proposed in the area. I understand from a preliminary report that such a hydrologic study would not take very long - probably having to extend through two full years to span seasonal and year-to-year variation. The study should include areas north and south of Kenosha and southward into adjacent northern Illinois where these prairie relics exist. In addition to this study, I urge that when final plans to guide development are made up and approved, based on the results of the hydrologic studies, and estimated impacts of each alternative weighted, there be a continuing monitoring program established in the protected prairie and wetland areas such that any further changes in their water flow patterns and levels be measureable so that mitigative corrective measures can be taken when necessary. Funding for such a study should be provided on a partnership basis with input from government and development interests alike. A fund set aside for emergency mitigative efforts would perhaps be helpful as well.

Thank you for your attention.

Sincerely,
James H. Zimmerman
James H. Zimmerman
Consulting Ecologist and Lecturer
Univ. Wis. Dept. Landscape Architecture

Joan Lutz Kuckkahn
1517 S. Sherwood Drive
New Berlin, Wisconsin 53151
phone 414-786-7872

CHIWAUKEE PRAIRIE PUBLIC HEARING
Kurt Bauer, Executive Director
Southeastern Wisconsin Regional Planning Commission
916 N. East Avenue
Waukesha, Wisconsin 53187-1607

October 29, 1984

Dear Mr. Bauer,

I am writing to you regarding the land use management plan for the Chiwaukee Prairie-Carol Beach Area of the Town of Pleasant Prairie. Please include my comments in your public hearing minutes (of October 23, 1984).

I am in favor of the maximum preservation plan.

I took a course in native plant communities at UW-Madison in the 70's. As part of the course, we visited Chiwaukee Prairie. I can still recall feeling awestruck by the beauty of the area, as our professor identified rare plants and explained the ecology of this unusual community. Since then, I have returned a number of times, and supported the Nature Conservancy in their efforts to buy more land there.

I hope that future development does not encroach needlessly on this paradise.

Sincerely,

Joan Lutz Kuckkahn

The State of Wisconsin
Department of Justice

RECEIVED
OCT 31 1984
SEWRPC

Kathleen M. Falk
Public Intervenor
(608) 266-1350

123 West Washington Avenue
Mailing Address: P.O. Box 7857
Madison, Wisconsin 53707-7857

Bronson C. La Follette
Attorney General

Ed Garvey
Deputy Attorney General

October 30, 1984

Mr. Kurt Bauer, Director
Southeastern Wisconsin Regional Planning
Commission
916 North East Avenue
Post Office Box 769
Waukesha, Wisconsin 53187-0769

Dear Mr. Bauer:

Enclosed please find our written comments on the draft plan for the Chiwaukee Prairie-Carol Beach area in Kenosha County, Wisconsin. These comments supplement our oral testimony at the October 23 public hearing.

Thank you for your consideration of our comments.

Sincerely,

Kathleen M. Falk

Kathleen M. Falk
Wisconsin Public Intervenor

KMF:sjs

Enclosure

cc w/enc.: Carroll D. Besadny/DNR Secretary
Allen K. Shea/DNR/WRM
The Hon. John D. Bilotti/Mayor-City of Kenosha
Donald H. Wruck/Chairman-Town of Pleasant Prairie
Gilbert J. Dosemagen/Kenosha County Executive
Wallace Piroyan/Carol Beach Homeowners Association
Donald Conley/Trident Marina Developer
Robert W. Trefz/Warzyn Engineering, Inc.
Senator Joseph Strohl
Senator John J. Maurer
Representative Joseph F. Andrea
Representative John Antaramian

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COMMENTS OF WISCONSIN PUBLIC INTERVENOR
submitted to the
Southeastern Wisconsin Regional Planning Commission
October 30, 1984

The Wisconsin Public Intervenor is an assistant attorney general appointed by the Attorney General and directed by the statutes to intervene on behalf of "public rights" where natural resources are at stake. We file these comments because of our concern over the unusually important resources of local, state and national significance at stake in the Chiwaukee Prairie area of Kenosha County.

There are few spots in Wisconsin where there are as many, or as precious, natural resources than in the Chiwaukee Prairie area. To highlight just a few here:

--There are about 250 acres of, according to the U. S. Department of the Interior, "exceptionally fine and diverse," ridge and swale prairie, one of the best remaining prairies in the Great Lakes region.

--83 acres of the prairie were declared a National Natural Landmark in 1974; in addition, the state has officially recognized here two natural areas of statewide significance and two areas of regional significance, including one "scientific area" (a natural area is land so little modified, or sufficiently recovered from human activity that it contains intact native plant and animal communities representative of pre-settlement landscape).

--The prairie hosts over two dozen rare, endangered or threatened species of plants and animals; over 400 plant species are found in the prairie and 76 animal species use the prairie in one season alone, enjoying 300 acres of high value habitat.

--There are about 700 acres of wetlands and one-half mile of sand dunes along Lake Michigan. (The high sandy ridge bordering on the west of what was once the shoreline of glacial Lake Michigan. As the lake receded over the centuries, old beaches left undulating ridges and swales.)

--There are 9 known archeological sites in the area, and possibly others, that contain, according to the State Historical Society, extensive and "extremely significant" deposits of the only nondisturbed Paleo-Indian site in Wisconsin, allowing a "unique opportunity" to study the cultural history and settlement patterns of people living around 200 BC - 1200 AD.

It is for very good reason that in 1980 SEWRPC mapped much of this entire area as an "environmental corridor" to be preserved as "open space." SEWRPC's own report, "Refining the Delineation of Environmental Corridors in Southeastern Wisconsin" by Bruce Rubin and Gerald Emmerich, Jr., summarizes best the need for protected corridors: Because of the interacting and interdependent relationship in the wetland complex between hydrology, topography, energy and nutrient flow, destruction of part of the corridor one "may lead to a chain reaction of

deterioration and destruction." SEWRPC Technical Report, Vol. 4, No. 2, p. 1 (March 1981).

This whole issue arose years ago when the town first proposed to sewer the area surrounding much of this study area. However, because 1300 of the 1800 acres in the area are designated "environmental corridor" under the 1980 and still existing SEWRPC plan, wholesale sewering of the area would not be permitted by the DNR. SEWRPC's wise recommendation in 1980 ought to be remembered in 1984:

> Implementation of the recommendation to preserve and protect the primary environmental corridor lands along the Lake Michigan shoreline south of the City of Kenosha in the Town of Pleasant Prairie is particularly important because of the features encompassed within this corridor. The preservation and protection of this environmental corridor is complicated by the fact that a large portion of this corridor was platted as early as 1921 for urban development. As a result of this platting activity, urban streets were constructed and some houses were built within the corridor. Despite such construction activity, however, the wetland and prairie features have persisted because of the wet soils and other developmental limitations within these primary environmental corridor lands, and, thus, the area remains one of the outstanding natural resource areas in southeastern Wisconsin. <u>The proposed plan recommends that no further urban development be permitted to occur in the environmental corridor</u>, and that the remaining resource features be protected initially through public land use regulation and ultimately through public acquisition.

"A Park and Open Space Plan for the Kenosha Planning District, Kenosha, Wisconsin," SEWRPC Community Assistance Planning Report #41, December 1980, emphasis added.

In light of this, why are we here today, only a few years later, reviewing a new plan that is drastically different from the one that exists now?

Four major threats are on the horizon already. There may be more in the future. In our opinion, the new plan prepared by SEWRPC caves in on every single one of the four major development threats that could hurt this area.

We say this, not out of a knee-jerk reaction to the planning process that has occurred, but because of what experts in hydrology, wetlands, soils, history and archeology have told us this plan will do to the important resources at stake. Looking first at hydrology, our office retained the services of Professor Douglas A. Cherkauer, Department of Geologic Sciences at the University of Wisconsin-Milwaukee. He testified for us at the public hearing on October 23. Our testimony is based in part on his technical review of SEWRPC's plan and his conclusion that "it is premature to maintain that development will not seriously impact the Chiwaukee Prairie." We provided SEWRPC with Professor Cherkauer's report earlier this month, as soon as it was available to us.

Other scientists have reviewed the plan as well, and concur with Professor Cherkauer's conclusions. For example, Professor Calvin DeWitt, a wetlands ecologist of the University of Wisconsin Institute for Environmental Studies, reviewed the plan and gave his expert opinion:

> Although the Plan gives recognition to plant communities and wetland plant associations, including those of a critical nature, it fails to connect these to their vital and crucial survival linkage: groundwater and surface water. Wetland communities of any type, rare or common, are determined by water regime. Hydrology is the crucial consideration in any management plan for wetlands, since they are by definition "wet lands." ... [M]anagement of the

> hydrology is crucial to the management of a wetland. A wetlands/wet prairie/beach plan is of necessity a hydrological plan. This points up the major deficiency in the Plan in its draft of 8/24/84.
>
> The deficiency in the Plan is that it is in no way a hydrological plan. Since plant communities, both common and rare, are determined by the hydrology, a hydrological plan for the immediate and surrounding region is crucial for the survival and persistence of any or all of the areas in the presence of development. A wetland management plan without consideration of hydrology is like a plan for agriculture without consideration of soil.

See October 22, 1984, letter attached.

Finally, with respect to history and archeology, the expert opinion is consistent with Professors Cherkauer and DeWitt. The State Historical Society concluded:

> We would like to reemphasize the archeological importance of the study area. It may be as special for its cultural resources as for its vegetation. Once the true extent of its archeological resources is known, evaluations of impact and conservation plans can be developed....

and:

> Our initial impression is that virtually no consideration has been given to the area's cultural resources.

See October 4, 1984 letter attached.

With this in mind, we look first at the problems with the plan, and second, where we are in the whole decisionmaking process.

First, Trident Marina proposes to expand its facilities and construct a 250-unit hotel-convention center in the southeast corner of the prairie area. The project requires about that 30 acres of wetlands be dredged for a new inland harbor and about 3-5 acres of the existing harbor be filled. Also, a breakwater

of undisclosed size would be built out onto Lake Michigan. The plan does not even mention these dredging and fill plans much less does it calculate what effect this massive dredging project will do to the prairie immediately north and west of the project. In addition, not only does the proposed expansion area contain two endangered species, but according to Department of Natural Resources (DNR) staff, this "would result in the loss of significant wetlands within the shoreland area." What is more, it will be extremely difficult to transport the many persons expected to use the marina across or around the heart of the prairie without causing substantial injury, either directly by vehicle traffic or indirectly by development pressure. The SEWRPC plan extends an invitation to the marina to pave an additional road straight through the National Natural Landmark on 122nd Street in future years should traffic flow to the hotel-convention center warrant it. According to Trident Marina's consultant, either this invitation will be taken up or a road will be built through the prairie areas at the state line.

Any road through the prairie would introduce road salt, oil, gasoline and lead pollution to the area. The introduction of these pollutants, especially road salt, into the National Natural Landmark area, can result in the destruction of vegetation that is intolerant to increased salt concentrations, and thus destroy the significance of the landmark area. Putting a road along the state line could cause significant adverse impact to the hydrology of the area and to possible nesting habitat of the endangered Forster's tern and the sandhill crane. Neither site

is a satisfactory option. Finally, visitor use from Trident's Convention Center on an area already stressed from a threefold increase in sewered development may cause significant adverse impacts on the remaining open space areas--open space areas that are intended to be preserved in their natural condition.

Second, the Kenosha proposed sewage treatment plant (STP) expansion threatens the Kenosha sand dunes. The plan authorizes additional expansion of the plant in future years, should it be necessary, in wetlands and in the sand dunes, a unique natural area which the SEWRPC plan concedes contains "important plant habitat." No effort is made in the plan to find a reasonable alternative short of destroying wetlands and sand dunes.

Third, Wisconsin Electric Power Company, which currently owns land south of the proposed STP, has requested approval to carve out a corridor running east-west through an area which would otherwise be designated "open space" under the plan. The plan endorses this threat even though no need for the corridor is stated in the plan. Also, the plan places no restrictions on the use of the corridor, such as restricting use of chemicals or other potential harm effects to the surrounding prairie, sand dunes and wetland areas.

Fourth, the proposed sewers and subdivision development threaten the prairie. Under the plan, most of the area surrounding the National Natural Landmark will be sewered, increasing the number of homes in the area by almost threefold. Sewering the area, and its subsequent development, are the most severe threat to the prairie. The excavation and dewatering

necessary to install the sewers will harm the surrounding areas. Once the area is sewered and the number of homes tripled, this new development changes the hydrology of the area. Dewatering can cause permanent changes to the area if sufficient desiccation occurs to he sediments and/or vegetation. If the vegetation is stressed enough by the dewatering, it may not recover. Subsidence may occur in the sediments depending on how much water is removed. Once the soil structure is changed by the removal of too much water, compaction in the soil can occur causing instability. This issue is not adequately addressed in the plan.

Another aspect of the sewer issue that warrants serious discussion is the large economic price tag. According to the plan, the total price tag on public improvements for the area, water, sewers, roads, and stormwater drainage is $14,411,000. If there are approximately 1500 homes in the area, as the plan states should be the case, the total cost per home is approximately $10,000. Homeowners must be willing to pay for the public improvements proposed. Are landowners willing and able to spend that much on top of building costs and the cost of sump pumps and drain tiles? The economic feasibility of this plan is questionable at best.

We were amazed that given the amount of study that has gone into preparing the plan, and the commitment of SEWRPC staff to protecting the resources at stake, that the plan endorses every single one of the four major threats to the prairie. In summary, the plan is not a "compromise" plan as we expected would occur.

What is next in this whole decisionmaking process? Many, many steps must yet occur. First, a hydrology study of the area is a vital necessity. According to the scientific experts, Professor Cherkauer, Professor DeWitt and the State Historical Society, for examples, such a study is an absolute minimum. As Professor DeWitt concluded:

> ... I would judge that this proposed project has great potential for seriously altering the nature and structures of the natural vegetation. Lack of good hydrological data for the site makes it impossible to predict these impacts in any detail.
>
> At the very least, a hydrological study should be made of the site and the aquifer and watershed in which it is contained, prior to initiating the proposed development. Such a study would be directed at the impacts of the current proposals for development. At best, a detailed and careful analysis should be made at such a scale that it would allow protection of the valuable natural resource in perpetuity while allowing compatible land uses in the vicinity.

October 22, 1984 letter.

Professor Cherkauer's analysis should be taken to heart by SEWRPC:

> Without site specific information on the hydrogeological conditions and specific development plans, it is premature to maintain that development will not seriously impact the Chiwaukee Prairie. Cited above are many operations which will modify various aspects of the flow and water quality systems. The distances to which these impacts will extend beyond the development project are unknown to all parties because of the absence of data. It remains the responsibility of the planners and planning agency to demonstrate in a precise fashion that the proposed plan will not adversely impact the Chiwaukee Prairie. It is the role of a regulatory agency to require that adequate information be provided to assess possible impacts before approving the plan. The hydrologic information needed could be readily obtained in a fairly short period of time. However, the planners and developers have not yet done so. Until they do, the plan should

be held in abeyance. Acceptance at this time would be irresponsible reliance on hydrologic generalities in a hydrologically vulnerable area.

Likewise, the State Historical Society urged an in-depth archeological study before any decisions are made:

> Perhaps analysis of such resources was not in the scope or the planning study. This oversight can be remedied by a systematic archeological survey of the are, comparable in scope to the wetlands and vegetation studies. The purpose would be the same--to improve the data base for the study area, allowing better informed decisions to be made. Our ongoing regional archeology project for southeastern Wisconsin, conducted by the University of Wisconsin-Milwaukee, might be able to assist in such an effort.
>
> While we know that several archeological sites exist in the study area, we do not know their number exact locations, or current conditions. The figure of nine known sites reflects only those sites reported to the State Historical Society over the years; the actual numbers of sites probably is higher. This lack of detailed information on the resource base makes it difficult to assess the archeological impacts of the recommended land use plan. If a thorough area-wide survey is not conducted, at least the areas of new construction mentioned in the plan should be surveyed or archeological sites. Such areas include the utilities corridors, the sewage treatment plant and marina expansion areas, and the areas designated for residential development.

See October 4 letter.

Second, town and county officials need to review the plan to determine its acceptability for environmental and economic reasons.

Third, by law, the Wisconsin DNR has numerous decisions to make here. DNR must first review, and then approve or reject, the new SEWRPC plan or any parts of it; it must review and approve, or reject, the wetland mapping designations, as well as

the county's shoreland ordinance (DNR cannot, by law, permit development of an area mapped wetland); it must review and approve, or reject, specific permit applications for sewers, drinking wells, certain road construction and development; it must prepare, release, and obtain public comment on an environmental impact statement (EIS) for the entire area and development proposals. There is also the matter of compliance with Wisconsin's endangered species statute. This Wisconsin law requires the state to assume responsibility for conserving endangered plants "to assure their continued survival and propagation for the aesthetic, recreational and scientific purposes of future generations." Sec. 29.414(1), Stats. The statute further states that preservation of endangered species is "of highest importance" and "urges all persons and agencies to fully consider all decisions in this light." Id.

One of the reasons Chiwaukee Prairie is a state scientific area and a National Natural Landmark is because of the prairie's unique plantlife. Of the over 400 species of plants and other animals identified in the prairie, 12 species are included on the Wisconsin Endangered and Threatened Species list. Development near the prairie may result in the obliteration of these species. Indeed, from a state perspective alone, much work and analysis must still be done.

Finally, there is the role of the federal government. Several federal agencies have authority here.

The U.S. Army Corps of Engineers (Corps) has jurisdiction over the area and must look at the wetland values destroyed

before issuing a permit for any filling activity. In a very unusual step, the Corps has studied the area and, prior to receiving any permit application, made an advance decision that the area is "unsuitable" for fill activities. The Corps' decision could not have been any clearer: "The public is advised that it is probable that the Corps will deny Section 404 permits to discharge fill or dredged materials in these waters or wetland areas." See, Public Notice dated August 13, 1984, "Advance Identification of Sites Unsuitable for Discharge of Dredged & Fill Material." An advance indication that Corps 404 permits are not suitable for the area should have been given more weight in the planning process here, given that the plans have apparently little chance of approval by the Corps. Also, where dredging is proposed, as for example under Trident Marina's proposal, the Corps has jurisdiction for waters and wetlands below the ordinary high water mark.

Next is the role of the U.S. Environmental Protection Agency (EPA). Under the Clean Water Act Section 404(c), EPA can veto any Corps permit where there may be an "unacceptable adverse effect" on wildlife areas. Because the U.S. EPA co-authored the Corps' Advance Determination, it can be expected that the EPA will not look favorably at permit applications.

Federal law also protects valuable historic and archeological sites in the area. The State Historical Society of Wisconsin stated that these values may be as important here as the environmental values:

> We would like to reemphasize the archeological importance of the study area. It may be as special for its cultural resources as for its vegetation. Once the true extent of its archeological resources is known, evaluations of impact and conservation plans can be developed.

The National Historic Preservation Act requires that special consideration be given to areas of historical and archeological significance. According to the State Historical Society, SEWRPC has not done this. In an October 4, 1984 letter, the State Historical Society summarized its review of the plan:

> Our initial impression is that virtually no consideration has been given to the area's cultural resources.

The Historical Society of Wisconsin reached exactly the same conclusion about the historical and archeological values of the area (as Professor Cherkauer did about the hydrology of the area), that there simply is not enough information on which to conclude the plan is sound. The Historical Society stated:

> While we know that several archeological sites exist in the study area, we do not know their number, exact locations, or current conditions. The figure of nine known sites reflects only those sites reported to the State Historical Society over the years; the actual number of sites probably is higher. This lack of detailed information on the resource base makes it difficult to assess the archeological impacts of the recommended land use plan. If a thorough area-wide survey is not conducted, at least the areas of new construction mentioned in the plan should be surveyed of archeological sites. Such areas include the utilities corridors, the sewage treatment plant and marina expansion areas, and the areas designated for residential development.

Id.

In conclusion, we urge that the plan not be adopted as it is. Studies need to be done that address the effects of the plan on hydrology, soils and the archeological sites in the area. We also urge more specificity in the plan regarding Trident Marina's proposed expansion and its effects on the surrounding wetlands and endangered species. Finally, the plan should be evaluated given the realistic expectations that needed government permits are unlikely to be issued.

Thank you for considering our comments.

Respectfully submitted by,

Margaret R. Wetzel
Public Intervenor Clinical Intern

Kathleen M. Falk

Kathleen M. Falk
Wisconsin Public Intervenor

Gunter Hartung
12158 - 1st.Ct,
Kenosha, Wi.53140

RECEIVED
OCT 31 1984
SEWRPC

Oct.29.84

S E W R P C

916 N.East Ave.

Waukesha, Wi.53187-1607

I live here since 1963 and also have a Lot out there in the Prairie since 1956 and I believe that the Prairie is not the same any more then it was once, even a stranger could notice that that from the once talked flowerworld not much beauty is left and the shoreline is comming mighty closer and looks uglyer with every month so high mounting the rocks who must constantly be replaced and I can just see how much beauty that 'Land use Management Plan' contribut to that area. But did same one from that advisery commitee directet the attention to that Zion Addison A-Plant how much damage from there is the Prairie tratening with all is inhabitants including the human health, of course we are farer away as our neighbores accros the border - Winthrop Harbor - from that danger breathing Plant, but there is now a Park area and no homes any more.

sincerely

Gunter Hartung

RECEIVED
NOV 0 1 1984
SEWRPC

2313 Eastern Avenue
Green Bay 54302, Wisconsin
October 30, 1984

Dear Mr.. Bauer,

The Chiwaukee Prairie is one of the finest and largest prairies in the Midwest. To allow housing, roads and ond other development into this already fragile area would be a real detriment to anyone who values prairies and what they have meant to our nations history. There are nearly 500 different plants, eighteen of which are endangered.

Theank you for your consideration.

Sincerely,

Ardelle S. Alton

Ardelle S. Alton

RECEIVED
NOV 01 1984
SEWRPC

Lee Bialogynski
108 Village Dr. Apt. B-3
UWGB
Green Bay, Wi. 54301

Mr. Bauer. Oct. 31, 1984

This is just a brief, informal letter to express my concern about the future of the Chiwaukee Prairie.

Being the unique ecosystem it is, I am opposed to <u>any</u> "development" on this land for the simple reason that once an area like this is destroyed it can never, or will be, brought back to its original state.

I am well aware of the fact that your planning commission has been under a great deal of pressure to come up with a management plan for this particular area. As a future environmental manager I realize that we must sacrifice some natural area for development, but it should not be done on such vitally important sites as the Chiwaukee Prairie.

No, Southeastern Wisconsin will not economically benefit from the preservation of this area as they would if it were to be developed. But would you please tell me the price of a species or habitat?!

When deciding the fate of the Prairie please don't underestimate the importance of our Natural Resource. Maybe you should consider how you would feel if someone destroyed your home in order to make a Prairie! Maybe that sounds stupid but please think about it.

Sincerely, Lee Bialogynski

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NOV 01 1984
SEWRPC

TR33/dd-2

SPEAKER IDENTIFICATION CARD

Chiwaukee Prairie-Carol Beach Land Use Management Plan
Public Hearing

October 23, 1984

Please fill in the information below if you would like to speak at this public hearing. Return this card to the hearing desk at the front of the auditorium.

Name (please print): John - Carol Bredecke

Address: 12415 1st Ave Kenosha

Representing:

I would like to see no further land be preserved for any prairie, conservancy etc until the existing prairie-conservancy be maintained in a pleasingly appropriate manner. We drive these streets daily, to see an unkept, weed-looking field. Very seldom are bus loads - even carloads of people seen, let alone, rare animals and plants - We people who live here try to maintain our properties to the best of our abilities & we look out to see weeds or uncut plantings - and all kinds of debris lying in the existing prairie. Our current tax dollars do not provide decent streets, lights etc. Take away homes & any further urban development and we may as well be living in slums. Why not let the platted lots be developed by land owners who would like, and who would maintain their properties to give a decent looking appearance and who would pay taxes dollars to be put back into the community?!!! Let the environmentalist try and take care of what they already have, before granting them any further property. We are constantly

struggling with Lake Michigan to the East, threatening our properties now we are struggling with the prairie to the North, south and west. Life should not be all this threatening - especially to the one thing we have all worked so hard to obtain and maintain — our home & neighborhood.

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NOV 01 1984
SEWRPC

October 30, 1984

Mr. Kurt Bauer
S.E.W.R.P.C.
P.O. Box 769
Old Court House
Waukesha, Wi. 53187

Re: To protect the Chiwaukee Prairie

Dear Sir:

The Prairie is a rare National resource which must be preserved.

The Prairie should be preserved in its entirety so that its ecosystem can survive, we believe, in this particular case.

The public interest must outweigh private interests.

Considering the fact that this prairie offers a rare opportunity to preserve so many natural resources it should remain in its natural state.

Sincerely,
Gordon Delsarts

P.S. We had a similar situation in Green Bay a few years ago & decided not to develop the area--- to leave the area in its natural state.

cc: Governor Earl-Madison
Carroll Besadny,
Sec'ry-DNR, Madison

RECEIVED
NOV 01 1984
SEWRPC

Rt 2 - Box 59 B
Denmark, WI 54208

Mr Kurt Bauer
S.E.W.R.P.C.
P.O. Box 769
Old Court house
Waukesha, WI 53187

Dear Mr Bauer,

Please help save the Chiwaukee Prairie for our children and grandchildren and unborn generations yet to come. One of the memories I hold dear from my childhood in Minnesota in the 1930's is going to the Prairie on Easter Sundays to see the "Easter" flowers - a sea of lavender and purple. That prairie no longer exists because people at that time were too ignorant to protect it.

The Chiwaukee Prairie is a rare national treasure and with the help of people like you it could be preserved for all time.

yours truly,
Lavonne E. Galbraith

1225 S. Roosevelt
Green Bay, WI 54301

Kurt Bauer
SEWRPC
Box 769
Old Court House
Waukesha, WI 53187

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NOV 01 1984
SEWRPC

Dear Sir:

I'm writing to express my concern for the Chiwaukee Prairie. Since we have so little of our native prairie lands remaining in Wisconsin I see it as an absolute must to preserve this prairie for the generations to come after us. Of all of the uses that threaten this prairie none are an absolute necessity.

As a high school biology teacher my students continuously ask why we must develop everything. Why not label this area as off limits to development.

Yours truly,

Steven M Krump

Mrs. Virginia Lundstrom
9660 Lake Shore Dr.
Kenosha, Wis. 53140

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NOV 01 1984
SEWRPC

Dear Sir.

Why would the D.N.R. be able to buy up more land, they don't even take care of what they have. Its a mess. The grass is so high you couldn't walk through it even if you were allowed to.

Some of the wild flowers they claim are so rare can be bought from different companies. One is in N. Y. where I get my tulips & glads from.

Anyone could buy these wild flowers & grow them in their own yard.

What makes the D.N.R. think they can disturb so many people in Carol Beach by their stupid plans?

Why dont they get their (2)
D.N.R. people together & cut
the grass down here in the
Spring instead of polluting
the air with all the smoke
from their burning & also ~~some~~
smoking up homes & danger of
fire to some of the homes.
There will be more danger
of fire & smoke damage to ~~many~~
many more homes if they get
the properly they won't.
I went on one of their guided
tours once, & was only shown about
15 flowers of different species. The trip
was awful the weeds were about
waist high & part of the ground
was ~~bad~~ wet.
If they have so many
species why dont they have
to take us through &
prove it?

(3)

I don't think its right for these N.Y.R. people to sit in their offices making these stupid plans & telling us our taxes are going to be increased if their plans go through.

My husband & I are both retired.

I would rather have my money pay for mittens, hats, sweaters etc for kids who go to school without them

I took care of foster children for 6 yrs - 32 of them they were very precious to us 7 of them were adopted

I also drove a school bus for 52,000 & 70,000 children & God granted me journeying mercies, I never had an accident. Praise His Holy Name. Lets preserve (take care of) these precious kids instead of animals.

(4)

Istead of paying taxes for these D.N.R. people I would rather have my money to helping little children out for food clothing etc.

My husband designed our home & we want our children & grandchildren to have it after were gone. not the D.N.R. & we don't want them to tell us we have to move.

I love flowers I got 4000 glads & 2,000 tulips from New York.

My husband & I work very hard we've had many compliments on our home & flowers.

If the D.N.R. people like the flowers why don't they

build down here. (5)

God knows exactly what's going on, He knows the ending from the beginning.

The N.W.R. isn't pulling the wool over God's eyes & someday there going to have to answer to God

"I trust Him" "God"

I think its a shame that in the U.S.A. so many people are so concerned about animals & such a little concern about the 1½ million babies that are murdered (aborted) every yr in U.S.A. 15 million murdered babies since 1979.

We dont live in

(6)

Russia or some other Communist country but you would almost think so when you see what the U.N.R. is trying to do to the people in Carol Beach & all around the U.S. taking homes & land from people.

If God be for us who can be against us

May God richly bless you

Sincerely

Virginia Funkhouser

For GOD so loved the world that HE gave HIS ONLY BEGOTTEN SON, that whosoever believeth in HIM should not perish, but have everlasting life.

JOHN 3:16

JESUS LOVES YOU
JESUS LONGS TO BE YOUR SAVIOUR
REPENT

Ask HIM to forgive your sins, and come live in your heart. HE will, and THE HOLY SPIRIT OF GOD will come live in your heart. The ANGELS IN HEAVEN will rejoice, and your name will be written in the LAMBS BOOK OF LIFE IN HEAVEN.

You will have ETERNAL LIFE, and spend ETERNITY IN HEAVEN WITH JESUS, instead of hell with the devil.

JESUS SHED HIS PRECIOUS BLOOD ON THE CROSS for the remission of our sins. Those who accept HIM AS THEIR SAVIOUR, will have eternal life. Those who reject HIM AS THEIR SAVIOUR, will spend eternity in hell, with the devil, and have everlasting torment, pain, weeping, wailing, knashing of teeth, eternal fire, unquenchible thirst, suffering forever, and ever and ever.

Accept JESUS AS YOUR SAVIOUR TODAY, and spend Eternity with JESUS.

JESUS DIED for our sins.

GOD BLESS YOU,
VIRGINIA LUNDSKOW

JESUS IS RISEN, HE'S seated at the right hand of GOD.

Someday HE'S COMING AGAIN to take those who have accepted HIM AS THEIR SAVIOUR to HEAVEN to spend ETERNITY WITH HIM.

PRAISE HIS HOLY NAME

"Jesus Never Fails"

12146 223rd Ave.
Bristol, WI 53104
Oct. 31, 1984

RECEIVED
NOV 02 1984
SEWRPC

Dear Mr. Bauer,

With scarcity comes value. If you're a Cub fan, you've just been reminded of that. You know that Rick Sutcliffe has a talent for pitching a baseball that is very scarce. Because of this, he can demand and receive millions of dollars.

Two hundred years ago, areas like Chiwaukee Prairie were abundant. There must have been many wetland prairies along the shore of Lake Michigan. Today, areas like Chiwaukee Prairie have become exceedingly scarce. With scarcity comes value.

Michael J. Gallagher, the National Landmarks Coordinator of the National Park Service, Midwest Region, was quoted by the Kenosha News as saying,"It (Chiwaukee Prairie) is the best wet prairie in Wisconsin and on the shores of Lake Michigan." The Prairie is used by 5 colleges, 2 museums, and 8 universities: including the University of Wisconsin in Madison and Northwestern University in Evanston. If there were better quality prairies in Illinois, would Northwestern people travel the extra miles to use Chiwaukee?

Now a land use management plan has been made for the Chiwaukee Prairie-Carol Beach Study Area. In many ways the plan is thoughtful.I feel that the needs of homeowners have been met and most of the high quality prairie seems to be preserved. But, I am worried about the possible development of the Trident Marina. The idea of reopening and paving 122nd Street appals me. This goes right through the heart of the Chiwaukee Prairie. I even object to this on economic grounds. More than 90% of the users of Trident Marina are from Illinois. Why should the people of Wisconsin pay for a roadway to an "Illinois" marina?

I also have a question about the proposed buy up of open space preservation areas by the DNR. Will the DNR follow through on the advice of the plan to buy up these areas?Can they make such a committment? If they can, the plan sounds quite good to me. If they can't, it would seem that there would be tremendous pressure to develop open space preservation areas if sewer lines are put through to serve the people in the surrounding urban areas.

I also question whether the plan treats the owners of undeveloped open space preservation lots fairly. They bought platted lots. It seems to me that a fair settlement would give them their money back. To do this, the purchase price and purchase date could be looked up. That figure could be adjusted to today's dollar values. Then tax records could be checked. Each year's tax payment could be corrected to present-day dollar values. By adding each year's corrected tax payment to the corrected purchase price, you would know how much money each property owner actually spent on his land. This sum could then be returned to the property owner as a fair purchase price. I have no idea of what these sums would add up to, but it strikes me as fair compensation for these property owners.

I definitely favor preservation of the Chiwaukee Prairie. I worry that development at the edges of the Prairie will lead to a situation of imbalance in the water supply to the Prairie- a situation that could lead to the Prairie's demise.

SEWRPC seems to have taken on an impossible job- the job of forging a compromise between the development and preservation interests in the Chiwaukee Prairie-Carol Beach Study Area. I honestly cannot figure out why the homeowners don't back your plan. As an environmentalist, I basically

worry about the expansion of Trident Marina, changes in the Prairie's water supply caused by development near or through the Prairie, and whether the DNR and/or Nature Conservancy have the money available to buy up the open space preservation areas so as to truly preserve them. I do not see your plan as unreasonable. But I do urge you to evaluate whether the plan totally protects the Chiwaukee Prairie from the three concerns I just mentioned. The only kind of plan I can support is one that truly protects the unique habitat that is Chiwaukee Prairie.

Sincerely,

Dick Christiansen

Richard Christiansen

RECEIVED
NOV 0 2 1984
SEWRPC

Lisa Conley
516 Lac La Belle Dr.
Oconomowoc, WI 53066

October 31,1984

Kurt Bauer
SEWRPC
P.O. Box 769
Waukesha, WI 53187-1607

Dear Mr. Bauer;

I was unable to attend the public hearing on the Chiwaukee Prairie issue, but would like to add my comments to the testimony.

This prairie is, you know, a vaulable and irreplacable community. The high water table also makes it difficult to develop. While I understand SEWRPC's desire for compromise, I cannot agree with providing services to this area which will encourage further development. The same money could be spent undeveloping the area, and we would all be much richer for it. Individuals should not be allowed to profit from land uses detrimental to the public interest.

I urge you to consider supporting the Chiwaukee Prairie Rescue Coalition's plan, as presented at the hearing.

Sincerely,

Lisa Conley

Lisa Conley

INSTITUTE FOR ENVIRONMENTAL STUDIES
Instructional Program

University of Wisconsin—Madison
70 Science Hall, 550 North Park St.
Madison, Wisconsin 53706
Telephone: 608-263-1796

RECEIVED
NOV 0 2 1984
SEWRPC

October 31, 1984

Southeastern Wisconsin Regional
Planning Commission
916 North East Avenue
Box 769
Waukesha, WI 53187

Dear Members of the Commission:

I am submitting the enclosed letter of October 22, 1984 to the Wisconsin Public Intervenor to your Commission as my comments on the hydrology and vegetational impacts relevant to proposed development in the vicinity of Chiwaukee Prairie.

Thank you for your consideration.

Sincerely,

Calvin B. DeWitt

Calvin DeWitt
Professor

CDW:nl
Enclosure

INSTITUTE FOR ENVIRONMENTAL STUDIES
Instructional Program

University of Wisconsin–Madison
70 Science Hall, 550 North Park
Madison, Wisconsin 53706
Telephone: 608-263-1796

October 22, 1984

Ms. Kathleen Falk
Wisconsin Public Intervenor
Wisconsin Department of Justice
P.O. Box 7857
Madison, WI 53707-7857

Dear Attorney Falk:

In response to your letter of October 10, 1984, and from my expertise as a wetlands ecologist, I would like to comment on the hydrology and vegetational impacts related to proposed development in the vicinity of Chiwaukee Prairie, as described in the Preliminary Draft (8/24/84) for Committee Review, Community Assistance Planning Report No. 88, "A Land Use Management Plan for the Chiwaukee Prairie-Carol Beach Area of the Town of Pleasant Prairie, Chapter V. Recommended Land Use Management Plan" (In this letter I refer to this document as the Plan.)

Although the Plan gives recognition to plant communities and wetland plant associations, including those of a critical nature, it fails to connect these to their vital and crucial survival linkage: groundwater and surface water. Wetland communities of any type, rare or common, are determined by water regime. Hydrology is the crucial consideration in any management plan for wetlands, since they are by definition "wet lands." Until recently, hydrology was not considered in most wetland and wet priarie planning efforts; it rarely has been considered by ecologists generally or wetlands ecologists specifically. The reasons for this are many, but include the fact that the conduct of studies in hydrology requires the background of a physical/mathematical scientist, a background which most biologists and ecologists do not have. And the physical hydrology requires an awareness of the sensitivity of wetland community types to soil surface/groundwater table relationships, an awareness which most physical hydrologists do not have, due to their lack of training in the biological sciences. The result has been a distressing lack of hydrological information in wetlands management plans generally. Yet management of the hydrology is crucial to the management of a wetland. A wetlands/wet prairie/beach plan is of necessity a hydrological plan. This points up the major deficiency in the Plan in its draft of 8/24/84.

The deficiency in the Plan is that it is in no way a hydrological plan. Since plant communities, both common and rare, are determined by the hydrology, a hydrological plan for the immediate and surrounding region is crucial for the survival and persistence of any or all of the areas in the presence of development. A wetland management plan without consideration of hydrology is like a plan for agriculture without consideration of soil.

I appreciate the fact that a consulting hydrologist was asked to do an initial assessment of the hydrological considerations at the request of the Department of Justice. I have reviewed the analysis of Douglas S. Cherkauer, Consulting Hydrologist, entitled "Review of the Potential for Groundwater Impacts from Proposed Developments in the Vicinity of Chiwaukee Prairie." I have no reason to question the hydrological analysis he presents. To augment his analysis, I would like to make the following further observations.

Plant species which inhabit wetlnd environments have a very critical relationship to the water table. In fact it is the presence of the water table at or near the soil surface which allows wetland plants to persist. Moreover, different species of wetland plants have different requirements for soil surface to water table depth with some requiring moderate aeration of the root zone and others requiring submission of the true root zone.

The consequences of the specific requirements of wetland plant species is that they are strongly affected by changes in water table. Although the usual daily and seasonal changes are of the type to which these species are generally adapted, unusual changes and/or permanent changes which persist from season to season will result in the loss of the species present and their replacement. Impacts upon water table which permanently lower its level will result in a shift from wetland vegetation toward upland vegetation, the degree to which this occurs being determined by the degree of water table drops.

With this as background, and based upon the assessment of ground water impacts presented by Douglas Cherkauer, I would judge that this proposed project has great potential for seriously altering the nature and structures of the natural vegetation. Lack of good hydrological data for the site makes it impossible to predict these impacts in any detail.

At the very least, a hydrological study should be made of the site and the aquifer and watershed in which it is contained, prior to initiating the proposed development. Such a study would be directed at the impacts of the current proposals for development. At best, a detailed and careful analysis should be made at such a scale that it would allow protection of the valuable natural resource in perpetuity while allowing compatible land uses in the vicinity. Such a study would allow the Chiwaukee Prairie to persist as an enriching remnant of the natural landscape.

Sincerely yours,

Calvin B. DeWitt

Calvin DeWitt
Professor

CDW:nl

November 1, 1984

Hoy Nature Club
Eugene Dunk, Pres.
1636 Quincy Ave.
Racine, Wis. 53405

RECEIVED
NOV 0 2 1984
SEWRPC

Mr. Kurt W. Bauer, Ex. Dir.
SEWRPC
916 North East Avenue
P.O. Box 769
Waukesha, Wis. 53187-1607

Dear Mr. Bauer:

At the public hearing on October 23 held by SEWRPC to receive comment on their land use management plan for the Chiwaukee Prairie-Carol Beach Area some of our members spoke in support of maximum preservation of the prairie.

The board of the Hoy Nature Club wishes to reaffirm that support. In addition we wish to express our strong approval of the plan presented by the Chiwaukee Prairie Rescue Coalition which is based on reasonable treatment of existing property owners, and maximum preservation of the prairie.

We feel that the Chiwaukee Prairie is a unique and wonderful place with its rich variety of plants and animals several of which are endangered.

In 1965 when development threatened Chiwaukee for the second time several of our members worked with the Nature Conservancy to make the initial purchase of land. We have raised money for several additional lots in succeeding years. Just recently we received $100. from a Racine Kiwanis Club which we hope to supplement with our own funds in the near future to buy another lot.

Our interest in the Chiwaukee Prairie is deep-rooted like the prairie plants we hope to preserve.

We recommend that it be saved with all its beauty and its scientific value for future generations.

Sincerely,
Eugene Dunk
Eugene Dunk, Pres.

Richard A. Harthun
212 Westwood Drive
Burlington, WI 53105

RECEIVED
NOV 0 2 1984
SEWRPC

Southeastern Wisconsin Regional Planning Commission
916 North East Avenue
Waukesha, WI 53187-1607

Dear Commission Members:

I very much appreciated the public hearing held on October 23rd concerning the Chiwaukee Prairie-Carol Beach issue. Rather than make a public statement at that meeting, I preferred to provide written comments due to the importance of this matter. I sincerely hope that you consider my comments when preparing your final plan for this area.

Being a long-time environmentalist and supporter of environmental and wildlife causes, I was very impressed with your comments in the Land Use Summary Management Plan which was passed out at the October 23rd hearing. I had the distinct impression that the Commission members realized the importance of preserving this rare and unique wildlife habitat. Because, in these modern times, protection of environmentally unique areas is so often overshadowed by "progress" and urban development, I feel that the full preservation of the Chiwaukee Prairie-Carol Beach area is of prime importance.

I wish to inform the Commission that I strongly favor and believe in a plan based on maximum preservation of the entire area. I further request that no additional development be allowed. I believe that this is the only plan that should be accepted for the following reasons. At one time, approximately 50% of the entire state of Wisconsin was covered by prairie; now, only a mere 1% of that remains. As you know, the Chiwaukee Prairie is the best remaining example of virgin prairie remaining in this part of the state. To develop even a part of this remaining example would be morally wrong. In addition, the vast area of wetlands found in this area is fast becoming rare in this part of the state, and is crucial to both the unique wildlife and plantlife which now flourishes here - living things which have every right to exist as we do. Wetlands are <u>not</u> appropriate areas for development, and so should be preserved for future generations. Throughout the state, man is developing lands for his own personal wants at an apalling rate (witness Door County, where miles of pristine Lake Michigan coastline has fallen victim to condominuims in just the last few years). It is therefore even more crucial that the Chiwaukee Prairie - Carol Beach area be preserved as an example of original Wisconsin wilderness.

I was very concerned at the public hearing that many individuals present did not appear to understand the <u>real</u> importance of preserving this unique area, especially the land developer and Pleasant Prairie alderman who seemed to have little concern for the plight of our natural environment. I feel one of the major reasons for this is the Reagan administration, which has de-emphasized the importance of preservation at the sake of economic development. This trend is dangerous for the future of America, and it is my hope that ultimately all Americans will realize the importance of preserving our national heritage. On a local level, we are now faced with just such an issue, the preservation of Chiwaukee Prairie.

I therefore favor the maximum preservation of the entire area, both lowlands and uplands, and strongly oppose any additional development. I feel

that the existing homeowners should be allowed to remain. But if they are willing to sell, they should be paid more than the fair market value for their homes. In addition, funds should be made available to reimburse them for any additional mortgage interest rates which they may have to obtain. All underdeveloped lots should be purchased from the owners at a fair market value.

Present at the October 23rd meeting were members of various wildlife and environmental groups, including myself, who expressed personal concern for this unique area. If the funding required for both land and home purchases would exceed that available from the state, could not these environmental groups be approached along with possible corporate sponsors to make up any differences? I sincerely believe that most of the membership would contribute to such a cause; to "put their money where their mouths are." I feel that this idea merits your consideration. A successful program of this type would certainly be a model for land preservation issues in other areas.

As brought out in the hearing, many people unfortunately view environmentalists as troublemakers who don't care about people but only care about animals and nature. But as Russell W. Peterson, President of the National Audubon Society, wrote in the November issue of Audubon, environmentalists ask more probing questions because they understand that everything is interconnected. Whenever human activities dirty the air, foul the water, and disrupt the land, we add to an accumulation of pollution that over the long run reduces the quality of everyone's life. This understanding is what makes environmentalists an unusual group. They see and understand the big picture, and want politicians with vision, too. Nature has stocked this country generously, and they want our leaders to appreciate the wonder and beauty of natural resources as well as the material riches they provide.

It is my hope that the Commissioners share this viewpoint, and understand the necessity of preserving this rare and unique area.

Thank you very much for considering my comments. I will look forward to your ultimate management plan for this area.

Sincerely,

Richard A. Harthun

Richard A. Harthun

RAH/sh

Ann Hartman
November 1, 1984

Mr. Kurt Bauer
SEWRPC
Old Court House
Waukesha, Wi 53187

RECEIVED
NOV 0 2 1984
SEWRPC

Dear Mr. Bauer,

I am writing to comment on SEWRPC development plan for the Chiwaukee Prairie. Paul and I have been members of the Nature Conservancy for years and so are aware of this beautiful piece of undisturbed land. While not as showy as a rose garden, the prairie in bloom is quietly breathtaking as I hope you have been there in spring to see for yourself. The shooting star is my favorite. In order for the flowers and animals to survive, there must be a large enough tract of land to keep the

genetic pool large enough to insure stability. All but a very small percentage of the Green Bay marsh remains, a struggling sign of what happens when people ~~to~~ see "unused" land as a stepping stone to economic growth, rather than a preserve for our children to understand "in the flesh" what they read about in their books at home and school.

Please, get in touch with the Nature Conservancy Wisconsin Field Office, Mr. Russell Van Herik, 1045 E. Dayton St. Rm. 207, Madison 53703 (608) 251-8140, and arrange for the Chiwaukee Prairie to be purchased for the purpose of permanent preservation.

Thank you very much,

Ann N Hartman
320 So. Jackson St
Green Bay, Wis. 54301
(414) 437-6831

Carl J.Hujet
1217 Gross Av.
Green Bay, Wis.
54304

10/30/84

RECEIVED
NOV 0 2 1984
SEWRPC

Mr. Kurt Bauer,
S.E.W.R.P.C.

Dear Mr. Bauer,

I wish to go on record as ~~xx~~ an opponent to the development of the Chiwaukee Praire.

I won't waste your time as well as my own by going into detail as to why Ioppose your agencies plan for this irreplacable praire. For I am sure others have already done so.

Thank you for Taking the time to read this.

Sincerely,

Carl J Hujet

JANET H. LUTZE
2455 N. MARYLAND AVE. #204
MILWAUKEE, WI 53211

RECEIVED
NOV 0 2 1984 10-31-84
SEWRPC

Dear Mr Bauer,

As a supporter of environmental issues & an advocate of preserving our "Natural" heritage, I urge you to do what ever is in your power to preserve the Chiwaukee Prairie. Please! Please! Please, do not allow any development of the area.

This is a fragile area with 18 species of plants already endangered. It's virgin area of national significance. Do not allow the distruction of so valuable a property that is beneficial to all for the financial gain of a few.

I am confident that you & the SEWRPC will see the wisdom in preserving the Chiwaukee Prairie

Thank you

Janet Lutze

October 31, 1984

RECEIVED
NOV 0 2 1984
SEWRPC

Dear Mr. Bauer, Director
Southeastern Wisconsin Regional
Planning Commission,

I have attended most of the SEWRPC hearings on the Chiwaukee Prairie- Carol Beach study area. I have also read the information provided by SEWRPC and other sources on prairies and wetlands.

I found it interesting that at the October 23rd public hearing only 17 homeowners were present to give their comments. There were also about the same number of conservationists, from all over the state, who spoke out for protecting the prairie and wetlands.

The prairie and wetlands in Chiwaukee Prairie are a state heritage. This entire section of the state used to be prairie. The remaining prairie is vulnerable and should be protected by the state for all the citizens of Wisconsin. If the homeowners in the town of Pleasant Prairie have their way and obtain sewering and development, there will be no prairie left in Pleasant Prairie.

Professor Cherkauer's water flow report predicts that suburban development to the west and to the east of the prairie will affect the water dynamics in the area in such a way as to negatively impact the prairie. Environmental impact of development in this area must be studied further. Little by little, piece by piece, this prairie remnant will be robbed of its size and viability if development is allowed.

Therefore, I do not think any of the undeveloped lots should be developed, nor should expensive sewering be undertaken to the developed lots. The owners of the platted, undeveloped lots should be fairly compensated by the state if they want to sell (not everyone may wish to sell. I know there are people who have bought lots in Chiwaukee so that they are not developed.). I also think it is important to remember that land purchase is speculative, and noone who buys land is guaranteed he will make a profit. In today's economy, there are many homes in the Racine/Kenosha area on the market that are not selling. To sacrifice the wetlands and prairie in Chiwaukee for additional development is poor planning. To provide wetlands and prairie for a business venture as shakey as the Trident Marina is wasteful.

I do not envy you your task. It is obvious to me that you and other state members of the committee have put alot of time and work into this problem. Though I do not agree with your proposed plan, I do appreciate your composure and efforts.

Sincerely, Lynda Manning

Lynda Manning,
7000 Brook Road,
Franksville, Wi. 53126

October 31, 1984

Mr. Kurt Bauer, Director
Southeastern Wisconsin Regional Planning Commission
916 North East Avenue
P.O. Box 769
Waukesha, Wisconsin 53187-0769

RECEIVED
NOV 0 2 1984
SEWRPC

Dear Mr. Bauer:

As one concerned for the future of Chiwaukee Prairie I particularly object to the plan to enlarge Trident Marina. Am I correct in the impression that Trident plans to squeeze in its dredging and filling activities adjacent to the finest area of prairie under a blanket permit to be issued for all urban areas by the Army Corps of Engineers under Section 404? Thisis blatant disregard for both the literal wording and the spirit of this regulation.

The thirty-acre dredging and filling operation envisioned by Trident would wreak irrevocable damage on the prairie. It is certain to affect the flow of both surface and groundwater and to have adverse effects on fragile plants. The noise of bulldozers, construction, heavy traffic, etc. would be traumatic andpossibly fatal for any wildlife in the area. The peace and quiet of the residents in this area, who presumably chose to live here because they like the country atmosphere, would be destroyed.

Obviously some sewers will be needed in the study area, but their extent should be the subject of further research. Alternative methods of dealing with failing septic tanks sould be given careful consideration.

I hope the Town of Pleasant Prairie will not be too eager to increase their tax base and pay for their sewers by allowing the construction of Trident--a dubious venture in any case as it has not proved financially viable up to the present. Building this expanded marina would be a case of trading the birthright of Kenosha and Wisconsin citizens for the proverbial mess of porridge.

Sincerely yours,

Jean McGraw

Mrs. Jean McGraw
5827 Cambridge Circle #8
Racine 53406

c. to K. Falk

RECEIVED
NOV 0 2 1984
SEWRPC

1121 Perry Avenue
Racine, WI 53406
October 31, 1984

Mr. Kurt Bauer, Director
Southeastern Wisconsin Regional Planning
Commission
916 North East Avenue
Post Office Box 769
Waukesha, Wisconsin 53187-0769

Dear Mr. Bauer:

Enclosed are the signatures to the petition supporting the Chiwaukee Prairie Rescue Coalition Plan. This petition supports my oral testimony at the October 23 public hearing.

I hope that my testimony was not misinterpreted by the commission. I believe that fundamental to the success of the plan property owners and homeowners rights be guranteeded.

Thank you for your consideration on our comments.

Sincerely,

Mary Ann Ortmayer

Mary Ann Ortmayer

Enclosure

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The value of the Chiwaukee Prairie-Carol Beach wetlands-prairie complex is so great for the people of Wisconsin and the nation that preservation is essential. Compromise must take the form of compensating landowners in a fair way.

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DON'T PEOPLE HAVE A RIGHT TO DO WHAT THEY WANT WITH THEIR OWN PROPERTY?

Property rights are only limited rights. You do not have the right to do something on your property that would harm your neighbor. You do not have the right to destroy a natural resource protected under federal or state law. The general welfare takes precedence over any individual property rights in case of conflict.

For example, it is illegal to shoot a bald eagle or a songbird on your property; health codes require the repair of a failing septic system; building codes dictate how you may build your house; setback codes limit how close to property lines you may place buildings.

In short, property "rights" are limited.

WOULDN'T PRESERVING THE PRAIRIE-WETLANDS COST THE TAXPAYER A LOT OF MONEY, WHEREAS WITH DEVELOPMENT, COSTS PER TAXPAYER WOULD DECREASE?

If the prairie-wetlands are preserved and individual landowners compensated by the state, the cost would be borne throughout Wisconsin. If, on the other hand, the area is developed under SEWRPC's plan, total costs for sanitary sewer, water supply, local street improvements, and stormwater drainage would come to $14,411,000. Add to this $4,400,000 for shoreland erosion control for areas to be developed, and costs to local taxpayers to service the proposed 1,460 housing units would be $18,811,000.

EVEN IF HOMEOWNERS ARE PERMITTED TO KEEP THEIR HOUSES, WON'T PROPERTY VALUES GO DOWN IF THE NATURAL AREAS ARE PRESERVED AS PRAIRIE-WETLAND?

This rumor is based on a misconception about what makes property valuable. Real estate dealers generally find that the existance of an adjacent park makes the value of homes go <u>up</u> rather than down because potential buyers know that their investment is protected from unsightly development next door. In addition, having a park adjacent to one's property gives one all the advantages of an estate without the cost of maintaining it. One of the reasons the present Carol Beach area remains an attractive place to live is just because of the open space about it.

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We (I) support the Chiwaukee Prairie Rescue Coalition's plan based on reasonable treatment of existing property owners, and maximum preservation of the Prairie.

Name	Address	Phone	Occupation/Position
1. Joan Bennett	900 Melvin Ave Racine	639-9293	Biology Teacher
2. Barb Salvo	507 Sara Ln Racine	681-0985	Biology Teacher
3. Jerome H. Zellmer	1019 Ostergaard Ave	634-1460	Physics Teacher
4. Margaret Christensen	100 Larkspur Lane Burlington	763-3342	Biology teacher
5. David J. Summett	2805 Ashland Ave. Racine WI 53403	637-8203	Biology Teacher
6. D. Whatley	1822 Minn. AVE S.Mil.	764-5387	" "
7. Harvey H. Rothe	4823 S. Green Bay Racine	554-7462	Chem Teacher
8. Edward J. Vaughn	922 Ostergaard Ave Racine	634-5820	Chem Teacher

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NAME	ADDRESS	PHONE	POSITION
John W. Henkel	4808 N. Western	634-8445	Science Teacher
John W. Goster	4726 N Kreon Bay	639-2921	Teacher
Tom Herzog	4731 Anker Rd.	639-7107	Teacher
Richard Wilke	3820 Osborne Blvd	637-8772	Teacher
Harry S. Knipp	1121 Perry Ave	633-9935	Science Teacher
Charles F. Harmon	203 Robin Hill Dr	886-5255	Science Teacher
W.R. Bromee	351 Oak Creek ESTATES PL.	762-3712	Teacher-Chemistry
D E Younk	5209 Kinzie	633-1745	Teacher
Alan Park	3450 E. Elmwood Dr	554-1195	Teacher

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Environmentalists have no monetary or political advantage to gain beyond the satisfaction of knowing that they are preserving and protecting natural resources of great value for the state and nation. By contrast, individuals who plan to develop lots in the area hope to make a lot of money, once Kenosha County taxpayers have subsidized the construction of a sewer system.

DON'T PEOPLE HAVE A RIGHT TO DO WHAT THEY WANT WITH THEIR OWN PROPERTY?

Property rights are only limited rights. You do not have the right to do something on your property that would harm your neighbor. You do not have the right to destroy a natural resource protected under federal or state law. The general welfare takes precedence over any individual property rights in case of conflict.

For example, it is illegal to shoot a bald eagle or a songbird on your property; health codes require the repair of a failing septic system; building codes dictate how you may build your house; setback codes limit how close to property lines you may place buildings.

In short, property "rights" are limited.

WOULDN'T PRESERVING THE PRAIRIE-WETLANDS COST THE TAXPAYER A LOT OF MONEY, WHEREAS WITH DEVELOPMENT, COSTS PER TAXPAYER WOULD DECREASE?

If the prairie-wetlands are preserved and individual landowners compensated by the state, the cost would be borne throughout Wisconsin. If, on the other hand, the area is developed under SEWRPC's plan, total costs for sanitary sewer, water supply, local street improvements, and stormwater drainage would come to $14,411,000. Add to this $4,400,000 for shoreland erosion control for areas to be developed, and costs to local taxpayers to service the proposed 1,460 housing units would be $18,811,000.

EVEN IF HOMEOWNERS ARE PERMITTED TO KEEP THEIR HOUSES, WON'T PROPERTY VALUES GO DOWN IF THE NATURAL AREAS ARE PRESERVED AS PRAIRIE-WETLAND?

This rumor is based on a misconception about what makes property valuable. Real estate dealers generally find that the existance of an adjacent park makes the value of homes go <u>up</u> rather than down because potential buyers know that their investment is protected from unsightly development next door. In addition, having a park adjacent to one's property gives one all the advantages of an estate without the cost of maintaining it. One of the reasons the present Carol Beach area remains an attractive place to live is just because of the open space about it.

WHY ARE THE NATURE CONSERVANCY'S HOLDINGS PERIODICALLY BURNED? ISN'T THIS DESTROYING THE VERY THING THEY CLAIM TO CHERISH?

Burning is the way prairies are naturally maintained. Invading wood shrubs and non-native plants are killed; native prairie plants resprout from their extensive root systems. Native prairie animals have natural mechanisms for surviving: retreating to burrows, taking to the air, or running to a river or wetland.

WHAT'S ALL THE FUSS ABOUT? WASN'T THIS AREA ONCE A GOLF COURSE?

In the Southeast corner of the study area, near the present Trident Marina, a 9-hole golf course was built in the 1930's. In the 1940's the golf course was abandoned; it had seldom been usable because of standing water. This small proportion of the total 1,825 acres in the study area was able to re-establish itself because of a good surrounding seed source. As of 1981, according to a study made by the Nature Conservancy, "the recovery appears to be about 50 to 75%."

We (I) support the Chiwaukee Prairie Rescue Coalition's plan, based on reasonable treatment of existing property owners, and maximum preservation of the Prairie.

Name	Address	Phone	Occupation/Position
1. Maryann Ortmayer	1121 Perry Ave Racine	633-9935	Science Teacher Horlick H.
2. Charles Zupfer	5744 Everett Dr. Racine	554-6519	Science Teacher Horlick H.S.
3. Ed Bergendahl	4540 Caroline Drive Racine	681-1909	Science Teach Horlick H.S.
4. Maureen Boyd	8924-42 ct Kenosha	694-1323	Science Teach Horlick High S.
5. [illegible]	838 College Ave Racine	633-5318	Science Teach Horlick High
6. Bruce E Sullivan	802 Willmor St.	639-7416	Sci. Horlick
7. Pat Jozwik	1321 Ramona Dr	886-3815	Sci Horlick
8. D. Johnson	1029 Orchard St	637.5094	Sci Hy
9. Thomas W. Myers	4913 Buena Park Rd. Waterford, Wis.	534-5514	Science Teacher Horlick H.S.
10. John J. Jacklin	3127 Osborne Blvd. Racine 53405	633-4657	Science Horlick
11. Hamid Ganjian	2821 Raymond Dr. Franksville	835-4554	Science Horlick

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November 1, 1984

Mr. Kurt W. Bauer
S.E.W. Regional Planning Commission
916 N. East Avenue
Waukesha, WI 53187

RE: S.E.W.R.P.C. Public Hearing October 23, 1984
Proposed land use management plan for Chiwaukee,
Carol Beach - Rezoning Platted Upland lots # 93,
94 and 95 Chiwaukee Sub. Kenosha, WI.
Property Owners Mr. & Mrs. Wallace & Fahima Piroyan.

Dear Mr. Bauer:

We request that this statement become part of record for S.E.W.R.P.C. October 23, 1984 Public Hearing and hereby protest the rezoning of the above mentioned parcels of land for following reasons:

1. All three parcels are considered to be upland accordin to your Biologist, Mr. Don Reed and also confirmed by two independent Senior Biologists, Mr. Denis Lowrey from I.E.P., Inc. and Mr. Warren J. Buchanan, Jr. All three parcels are disturbed plowed, seeded and have hundreds of Evergreens, Fruit trees etc., and confirmed beyond doubt to have no significant scientific or wild life habitat value. They also have been visited and inspected by the Director of Nature Conservation and fourteen local, state and federal officials.

2. Each one of these three lots is one full acre. (100'x400') They were platted in 1922 zoned single family. The soil test was performed on October 6, 1984 and inspected by the Kenosha Country Zoning Soil Expert to have a ground water table of 68"-70" inches (A water table of 56" inches is required for conventional septic system - 24" inches for mound system).

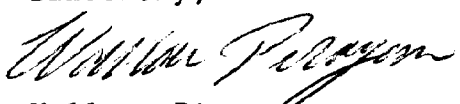
3. The proposed plan calls for a new road on Lot #93 across from my present home which is part of a 29 year mortgage collateral. As you are aware, due to sever lake erosion most Savings and Loan institutions do not extend long term loans unless the owner owns the property across the road, and is willing to include it as part of collateral (reason given is that in the event of and uncontrollable erosion Home owner could remove his house). This was recommended to me in the past by the Kenosha County Zoning, DNR, Army Corps to be the best alternative to shore erosion problem.

4. The proposed plan will provide Sanitary Sewer to the property on the east of 1st avenue, but not to the seven privately owned lots (#91,92,93,94,95,96 and 97) on the west side of 1st avenue making the cost of future sanitary sewer for the area impractical and extremely expensive.

I feel the adoption of the proposed plan to rezone upland will deprive my family of the usage of my property as it was intended by Kenosha Country Zoning for 62 years. The proposed road on my property will devaluate my present home causing economic lose and hardship. Therefore; I request that the proposed plan be amended to incorporate the above mentioned facts.

If I can be of further assistance to you, please do not hesitate to call me.

Sincerely,



Wallace Piroyan
11745 1st Avenue
Kenosha, WI 53140

cc: Mr. Gilbert J. Dosemagen
Mr. Frank Volpinesta
Mr. James Fonk
Mr. Thomas W. Terwall
Mr. Donald H. Wruck
The Honorable Joseph Andrea
The Honorable Joseph A. Strohl
The Honorable John Antaramian

1701 Ninth Street
Green Bay, Wisconsin 54304
Telephone 414-499-9689

Dennis L. Prusik
commercial artwork, illustrations, photography, custom jewelry, individually designed wedding bands and jewelry repair.

Appendix F-30

DENNIS PRUSIK
1701 NINTH STREET
GREEN BAY, WISCONSIN 54304

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Kurt Bauer, S.E.W.R.P.C.
Old Court House
Waukesha, Wi.

Oct. 30, 1984

Mr. Kurt Bauer,

I'm writing about the Chiwaukee prairie. To be a properly managed resource it can not be treated like the ordinary political football. That means no access road, no marine expansion, no sewer line, no utility corridor.

I guess you know where I stand on this issue, & yes I don't live in the area, & yes I have no economic ties directly to southeastern Wisconsin, & yes I know that a "compromise" will most likely take place, so you know I must be deeply concerned to bother to write. I'm concerned that there won't be much of Wisconsin left to compromise —

Sincerely, Dennis Prusik

Appendix F-31

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SEWRPC

To:
Southeastern Wisconsin Regional Planning Commission
916 N. East Avenue
Waukesha, Wisconsin 53187-6721

Subject:
Comments prepared for presentation at the hearing in Kenosha on October 23, 1984, on the Chiwaukee Prairie-Carol Beach Study Area Land Use Management Plan

My hame is Jennette Schroeder. I was, I think number 46 on the list of people wanting to address the hearing. I decided, rather than extend the length of the hearing, to write my comments to the Commission.

My interest is in the Preservation of Chiwaukee Prairie, and that interest springs from the prairie's beauty, its existence as an open space, its value as an educational resource, and its function in the preservation of a biotic community. Others have spoken of the beauty of the prairie, tis value as an educational resource, and I believe also of its value as an open area. in a region of increasingly dense urbanization. I would like to comment on its value as a reservoir of indigenous plant and animal species.

The prairie is one reservoir among others all over the world which, althought they constitute only a tiny fraction of the world's area, are of incalculable value as plant and animal habitats wherein a diversity of species is amintained. Why is diversity essential?

American farmers need new strains of wheat every five to fifteen years to rplace those in use, which in our single-crop agriculture, can be destroyed when a relatively slight change in crop conditions permits an isect or disease ro reach epidemic proportions. There is also a constant search all over the world for plant substances useful in the treatment of disease.

Before the year 1600 A.D., species became extinct at a rate very close to the rate of development of new species. At the present time, the rate of extinction is between 40 and 400 times the rate in that earlier time. Natural reas provide a genetic reservoir from which plants can be developed for may uses, of which the two examples above are examples. The key is "diversity"; and Chiwaukee Prairie is an area rich in diversity.

Within a biotic community, each individual species of plant or animal lives in a complex relationship with the others, so that loss of one species diminishes the health of the entire community. To maintain this diversity, protection of the habitat is necessary. The health of the biotic community and its maintenance depend not only on factors such as soil, water and topography but also on the extent of the area protected, because reduction of the area beyond a given point so reduces the numbers of individuals of each species that maintenance of the cpecies itself declines.

These comments are offered in the knowledge that their use in the dvelopment or the modification of the land use management plan now under consiationmust be correlated with the requirements of other types of uses; and I must defer to experts for the development of specific requirements for preservation of the prairie in terms of zoning, maintenance of optimum surface and soil water conditions, limitation of mass and concentration fo buildings, limitation of both land and water vehicular traffic, and limi-

tation of noise, all with respect to the maintenance of the biotic diversity of the prairie area, I do urge consideration of the preservation of the prairie in all its diversity as a matter of primary importance.

Thank you for your consideration of my comments. I'm sorry there are so many typographical errors - the time is short. I do appreciate the opportunity to present my comments.

Jennette Schroeder

Jennette Schroeder
1413 College Avenue
Racine, Wisconsin 53403

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NOV 0 3 1984
SEWRPC

John L. Arkema
6265 N. Cicero Avenue
Chicago, Illinois 60646
Phone: 1-312-685-0912

October 31, 1984

Southeastern Wisconsin Regional Planning Commission
916 N. East Avenue
Waukesha, Wisconsin 53187-1607

Subject: Chiwaukee Prairie-Carol Beach Study Area

Dear Sirs:

I am the owner of Lot Twelve(12) in Block Thirty-four(34) in Carol Beach Estates, Unit Four(4) Kenosha County, Kenosha, Wisconsin.

I purchased my lot on September 4, 1955, as an investment with future plans to build a house on the property. Unfortunately, circumstances prevented accomplishing this, but I never lost sight of the goal.

As I was making preliminary plans to build a solar home this year, I learned, just last April, through the efforts of the Chiwaukee-Carol Beach Citizens Organization, Inc., that the Department of Natural Resources could take away my property rights.

I am not a local resident and was not aware of these plans, Neither Kenosha County, nor any other State or Local Government Office informed me of the affect this action would have on my investment, although my name and current mailing address as property owner is known.

The County Assessor's Office has automatically compounded my land valuation at 4% per year since 1955, and I have paid a total of $1,046 in Real Estate Taxes to date. I have paid the Taxes quietly and in good faith.

At least once each year, and sometimes more often, I have driven to Carol Beach and walked on my land and have never found water on the surface. It is high, dry, and flat and is not a "wetland". It will not require dredging or filling to develop.

The threat of declaring my land a "wetland" places an unjust hardship on me. I firmly believe in conservation, ecology, preservation, etc., and try to practice my beliefs as best I can, but at this late date, I cannot afford to sacrifice my investment without reimbursement at full capitalization. I did not purchase to speculate on market value. If I had that in mind, I would have sold out twenty years ago. I kept the property for an investment to develop.

My purchase price and the interest payments, costs, and yearly Real Estate Tax payments, fully capitalized make my land worth $15,000 to me. Property values have been unfairly depressed because of this long drawn out uncertainty. I will expect full compensation on my investment, regardless of present market value if I am forced, through rezoning, to lose the property rights I thought I purchased in 1955.

I am unwilling to accept less!

Respectfully,

John L. Arkema

John L. Arkema

cc: Governor Anthony S. Earl
Senator Joseph Strohl
Carroll Besadny, Secretary, Dept. of Natural Resources
Kenosha County Planning and Zoning Administration
James Fonk, Supervisor, Kenosha County
Don Wruck, Chairman, Town of Pleasant Prairie
Wallace Piroyan, Chairman, Chiwaukee-Carol Beach Citizens Org.
Voice of the People, Kenosha News

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SEWRPC

November 1, 1984

Mr. Kurt Bauer, South East Wis. Regional Planning Commission

Reference: Chiwaukee Prairie

I attend the recent hearing in Kenosha on Chiwaukee Prairie, and wish to add to the testimony of those who fear that the Prairie will be damaged by development.

I have been at the Prairie when classes of students from the University of Wisconsin-Madison, were there, with their magnifying glasses and texts, studying the plants. Since Madison has its own Prairie*- manmade* as best man can - I became even more aware that Chiwaukee Prairie has something unique.

Save it for us.

Sincerely,

Rhoda Dadian

Rhoda Dadian
5220 Hunt Club Rd
Racine Wis 53402

A recent newspaper item quoted Aldo Leopold as saying it would take 50 years to make a prairie. But biologists from UW-Madison, considering their experience in prairie making, have predicted it more likely take a thousand years.

SIERRA CLUB
JOHN MUIR CHAPTER
CONSERVATION COMMITTEE

20101 60th Street
Bristol, WI 53104
414 857-7209
November 2, 1984

Kurt Bauer
Southeast Wisconsin Regional Planning Commission
916 N. East Avenue
Waukesha, WI 53187-1607

RECEIVED
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SEWRPC

Dear Mr Bauer:

We offer these comments in addition to the oral testimony presented at the public hearing on October 23. We wish to convey the spirit of our position regarding preservation of the natural areas in the study area.

Because we are still trying to work out some differences of opinion, both the Chiwaukee Prairie Rescue Coalition and the Chiwaukee-Carol Beach Citizen's Organization Inc would like to have more time to submit detailed comments on the Plan. Another letter regarding that request for an extension is being mailed under a separate cover.

I will herein summarize my oral testimony which I presented at the Chiwaukee Prairie-Carol Beach Plan hearing October 23. In addition, I will elaborate on certain points, and add other comments.

I would begin by saying that, from the beginning of my involvement, in the spring of 1982, I have endeavored to understand the planning process. I have attempted to conform my words and actions to my understanding of the process. I have learned alot from my observations of the Advisory Committee meetings, and from reading the documents generated by the planning process.

I appreciate the work that the Regional Planning Commission has done, and almost without exception, I believe I understand each decision the Commission made. While I strongly disagree with certain aspects of the Plan, I would criticize only the Plan, and not the Planners. The only exception to that is the staff's handling of the structure of the TAC Committee, which I will comment on further below.

While some residents have expressed their desire to see the neighborhood transformed into the "urban enclaves" described in the SEWRPC Plan, it would be logical to expect that some residents have an intense devotion to the present open character of their neighborhood.

Indeed, such an opinion was expressed in a letter printed in the "Kenosha News", January 31, 1984. Signed "A Concerned

Property Owner", the letter reads in part: "My husband, two sons and I live out in Carol Beach a couple of blocks from the Lake. We love it out here and what we have isn't much, but it's ours. We love raising our boys out here because it's so free and open..."

Having "grown up" in a rural environment in the Town of Bristol, I believe I understand exactly what the author of that letter meant when she said that they love raising their family there because it is "so free and open". As long as I live I will be grateful to my parents for providing my siblings and me with a very natural, rural environment, especially during my "formative years".

Furthermore, it has been my experience over the years that, generally speaking, in the United States of America, people live where they want to live. If people want to live in a city, they find a place to live in a city. People who want to live in the countryside will eventually find a place in a rural setting. I have observed that people who choose to live in rural areas have very strong feelings about the advantages of country living relative to urban living.

I see four basic groups, or types, of homeowner in Carol Beach. They are: Unit "W"; Unit 1; the Lakeshore; and the rest, whose homes are relatively sparsely scattered throughout the study area.

Residents of Units 1 and "W" already live in urban enclaves, and therefore have close neighbors. Similarly, the attraction of the Lakeshore has resulted in those residents having close neighbors. In contrasting rural and urban neighborhoods, I place those three categories together, compared to the rest of Carol Beach, which would best be described as being relatively rural.

It seems safe to assume that there are others in the rural neighborhood who share the view of the "Concerned Property Owner", that they went to the trouble to move or build a house there because of the present rural character of the neighborhood. (However, not having heard much from those people, it is difficult to determine what percentage would like to see the rural character of the neighborhood remain unchanged).

It seems useful to speculate about why that point-of-view was not heard more during the planning process. First, we know that the homeowners in the Study Area have never been "of one mind". It was well-publicized that the Carol Beach Estates Property Owners Association and the Chiwaukee-Carol Beach Citizens Organization, Inc found many areas of disagreement. I believe that the rural residents' voices were lost in the confusion of the controversy.

Second, it would be logical to ask why those who like the rural character of their neighborhood did not organize, or otherwise make themselves heard.

Third, the Sierra Club feels obliged to object to the way the SEWRPC staff handled the structuring of the TAC Committee.

The first point is self-explanatory. There have been widely differing opinions among the residents of the study area. Since neither property-owners' association expressed the viewpoint of the rural residents, the rural advocates were faced with the choice of organizing themselves, or not being represented.

The answer to the second point is not so obvious. Why haven't we heard more from the residents who like the character of the rural part of the study area? The first thing that comes to mind is the psychology of the type of individual who likes to live in a rural area. Part of the attraction for many is the relative peace and solitude afforded by the distance between dwellings. People who place a high value on peace and solitude find that some close neighbors have a tendency to be a nuisance. Another way to put it is that rural people tend to be independent types, who do not tend to organize easily or well.

I would add that I observed that the Chiwaukee-Carol Beach Citizen's Organization, Inc (C-CBCOI) either did not understand the plan and the planning process, or else they deliberately disseminated misinformation. In any case, there was much confusion evident in the minds of property owners, and many had obviously been mislead.

From that observation, I deduce that many rural home owners thought that their interests were being represented by the leaders of the C-CBCOI. For example, despite the obvious wording of the plan, and all the assurances by the Regional Planning Commission and the DNR, some people to this day still seem to think that their homes will be condemned. I blame the C-CBCOI for that misapprehension. The effect on the rural home owners seems to have been that they spent their time and energy worrying about a "red herring", when they could have been worrying about the real issues of housing density in the rural areas and the high cost of capital improvements. Because of the time spent worrying about non-issues, the ranks of the C-CBCOI grew with citizens who had, in effect, been "duped".

I would guess that urban planning is far more common than rural planning (zoning notwithstanding). While urban residents frequently get together to decide the fate of urban neighborhoods, few, if any, rural planning endeavors have ever come to my attention. The tendency among rural residents is to "sit back" and watch farmland, fields and woods succumb to subdivisions. Residents of the countryside tend to feel powerless to prevent property owners from making "big bucks" by selling rural open space areas to developers. Organizations such as the Sierra Club are beginning to point out that, unless comprehensive planning is imposed all over, the open space which remains will dwindle toward the vanishing point. The point is that, while most rural residents greatly prefer to live in the countryside, and want very much for the character of their neighborhoods to remain unchanged, they do not, for various reasons, take it upon themselves to endeavor to place restrictions on the use of their neighbors' land. They form, therefore, and rely on, regional planning commissions, to provide relatively objective, external guidance in the handling of the difficult problem of land-use planning.

That brings us to the third point mentioned above, the way

the SEWRPC staff set up the TAC Committee. It is apparent to us that the staff did not carefully analyze the principal forces at work in the study area. The Sierra Club made a formal request to be included in the planning process, but our request was ignored. We hope that, if a serious attempt was made to include representatives of all interests, the magnitude of the staff's oversight was evident at the hearing on October 23.

Since the Sierra Club was denied a voice and a vote on the TAC Committee, after having identified ourselves to the Planning Commission, it is easy to understand why the rural interests in Carol Beach were not represented on the Committee. Another way of saying it would be that the rural interests had developed no political "clout".

I certainly understand the problems you faced in trying to reconcile all the opposing viewpoints. Although keeping large segments of the rural areas fundamentally unchanged is certainly a legitimate approach to planning, the political difficulty of preventing new home construction in the rural areas has obviously been enormous.

We feel, however, that those problems are not insurmountable. It appears to me that to simplify your task, or perhaps in your estimation early on, to make your task possible, you ignored the rural interests completely, and made the plan "black and white", with urban enclaves and open space preservation (assuming the eventual acquisition of the homes in the environmental corridor).

We feel that the plan in its present form is nowhere near as sound as it could eventually be. We have many reasons for stating that, some of which I will enumerate below. I trust that my colleagues will have commented on the other reasons we have which will support significant changes in the plan.

For environmental and economic reasons, we hold that the extension of sewer service to all of the urban enclaves delineated in the plan would result in several disasters. In our approach to the plan, sewer service should be extended only to the existing urban enclaves, namely Unit "W" and Unit 1. Generally speaking, the rural areas should remain rural.

The planning process should be dedicated to working out a detailed plan for the rural areas, involving present home owners, property owners, and conservationists. The objective would be to establish a maximum housing density appropriate to a rural area, which would be agreeable to all. We would rely heavily on scientific criteria, and allow building only on "buildable" lots in the rural areas.

While this could be a "Planner's nightmare", we think that the SEWRPC could assist in the formation of a local planning commission, to enable the Regional Planning Commission to eventually be finished with its role in the process.

We have generated many suggestions, some of which seem eminently worthy of consideration. For example, we would begin by requesting that little or no further construction were to occur east of the railroad tracks. We would propose at least two

rural densities, one for east of the tracks and one for the areas west of the tracks. In all rural areas, there would be a "diligence" requirement, similar to that expressed in the Plan for Trident Marina, that if construction did not begin prior to a specified deadline, then that lot would never be developed.

Because land is frequently traded, i.e. bought and sold, we think it is at least a realistic possibility that owners of buildable lots in the rural areas east of the tracks could be persuaded to sell, and purchase another lot in one of the rural areas west of the tracks.

Some present or future entity of government could arbitrate and arrange the transactions.

We would like to see an "inventory" of the wishes and intentions of the owners of undeveloped lots in the rural areas of Carol Beach. While it would be a big task, the results would go far toward creating a Plan for the area which would make virtually everyone happy. We think it is realistic that the Planning Commission would be able to enlist some volunteer help to accomplish that goal.

We predict that three categories would emerge from such a census.
1). Those who would be happy to be rid of their property for the right price.
2). Those who would retain ownership to preserve the natural state.
3). Those who have seriously intended to build on their property.

In category 3, there would be at least two subcategories, those with buildable lots, and those with wet lots.

Of those with buildable lots, we could expect that some could be persuaded to build elsewhere in the study area. Of those with wet lots, we could expect that some would be eager to find buildable lots elsewhere in the study area. It would seem reasonable to insist that no one be permitted to build on a wet lot in the rural areas.

The Plan would permit only owners of record to build, and would deny building permits to "tract developers".

It may seem that all this would be a great deal of trouble to go to. The land "trading" idea might require a computer program to act as a "clearinghouse" for willing buyers and sellers, and to keep track of densities in the rural areas. We think that the computer science division at UW-Parkside could be persuaded to take on that challenge. Parkside does have a "mission" to play an active role in community affairs. In our estimation, such a comprehensive, detailed planning effort for the rural areas would be well worth the time and energy entailed.

I recall your saying early in the Planning Process words to the effect that you wanted a good Plan from a Planning perspective. We think that our suggestions for modification of the draft Plan would go far toward achieving the consensus that

you seek. And we think that the adoption of our modifications would result in a Plan which you as a Planner could justifiably take great pride in.

Again, we appreciate your attention, and look forward to working with you in the future.

Respectfully,

David H. Hewitt

David H. Hewitt
Conservation Committee Co-chair
John Muir Chapter (Wisconsin)
Sierra Club

CC:
Public Intervenor
Chiwaukee-Carol Beach Citizen's Organization, Inc.
Chiwaukee Prairie Rescue Coalition

Wed, Oct 31, 1984

Mr. Kurt Baur
P.O. Box 769
Waukesha, WI 53187

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Dear SEWRPC members:

Prairies are an integral component of our natural and cultural heritage. The many recent efforts to re-establish at least small fragments of prairie (such as at UW-Green Bay and the Bay Beach Wildlife Sanctuary) testify to the fact that prairies are important to people. It is, however, much more in tune with common sense to preserve existing prairies than to try to spend the great amounts of time and effort needed to recreate small areas of prairie — it takes many, many years to make any headway and these fragments still lack the original diversity of plants and animals vital to research and the very essence of a prairie.

Now we are faced with opportunity to either preserve or allow the step-by-step destruction of the Chiwaukee Prairie which not only is the finest quality prairie of its type in the Midwest but includes other valuable natural features of which I'm sure you are aware. The Prairie is recognized to be of statewide, regional and national significance. At least certain portions of it have been so recognized, and I feel, as many others do, that this is one of those cases where you can lose out if you don't protect the integrity of the entire ecosystem.

In general, I am opposed to the government taking land from private owners who have lived there for many years, whether it be for parks or development. And in the case of the Chiwaukee

Prairie, those who have already built homes should be allowed to continue to live there. However, in the case of the owners of undeveloped prairie lots on this site, the broader regional and national interests outweigh those of the private developers. Although I sympathize with these people, the best action would be to find funds to purchase the land at a fair price for purposes of preservation.

Specifically, the access road easement across the prairie, the proposed utility corridor for Wisconsin Electric Power Company, and the extension of sewer lines to platted areas should not be allowed. The less destructive alternatives for expanding the treatment plant should be pursued, and the proposed hotel-convention center at the marina should not be permitted at the expense of the existing natural features and endangered species. Any development surrounding the prairie should be controlled so that it does not negatively impact the water table and groundwater and surface water patterns which make the area what it is.

I'm sorry your public input period on your development plan was so short. That makes it harder for non-local people to find out what's going on in time to write an informed letter expressing their concerns. And our concerns are justified and should be given equal weight as those of local people — if not more weight as we represent a broader, long-term interest.

It is too bad that the Prairie was platted and parcels sold in the past, but now that we recognize the importance

of preserving the Prairie in a large enough tract for it to function, I don't think the mistakes of the past should be multiplied today. We cannot continue to succumb to development pressures that threaten our special natural places. They cannot be replaced. Please do not ignore the value of the Chiwaukee Prairie as a natural landmark.

Sincerely,

Sandra Kallunki
926 Christiana
Green Bay, WI 54303

cc. Gov. Anthony Earl
Mr. Carroll Besadny

Dear Mr. Bauer, 11-2-84

The Chiwaukee Prairie-Carol Beach area will be far more valuable in the future if it is preserved in its natural, undeveloped state. As native prairies, wetlands, and dunes become scarcer, the few that remain become much more important. Our children's children have a right to visit and study this rare remnant of Southeastern Wisconsin's natural history and archaeology. Must they travel to Illinois to see what Wisconsin originally looked like? How embarassingly shortsighted we can be! Let's save this little corner of Wisconsin for our descendants — as a legacy of our natural heritage. Thank you.

Peg & Tony Krzyzewski

324 116th Street
Kenosha, WI 53140
November 1, 1984

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SEWRPC

Mr. Kurt W. Bauer
Executive Director
Southeastern Wisconsin Regional Planning Commision
P.O. Box 769
Waukesha, WI 53187

Dear Mr. Bauer,

I am writing as a citizen rather than as a member of the Technical and Citizens Advisory Committee for Chiwaukee Prairie-Carol Beach to request that the lot immediately west of my home be removed from preservation and proposed purchase by DNR since the lot contains my well and has been mapped as upland. Thank you.

Sincerely,

LaVerne Kulisek

5564 Angle Lane
Greendale, Wi.

Oct 23, 1984

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SEWREP

Kurt Bauer, Ex dir.

Dear Sir:

This meeting is a public hearing. This should mean that the Public's concern should be heard!

It is not called a Private hearing or a Commercial hearing or a Developers hearing. It is to hear the public and hopefully act on their interests.

I believe the Chewaukee Prairie Rescue Coalation has the best Plan for the area.

Thank you for hearing,

Linus R. Lindberg
Jack T. Lindberg

M. Drew

Wisconsin WETLANDS Association
Room 31-32
111 King Street
Madison, Wisconsin 53703
tel. 608-256-0565

October 31, 1984

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SEWRPC

Mr. Kurt Bauer, Director
Southeastern Wisconsin Regional Planning
Commission
916 North East Avenue
P.O. Box 769
Waukesha, WI 53187-0769

Dear Mr. Bauer:

The Wisconsin Wetlands Association Board is submitting this letter in regard to the SEWRPC recommended land use management plan for the Chiwaukee Prairie-Carol Beach area. We are in opposition to the proposed plan because: (1) we feel it would fail to preserve the ecological integrity of the prairie-wetland complex; and (2) the precedent-setting non-compliance with existing Wisconsin Administrative Rules (NR115).

The Chiwaukee Prairie wetland-prairie complex is the largest remaining example of swell-and-swale prairie in the Great Lakes Region. It is a priceless gem, recognized nationally by its designation as a National Natural Landmark, and the people of Wisconsin should be proud of its existence. But, the people should take greater pride in their efforts as responsible citizens to preserve unique natural resources of the State for future generations. The citizens of Wisconsin can take no credit for the formation of the wetland-prairie complex, but we can take pride in our wisdom and efforts in preserving such an area.

One argument for allowing development of the area is that the rights of the people who purchased lands platted in the 1930's should not be denied. We ask why a mistake made many years ago should be perpetuated when new information and knowledge is now available that makes the earlier decision appear inappropriate. Isn't it wise for society to learn from its mistakes?

The fact that few of the lots have been developed due to high water indicates that development here is inappropriate. The lands are not going to dry out unless mechanisms for draining the area are installed. Not only will these require upkeep, for which government assistance will, of course, be requested, but drainage will interfere with hydrologic functions in other parts of the ecosystem. Obviously everything fits together quite well now -- what does not fit is human development and habitation. Allowing housing development in this area will require government, through public dollars, to subsidize the interest of a few. We feel the full cost of development should be paid for by those who directly benefit, not by public dollars.

Development in the area will also increase the cost of managing the small parcels of natural area preserved. More time, money, work and knowledge are required to restore and preserve small parcels of natural communities when their habitats and functions have been obliterated. We are opposed to the proposed actions which will segment and negatively impact the ecosystem, such as:

(1) The proposed WEPCO utility corridor which will bisect the environmental corridor;
(2) The upgrading and expansion of roads cutting through the prairie;
(3) The expansion of Trident Marina into endangered species habitat; and
(4) The extension of sewers through areas designated as environmental corridors.

We would also like to point out that the science of prairie, and especially wetland, restoration is in its infancy. This was discussed recently by national and international experts on restoration ecology in Madison. The goal of restoring lands to their original conditions is admirable, but rarely, if ever, achievable. Therefore, this goal should not be accepted as a rational for destroying a natural ecosystem. It took over 10,000 years for the unique prairie at Chiwaukee to be formed. A few simple zoning changes and drainage ditches could destroy what remains of the natural Lake Michigan shoreline.

The neighboring State of Illinois has preserved her portion of the prairie. It is ironic that Illinois, with its much greater development pressures could have greater foresight than the "conservation-minded" State of Wisconsin. In conclusion, we would urge you to revise the land use management plan so that large tracts of the swell-and-swale ecosystem be preserved intact and so that development activities surrounding the area do not disrupt the ecological integrity of the ecosystem.

Sincerely,

Deanne M. Lovely

Deanne M. Lovely, Chair
for the
Wisconsin Wetlands Association Board

Jim Olmsted
4712 Arapuke Dr.
D.B., Mi.
54301

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Dear Sir,

I ask that you help save the Chiwaukee Praire this natural resource must be preserved. I have never been to this area, but I understand it needs your protection from development. It is not only a local concern if this development takes place the loss is as much mine as it would be yours, and that of the area residents. I further ask your help for the future, and suggest that the Chiwaukee Praire should be purchased for the purpose of permanent preservation.

sincerely
Jim Olmsted

Mr. Kurt Bauer
S.E.W.R.P.C.
P.O. Box 769
Old Court House
Waukesha, Wi 53187

RECEIVED
NOV 0 3 1984
SEWRPC

Dear Mr. Bauer,

I am writing with concern about the proposed plan by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) to develop the Chiwaukee Prairie-Carol Beach Study Area. In reading some literature about the whole situation, it appears to me that if the proposed plan for development goes through, Chiwaukee Prairie will turn into another one of those names of places that are used as examples of how man's invasion of another area caused devastating and irreversible impacts upon the animal and plant life living there. How long will it take for man to learn from the many mistakes he's already made, and worse yet, how many more of these mistakes can he afford to make?

Well you have a chance right now with Chiwaukee Prairie to prove that you weren't ignorant of those past mistakes, and that you realized before it was too late that the prairie, as it exists now, is a rare natural resource, and therefore should be preserved in its existing unaltered state.

It's always said we need to think of future generations, of our children and grandchildren, and of how our current actions will affect them and others as well. True, but don't we also owe something to the animals and plants currently living on earth? Don't they deserve some rights too, mainly the right to live on and prosper without the constant threat of man? There are 480 native plant species (18 of which are endangered or threatened in Wisconsin) and 76 animal species living on the Chiwaukee Prairie right now, and can't we for once say it's more important to preserve the prairie for that reason among others because we know full well that you can construct your buildings else where, but once the prairie is gone, it's gone forever.

The idea of preserving small portions of the prairie will not work either because the size of an ecosystem preserve is very important to long term stability--small islands of the remaining prairie will deteriorate as the genetic diversity of their species narrows, and individuals will be lost without successful reproduction.

I am proposing that the Chiwaukee Prairie be purchased for the purpose of permanent preservation. Everyone, not just the select few, deserve the right to enjoy and learn from the prairie as it is. Please, don't take that right away!

Sherry Sanderson
231 N. Oneida St.
Green Bay, Wi
54303
(414) 494-0977

THE WISCONSIN GARDEN CLUB FEDERATION

RECEIVED
NOV 0 5 1984
SEWRPC

November 2, 1984

Mr. Kurt W. Bauer, Executive Director
Southeastern WI Regional Planning Commission
916 N. East Avenue
Waukesha, Wisconsin 53187 - 1607

Dear Mr. Bauer:

The Wisconsin Garden Club Federation, comprised of 2,463 members in 118 clubs, has recognized that CHIWAUKEE PRAIRIE, a unique scientific area, as one of its priorities for preservation. The Federation as well as many individual clubs have supported Chiwaukee Prairie financially during the last eight years.

Chiwaukee Prairie with its most valuable plant and animal communities unlike any other in the state of Wisconsin or the midwest, is beckoning the help of every consciencious preservationist, so that its smiling flora and waving grasses remain to be seen for an eternity.

The Wisconsin Garden Club Federation is appealing to the advisory committee of SEWRPC to consider and re-consider the following proposals:

1) Opposition of Trident Marina's development both in dredging 30 acres of prairie and the construction of a hotel convention center.

2) Abandonment of the East-West vehicular traffic through the prairie at 122nd Street.

3) The direct and indirect destruction of the prairie, its water quality, pollution, damaging the ecosystem if the sewer development plans materialize.

The Wisconsin Garden Club Federation (W.G.C.F.) would like to re-emphasize the importance of this nationally publicized prairie and its future fate.

Sincerely,

Genevieve J. Crema

Genevieve J. Crema,
Land Trust Chairman
Wisconsin Garden Club Federation

T. PAVLETIC
2011 N 85
MILW WI
53226

11-1-84

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SEWRPC

Dear Mr. Bauer,

I would like to urge you and SEWRPC to maximize the open space and undeveloped areas in the land use plan for the Chiwaukee praire - Carol beach area. I have visited and enjoyed this area in the past and I hope your land use plan will provide future generations the same opportunity, to enjoy this unique area with as little disturbance as possible.

Sincerely,
Terry Pavletic

Appendix G

MATERIALS SUBMITTED AFTER CLOSING DATE OF PUBLIC HEARING BUT BEFORE PUBLICATION OF MINUTES

Appendix G-1

8542 N. 63rd St
Brown Deer, WI 53223
11-2-84

Mr Kurt Bauer, Director
SEWRPC

RECEIVED
NOV 06 1984
SEWRPC

Dear Mr Bauer,

There are plans to develop land in and around the Chiwaukee Prairie in southeastern Wisconsin. Very often it is business and wealthy boat owners who are the benefiting parties from "natural" lake front land development.

This fragile prairie and sand dune area is precious and needs our protection. Once these precious lands are gone there is no bringing them back.

Let us preserve this prairie for our children and generations to come. Thank you.

Sincerely,
Eileen Gibbs

Eugene Potente Jr.
6634 - 3rd Avenue
Kenosha, Wisconsin 53140

RECEIVED
NOV 0 6 1984
SEWRPC

Nov. 2, 1984

S.Eastn,Wisconsin Planning Commission
Waukesha, WI 5318

Dear Ladies and Gentlemen:

As the owner of property in the Chiwaukee area of Pleasant Prairie in Kenosha County I wish to tell you of my objections to the contemplated program to reserve this area.

I can well understand the needs to conserve our natural prairie area but some of the land which your program wishes to set aside from free use really does not conform to the requirements for this kind of land.

Secondly, the entire plan as I understand it provides that the owners continue to be saddled with the taxes on the land while at the same being prevented from utilizing it for any purpose which might defray their tax costs.

Finally I understand that it would be the aim of the Commission not to attempt to purchase the land at a fair price but to maintain the land as it now is purely at the expense of the unfortunate owners. At the very most, I understand, it would be the ai m of the Commission to pay a minimal price far below market value in the event that any purchase would be made.

I sympathize with the aims of your program but it should not be pursued at the expense of individual property owners whose land would, in effect, be confiscated.

Thank you,
Eugene Potente Jr.
Eugene Potente, Jr.

RECEIVED
NOV 0 7 1984
SEWRPC

Chiwaukee Prairie Rescue Coalitio
PO Box 152
Franksville, WI

Mr. Kurt Bauer, Director
Southeastern Wisconsin Regional Planning Commission
PO Box 769
Waukesha, WI 53187-1607

Dear Mr. Bauer:

On behalf of the Chiwaukee Prairie Rescue Coalition, I submit the following comments as a supplement to the oral testimony our members provided at the Southeastern Wisconsin Regional Planning Commission's public hearing on its land-use plan for Chiwaukee Prairie-Carol Beach.

The Chiwaukee Prairie Rescue Coalition consists of individuals and groups who have become deeply concerned that the interests of the people of the state and the nation in preserving the natural resources of the area have not been adequately represented in the planning process.

As you know, we strongly object to the plan in its present form. However, please be assured that we appreciate the effort and dedication to professional principles of planning that you and your staff have exhibited. We applaud your efforts to develop a zoning category within which natural resources would be protected. And we recognize that some decisions that we consider bad have been motivated by your desire to develop a compromise position between preservation and development.

What we primarily object to is the basic set of premises which provide the starting point for the study. The position of town officials from Pleasant Prairie has been well represented at the outset. But we hold that the interests of the people of the state of Wisconsin and of the nation lie in preserving the valuable natural resources of the area, and that these interests have not been given adequate weight at the beginning.

This fundamental neglect of the public interest has shaped the outcome of the entire study, giving it a pro-development bias. For example, the plan which SEWRPC designated "maximum preservation" is in fact not that at all; it would permit considerable development. Further, the notions of "fair" and "compromise" are weighted on the side of development, through failure to represent at the outset the broader interests for preservation.

A first principle in deciding what to do about the area must acknowledge the irreplaceable value of the wetland-prairie ecological community, with its 400 species of native plants, and its rare and endangered plants and animals; and that it is in the public interest to preserve this natural resource. The area supports this diverse population because of its unique topography, with its ridges and swales. The topography provides the requisite diversity of habitat. To preserve the species requires preserving the habitat, not only in terms of leaving the land itself free of human encroachment, but also in terms of seeing that the existing ground and surface water conditions remain undisturbed.

If it is acknowledged that the ecological community of the area must be saved, it follows that any plans must take into consideration the impact of proposed development. In dealing with a fragile natural community, one cannot simply say, "Development here; preservation there." Human encroachment does not stop at a line designated on a map. Dirt and plant debris from a building site spill over onto adjacent land; herbicides and pesticides applied to lawns run off onto adjacent natural areas; children play beyond their family lawn edges; road salt leaches into wetlands; paving prevents water from seeping into the soil...

These are not certainties, to be sure. But we cannot risk the experiment to see if the prairie will survive in spite of development. We no longer have other prairies to preserve the gene pool. We as human beings have already destroyed almost all the rest. With endangered species in particular it cannot be argued: Eliminating these individuals doesn't matter because there are other individuals over there. A species becomes endangered when the number of individuals drops to such a low level that any further reductions would result in extinction of the species. With endangered species,"compromise" cannot take the form of permitting any of the individuals to be destroyed.

We realize that your office is concerned with land-use planning, while environmental impact is handled by the DNR. But as you know, an EIS is given with respect to some plan or other, and thus far, SEWRPC has not provided a true "maximum preservation" plan which starts from the premise that the prairie community in the Chiwaukee Prairie-Carol Beach area must be preserved, and then looks to see how much,if any,development can be permitted without jeopardizing the survival of this ecological community.

The Chiwaukee Prairie Rescue Coalition has prepared a list of features which a true maximum preservation plan should include. At the October 23 hearing, Richard Marciniak outlined these for the Commission. I enclose a summary of our Preservation plan for your consideration. How these principles would translate to mapping details should in most cases be clear. What to do about badly disturbed lots north of 116th street are matters to be worked out once the broad pattern of preservation is agreed upon.

We realize that many of the pro-development features of SEWRPC's plan are dictated by your perception that fair treatment of landowners in the area requires that development be permitted. We do not deny that compromise is essential.

But the value of the wetlands-prairie complex in its present condition is so great that compromise can only take the form of compensating lotowners in some fair way, but not in permitting them to develop their land to the detriment of the prairie. The Commission should stop defining "compromise" as preservation vs development, and start defining it as preservation with fair compensation.

All sides are agreed that owners of houses in the area should be permitted to stay unless they are willing to sell to an agency representing the public interest for preservation. The issue turns on the undeveloped land, both platted and unplatted. The Chiwaukee Prairie Rescue Coalition (CPR Coalition) believes that fairness dictates that lots in the area to be preserved should be purchased. The task is to work out an acceptable formula for establishing a fair but not exorbitant price, and then to find some public or private agency to buy the land at the established price.

Owners of unplatted land to be preserved under a true maximum preservation plan fall in a different category, since here the County has never been privy to an assumption that the land was buildable. Rezoning to protect the natural resources can be compatible with continued ownership of the land by private interests since some activities would continue to be acceptable. However, here too, compromise may dictate purchase or some change in tax status for landowners.

I would like to remind the Commission that most of the wetlands in the area are protected under federal section 404 or state NR115. The people of the state of Wisconsin, through their legislators, have already indicated their desire to preserve the wetlands protected under NR115. We are glad that you have recognized the extent of the area needing protection. In a letter to the Public Intervenor, dated September 19, 1984, you describe "...the Chiwaukee Prairie-Carol Beach area, where the resource base requiring protection is comprised of complexly interrelated uplands and wetland." You also note that "the wetland regulatory framework put in place at the federal and state levels ...remains inadequate to protect the resources found in the Chiwaukee Prairie-Carol Beach area." We agree with you in your assessment of the value of the resources and the extent of coverage under existing wetlands law.

But we believe that from these premises it follows that valuable uplands not protected under wetland law also ought to be protected through zoning regulations. Any attempt to exchange land protected under 404 or NR115 for uplands not protected smacks of trying to circumvent existing law. Valuable uplands should be protected in addition to wetlands already protected, not in place of wetlands already protected.

A further assumption about the area has been made from the beginning; namely, that only those landowners listed on the tax roles have a stake in the plans for the area. Please bear in mind that anyone who has given money to the Nature Conservancy specifically to buy land in Chiwaukee Prairie has committed himself financially to preservation of the area. The Nature Conservancy has been perceived as some monolithic organization with money to buy land. The money the Conservancy uses comes from thousands of contributors who also have a stake in the plan.

The points made in this letter can be summarized:

1) The interests of the state and nation have not been adequately represented in SEWRPC's revised preservation/development plan.

2) The plan is biassed in favor of development because of initial failure to give weight to the public interest for preservation.

3) The ecological wetland-prairie complex ought to be preserved so that it can survive intact, without loss of species.

4) Any development which endangers the survival of that ecological community should not be permitted in the plans for the area. (This may require further hydrogeological studies.)

5) A true maximum preservation plan should be offered by SEWRPC for an EIS and public consideration.

6) As a start on determining what a true preservation plan would involve, the CPR Coalition offers its outline plan for the area.

7) "Compromise" has been erroneously defined for the area. Compromise should take the form of reimbursing landowners or giving them tax breaks, rather than permitting development.

8) Wetlands already protected under NR115 and Section 404 should not be sacrificed to "compromise," in order to preserve other lands. Instead, wetlands already protected should continue to be protected, while valuable uplands should also be protected through local zoning and/or purchase.

9) The interests of members of the Nature Conservancy or other individuals who have donated money to buy lots in Chiwaukee Prairie through the Nature Conservancy should also be taken into consideration.

In this letter, I have not addressed the matter of costs of development for each landowner in the area-- costs promise to be

unreasonably high for the less affluent ones, nor the nagging problem of failing septic systems. There are alternatives to sewering. However one thing is clear: if the population density of the area is increased through development, the problem of sewage disposal will increase, not decrease.

Thank you for giving us a chance to be heard. If you would like to discuss the above matters or any others with representatives from our CPR-Coalition, we should be happy to arrange a meeting.

Sincerely yours,

Mary Ellen Johnson

Mary Ellen Johnson, Chair
Chiwaukee Prairie Rescue
Coalition

ENC
CC: members of CPR-Coalition
DNR
County of Kenosha
Town of Pleasant Prairie
Public Intervenor

THE CPR PRESERVATION PLAN

The Chiwaukee Prairie Rescue (CPR) Coalition has found the present SEWRPC TAC plan unacceptable. Therefore, we are compelled to offer a reasonable alternative. Our plan is based on two principles: reasonable treatment of existing property owners, and maximum preservation of the prairie.

To safeguard property and homeowner rights, we propose:

1) that no existing houses be razed, moved, or condemned

2) that the DNR and/or private organizations make reasonable guarantees that if property owners wish to sell, moneys will be available for purchase.

3) that such purchases of property be made at an equitable market value

4) that WEPCO be granted the asked for utility corridor easement, with the stipulation that no permanent buildings be placed on the corridor and no herbicides be used in the area.

To safeguard the natural resources of the area, we propose:

1) that the 18 acre wetland site immediately adjacent to the Kenosha Sewage Treatment Plant not be reserved for possible expansion, but that other areas nearby be considered for any future plant expansion.

2) that sewer service not be extended east of the railroad tracks

3) that no new road be built through the prairie to service Trident Marina, and that unnecessary existing roads through the entire study area be abandoned and the area restored to wetland/prairie.

4) that no new lands be put aside for expansion of Trident Marina

5) that all unoccupied land within the 1,825 acre study area be zoned C-3 (conservancy).

INTRODUCTION

The Chiwaukee Prairie Rescue Coalition is a non-profit organization of individuals and groups, with state-wide membership. Its purpose is to protect from development the natural ecological community of plants and animals known as the Chiwaukee Prairie-Carol Beach study area.

The 1825 acre site is now seriously threatened by Southeastern Wisconsin Regional Planning Commission's (SEWRPC) plans. To allay the numerous false or unfounded claims being circulated among area residents, the following answers have been prepared by the Chiwaukee Prairie Rescue Coalition.

- -

ISN'T THERE ENOUGH LAND PRESERVED ALREADY? THE NATURE CONSERVANCY ALREADY HAS ACQUIRED 150 ACRES OF A TARGETED 225.

The Nature Conservancy's present holdings are just a small relic of what once was. But if the 1,825 acres of the study area are protected, the area would be the most important swell-and-swale prairie in the Great Lakes Region.

The prairie hosts over 400 native plants and 76 animal species. It is home to over two dozen rare, endangered or threatened species of plants and animals. It is one of the outstanding natural resource areas in the United States.

In addition, there are 9 valuable archaeological sites in the area.

SOME PEOPLE HAVE CLAIMED THAT TWO BIOLOGISTS TOURING THE AREA HAVE NOT FOUND PLANTS OF ANY GREAT SIGNIFICANCE.

Until these purported biologists step forth, identify themselves, offer evidence to the scientific world that the area is not significant, and thereby lay their reputations as biologists before the scientific community, the claim can be dismissed as unfounded.

A scientist must be willing to hold his claims up to public scrutiny. It is significant that no scientist has stepped forward to make the claim being circulated by laymen in the area.

WHY CAN'T THOSE WHO VALUE PRAIRIE PLANTS JUST COLLECT SEEDS AND PLANT THEM ELSEWHERE?

Seeds from areas adjacent to the Nature Conservancy's holdings (where seed-collecting is not permitted) have been collected for planting elsewhere. But planted in other habitats, seeds often do not survive. The rare or endangered ones in particular need the unique habitat found at Chiwaukee. They are endangered because habitat elsewhere has been destroyed.

Even though many plants do survive individually elsewhere, the entire ecological community of plant and animal species cannot simply be transported. The University of Wisconsin at Madison has been trying for 50 years to restore Curtis Prairie. University experts recently admitted the experiment had not yet been successful, and now estimate it will take 1,000 years to become a true prairie.

WHY DOESN'T CPR-COALITION ACCEPT THE DECISIONS OF SEWRPC'S TECHNICAL AND ADVISORY COMMITTEE? ISN'T THE EMERGING COMPROMISE FAIR?

The value of the Chiwaukee Prairie-Carol Beach wetlands-prairie complex is so great for the people of Wisconsin and the nation that preservation is essential. Compromise must take the form of compensating landowners in a fair way.

WASN'T THE COMMITTEE CHOSEN TO REPRESENT A SPECTRUM OF INTERESTS?

While there are representatives from the Fish and Wildlife Service, the Army Corps of Engineers, the Department of Natural Resources, and the Nature Conservancy serving on the Technical and Advisory Committee, they officially represent their organizations. Each has limited his remarks to the role his agency can play in administering the area. Nor have environmentalists been permitted to testify at committee hearings.

WHY ARE ENVIRONMENTALISTS SO CONCERNED? WHAT'S IN IT FOR THEM?

Environmentalists have no monetary or political advantage to gain beyond the satisfaction of knowing that they are preserving and protecting natural resources of great value for the state and nation. By contrast, individuals who plan to develop lots in the area hope to make a lot of money, once Kenosha County taxpayers have subsidized the construction of a sewer system.

DON'T PEOPLE HAVE A RIGHT TO DO WHAT THEY WANT WITH THEIR OWN PROPERTY?

Property rights are only limited rights. You do not have the right to do something on your property that would harm your neighbor. You do not have the right to destroy a natural resource protected under federal or state law. The general welfare takes precedence over any individual property rights in case of conflict.

For example, it is illegal to shoot a bald eagle or a songbird on your property; health codes require the repair of a failing septic system; building codes dictate how you may build your house; setback codes limit how close to property lines you may place buildings.

In short, property "rights" are limited.

WOULDN'T PRESERVING THE PRAIRIE-WETLANDS COST THE TAXPAYER A LOT OF MONEY, WHEREAS WITH DEVELOPMENT, COSTS PER TAXPAYER WOULD DECREASE?

If the prairie-wetlands are preserved and individual landowners compensated by the state, the cost would be borne throughout Wisconsin. If, on the other hand, the area is developed under SEWRPC's plan, total costs for sanitary sewer, water supply, local street improvements, and stormwater drainage would come to $14,411,000. Add to this $4,400,000 for shoreland erosion control for areas to be developed, and costs to local taxpayers to service the proposed 1,460 housing units would be $18,811,000.

EVEN IF HOMEOWNERS ARE PERMITTED TO KEEP THEIR HOUSES, WON'T PROPERTY VALUES GO DOWN IF THE NATURAL AREAS ARE PRESERVED AS PRAIRIE-WETLAND?

This rumor is based on a misconception about what makes property valuable. Real estate dealers generally find that the existance of an adjacent park makes the value of homes go up rather than down because potential buyers know that their investment is protected from unsightly development next door. In addition, having a park adjacent to one's property gives one all the advantages of an estate without the cost of maintaining it. One of the reasons the present Carol Beach area remains an attractive place to live is just because of the open space about it.

WHY ARE THE NATURE CONSERVANCY'S HOLDINGS PERIODICALLY BURNED? ISN'T THIS DESTROYING THE VERY THING THEY CLAIM TO CHERISH?

Burning is the way prairies are naturally maintained. Invading wood shrubs and non-native plants are killed; native prairie plants resprout from their extensive root systems. Native prairie animals have natural mechanisms for surviving: retreating to burrows, taking to the air, or running to a river or wetland.

WHAT'S ALL THE FUSS ABOUT? WASN'T THIS AREA ONCE A GOLF COURSE?

In the Southeast corner of the study area, near the present Trident Marina, a 9-hole golf course was built in the 1930's. In the 1940's the golf course was abandoned; it had seldom been usable because of standing water. This small proportion of the total 1,825 acres in the study area was able to re-establish itself because of a good surrounding seed source. As of 1981, according to a study made by the Nature Conservancy, "the recovery appears to be about 50 to 75%."

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SEWRPC

04 November 1984

Dear Mr. Bauer,

As a member of the Grinnell Audubon Chapter, I have learned that S.E.W.R.P.C. is responsible for proposing a development plan for the Chiwaukee Prairie-Carol Beach Study Area. I feel this area is valuable because of its wetlands, its tall-grass prairie which provides habitat for 400 native plant species and 76 animal species, and its unique natural areas including glacial features and archeological sites. This area needs to be preserved intact. Even a plan which would preserve some areas but also allow development including sewers, paved streets, subdivisions etc. is inadequate. The remaining prairie would deteriorate from changing water tables and pollutants.

For these reasons, I urge you to adopt the alternative proposal offered by the Chiwaukee Prairie Rescue (CPR) Coalition.

Sincerely,

Susan M. Leutfer

RECEIVED
NOV 0 7 1984
SEWRPC

Bernice C. Maertz
N77 W12477 Fond du Lac Ave.
Menomonee Falls, Wis. 53051

November 4, 1984

Mr. Kurt Bauer, Director
SEWRPC
Old Courthouse
P. O. Box 769
Waukesha, Wis. 53186

Dear Mr. Bauer:

I have become aware of the threat to Chiwaukee Prairie by development interests.

May I point out to you the significance of this small remnant of what was once a great prairie. There are many natural resources in the area which are of great value and should not be lost to development. Chiwaukee Prairie is one of the best of the few remaining areas of wet-mesic tall grass prairie in the Great Lakes region. Among its 400 native plant species are 18 of which are endangered or threatened. 76 animal species make the Prairie their home.

We must preserve this priceless and rare jewel as a heritage for the generations to come. It would be shortsighted indeed on our part to lose this fragile and irreplaceable area to development interests.

Please do not let this tiny remnant of a unique and increasingly-rare ecosystem go the way of the passenger pigeon. Extinction is forever.

Sincerely,

Bernice Maertz

11/5/84
3528 N 57 ST
MILW. WI. 53216

RECEIVED
NOV 0 8 1984
SEWRPC

Mr Kurt Bauer
Director SEWRPC

Dear Mr Bauer:

Chiwaukee Prairie has so many virgin areas, one of the best remaining in the Great Lakes region. It should be preserved and not given up to development interests. This is a fragile area. Once mutilated it will be gone forever.

Please let it live.

Yours truly,
Catherine Doyle

RECEIVED
NOV 0 8 1984
SEWRPC

2925 W. Bradley Rd
River Hills, Wis 53209
6 November 1984

Dear Mr Bauer:

It is my understanding that your organization is now deciding the fate of Chiwaukee Prairie in the Southeast corner of the State. As a Wisconsin tax payer here is my opinion on how this area should be dealt with.

First, its natural flora and fauna should be analyzed and as much of the areas that have not been altered should be added to the Natural Areas there. Only those areas that have been completely altered should be available for other types of development.

Planning for preservation of the natural features of this area should take preference over all other uses of the area. Planning for this use should be done with an eye of maintaining various natural areas, especially along the lake shore. The SE portion of this State has a basic lack of public natural areas and I expect your organization to take this into consideration and preserve a large segment of this area. I do not feel that I must drive 3 hours just to get to public land in northern Wisconsin

G. C. Yost

November 6, 1984

RECEIVED
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SEWRPC

Mr. Kurt Bauer, Director
SEWRPC
Old Courthouse
P.O. Box 769
Waukesha, Wisconsin 53186

Dear Mr. Bauer:

I am writing to you with the request to reconsider the SEWRPC plans for the development of the Chiwaukee Prairie in Kenosha County. This area is far too valuable to be lost to the bulldozer. A list of potential losses if the SEWRPC plan is accepted would include: a virgin wet-mesic tallgrass prairie remnant containing 400 native plant species, including 18 endangered or threatened species. This prairie remnant is one of the best remaining in the Great Lakes region and is therefore a much valued natural asset. SEWRPC plans would increase traffic through this area, disrupting its fragile ecosystem.

As you know, the tallgrass prairie once stretched for millions of acres in the vast midwest. Now all that is left are these few patches like the Chiwaukee Prairie. The Chiwaukee Prairie is now a natural treasure and must be protected if not for today's generation, but more importantly, tomorrow's. I would like to think that our progenitors will thank us for our foresightedness rather than curse us for our shortsightedness! Thank you for your time, and again please reconsider.

Sincerely,

Kevin L. Niebauer

Kevin Niebauer
1202 First Avenue #5
Grafton, Wisconsin 53024

KN/ez

Appendix H

NEWSPAPER ARTICLES PERTAINING TO CHIWAUKEE PRAIRIE-CAROL BEACH LAND USE MANAGEMENT PLAN

EDITOR'S NOTE: The first three articles presented herein are from the files of the Southeastern Wisconsin Regional Planning Commission, and are included to provide background and historical information about the Chiwaukee Prairie-Carol Beach area. The remaining articles are those that have been published since the inception of the planning effort for the area in 1982.

Dreams of a City for Millionaires Went on Rocks in the Depression

Mrs. Edith Rockefeller McCormick Planned a Model Community South of Kenosha

By ROGER W. MILLER
Of The Journal Staff

Kenosha, Wis. — A Rockefeller can dream big; and that's just what Mrs. Edith Rockefeller McCormick did.

Mrs. McCormick's dream was for a model city on the lake shore south of here. It was to be limited to millionaires. The big dream proved a big nightmare for many who had invested in her venture.

That was more than 40 years ago. Today the dream is alive for hundreds of residents of the area. But it's not being fulfilled by millionaires. Most of the homes in the area would be shacks by Mrs. McCormick's standards. But then Mrs. McCormick once lived in a house 20 miles south that had 44 rooms and 15 bathrooms.

She first bared her dream in 1924. She purchased 1,550 acres of land that had been the Schuyler Van Ingen estate for $1,500,000. She later added land to give her 1,800 acres.

Ideal for Planning

The 1,800 acres extended from just south of the Kenosha city limits to the Illinois state line, a distance of five miles. The eastern border is Lake Michigan. The western edge, nearly a mile from the lake, was then highway 41, the main Chicago-Milwaukee traffic route. It's now highway 32.

The 1,800 acres had only a few farms. It had scub oaks, swamps and mostly sand with a light covering of soil. But the lake gave it a natural attraction, and its undeveloped state made it ideal for planning.

Mrs. McCormick had begun life on the right side of the tracks. The daughter of John D. Rockefeller, sr., she was given 40 million dollars by her father. She was married to Harold Fowler McCormick of the McCormick reaper family. In 1912, they built the Villa Turicum with 15 bathrooms on 193 unencumbered acres in Lake Forest, Ill. The cost of the house was 5 million dollars.

Mrs. McCormick had suffered a nervous breakdown in 1912 and met Dr. Carl Jung, the Swiss psychiatrist. Jung was quite a mystic. Mrs. McCormick liked his mysticism. For the next nine years, she spent much of her time in Switzerland as Jung's pupil.

Arch Was Built

Returning to the United States in 1921, she was accompanied by Edwin D. Krenn, a Swiss architect with a yen for Buddhism. Krenn, also a Jung pupil, was later to be her partner in the development at Kenosha. It was also in 1921 that the Rockefeller oil and McCormick reaper interests parted ways, with Mrs. McCormick getting a divorce.

Mrs. McCormick's plans for the model city did get off the ground: A big arch was put across highway 32 proclaiming the development. The project was named Edithton beach. The name was the result of a $5,000 contest won by a La Porte (Ind.) man who remembered Mrs. McCormick's first name.

There were some other developments as the prosperous 1920's moved along. A few roads were built, one leading from the big arch; here and there a bridge was constructed; surveyors scrutinized the land.

The town was going to retain the lake front property. It was to have a downtown, a golf course, model playgrounds and ample school facilities. Mrs. McCormick was to control the architectural scheme. The downtown buildings were to be half timbered, old English style.

Creditors Lined Up

The dream faded slowly and all but vanished when the crash of 1929 cut into the ranks of Chicago's millionaires. Mrs. McCormick died in 1932, leaving an estate of $1,500,000. When her creditors got done lining up, they claimed they were due 10 million dollars.

The Villa Turicum, the McCormicks' five million dollar home, was sold at auction in 1947 for $206,366, including $160,366 in tax liens. Mrs. McCormick had lived in the house only sparingly. The 193 unencumbered acres were to be broken up into a subdivision.

The ownership of the land carried into the courts with a foreclosure suit. The case went all the way to the state supreme court in 1936. In 1937, the Kenosha county sheriff had the final say on the land. It was sold for $186,000 plus back taxes.

In 1939, a Chicago group negotiated to purchase the land for $131,000. The group said it planned to revive Mrs. McCormick's dream for a model city. The plans never developed. In 1943, 845 of the acres were used as an antiaircraft training site.

State Park Sought

The Kenosha County Conservation club showed the next interest in February, 1946, when it urged the state to buy the land for a state park. But a Chicago group headed by Joseph E. Shaffron purchased 1,200 acres of the "second Evanston" on Nov. 13, 1946, and promptly dubbed it the Carol Beach estates.

The Carol Beach firm used one of the original roads that Mrs. McCormick had built as an access to its office. Farther south on highway 32 a cluster of homes was built, as if in the middle of a city. The homes are not pretentious, but the lake is near by and the children have plenty of romping room.

At last count, Carol Beach estates had 264 houses. An adjoining subdivision to the south contained another 23 houses. Road houses, motels and even a commercial amusement park for children are strung along highway 32. In the subdivision, the roads are usually potted. Many of the unkept lots hide "for sale" signs. The beaches are laced with rocks, beer cans and broken bottles.

THE MILWAUKEE JOURNAL

an ancient forest in our Area

By RUTH HAMMOND
Kenosha News Staff Writer

Southport sand dunes. For many Kenoshans, both old and young, these words conjure up memories of a desolate, close-to-nature beach, of sand-mounds with grassy crewcuts, of a place where earth and lake and sky visually fuse into an incredible, ever-changing landscape.

The dunes a visitor saw one day were never the same the next day, for with the wanderings of the wind, from its gentlest puffs of breeze to its mightiest blasts, came the wanderings of the dunes.

Lake action also modified the landscape. In the past 10 years, path-changing currents have nibbled at the beach until what was once a straight shoreline has become a bowl-shaped curve between two points half a mile apart.

These sand-sucking currents have exposed geological history, uncovering remnants of a buried forest believed to be more than 6,000 years old.

Approximately 75 feet of shoreline were overcome by the rising lake level at Southport dunes in recent years: at least 25 feet of this has been lost in the past few stormy months.

Man Brought Changes

But the most dramatic changes in this haven (which extends south from 80th St. to 86th St., between Lake Michigan and 7th Ave.) were precipitated by man, not nature. In order to halt further deterioration of the beach, the Wisconsin Electric Co., which owns the land, decided recently to shore up the lakefront with boulders.

Now the lake-bordering bluffs, from which children once jumped, landing tumbled and sunbaked on the beach below, are encased in a jumble of rocks. A tall crane, implement of destruction, imposes on the skyline at the southern tip of the dune area, a flattened, leveled topography in its wake.

The newly laid rocks have done more than modify a favorite play area. They have also inhibited further studies on geologically and archeologically important materials.

For the past 12 years, violent wave action along the shore has been uncovering roots and branches of trees, carbon-dated to be about 6,340 years old, plus or minus 300 years. Embedded in a clay bank, these trees probably grew during the last interglacial stage and were buried during a temporary readvance of the ice sheet.

Phil Sander, local naturalist and conservationist, has made several discoveries along the beach, some of which have been studied by state gological societies. Wave erosion exposed the first specimens of entombed wood in 1961, after which Robert Black, a University of Wisconsin professor of glacial geology, took samples for further studies.

Since then, the area has been viewed and analyzed by Kenneth Dearolf, dirctor of the Kenosha Museum; R.C. Koeppen, a botanist at Wood Anatomy Research Center, Forest Products Laboratory, Madison, Wis.; the Geochronology Laboratory of the U.S. Geological Survey; and the University of Wisconsin — Parkside.

The most recent studies by people outside of Kenosha were done two years ago by the Milwaukee Museum.

Evidence Uncovered.

Exposure has been especially prevalent during this past spring. Constant storms revealed and then covered more evidence of the buried forest.

In April, four closly located stumps, embedded in a 12-inch layer of black humus that overlies a strata of clay, appeared. The four, identified as three red oak and one elm, ranged from 12 to 15 inches in diameter and were one foot high.

These stumps are no longer visible, since constant modification of the shoreline has recovered them, while at the same time exposing other logs.

Entombed by glacial debris, the sample logs are spongy and black. Identified as hardwood, their discovery has been paralleled by geologists to the discovery of a softwood forest in Two Creeks, Wis., dated as 11,400 years old.

Analyzation of the logs reveals not only Wisconsin's prehistoric tree life, but also its plant life, since the pollen maintained in the logs can be studied in order to discover the types of vegetation abundant during the Pleistocene geological epoch, 6,000 years ago.

Indian Campsite

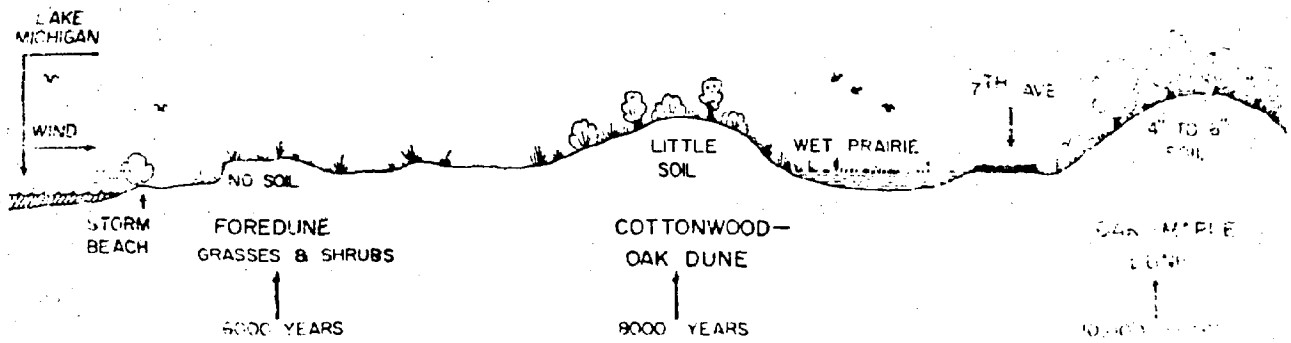
Further up on the beach, historic revelations of a different type have been made. Artifacts such as arrow points, fire-cracked igneous rocks, hammerstones, and sinkers give evidence that early Indians used this area as a campsite. According to Sander, the Indians would migrate here during the summer months to fish and hunt. This annual migration dates as far back ago as 5,000 years, up until the 1700's.

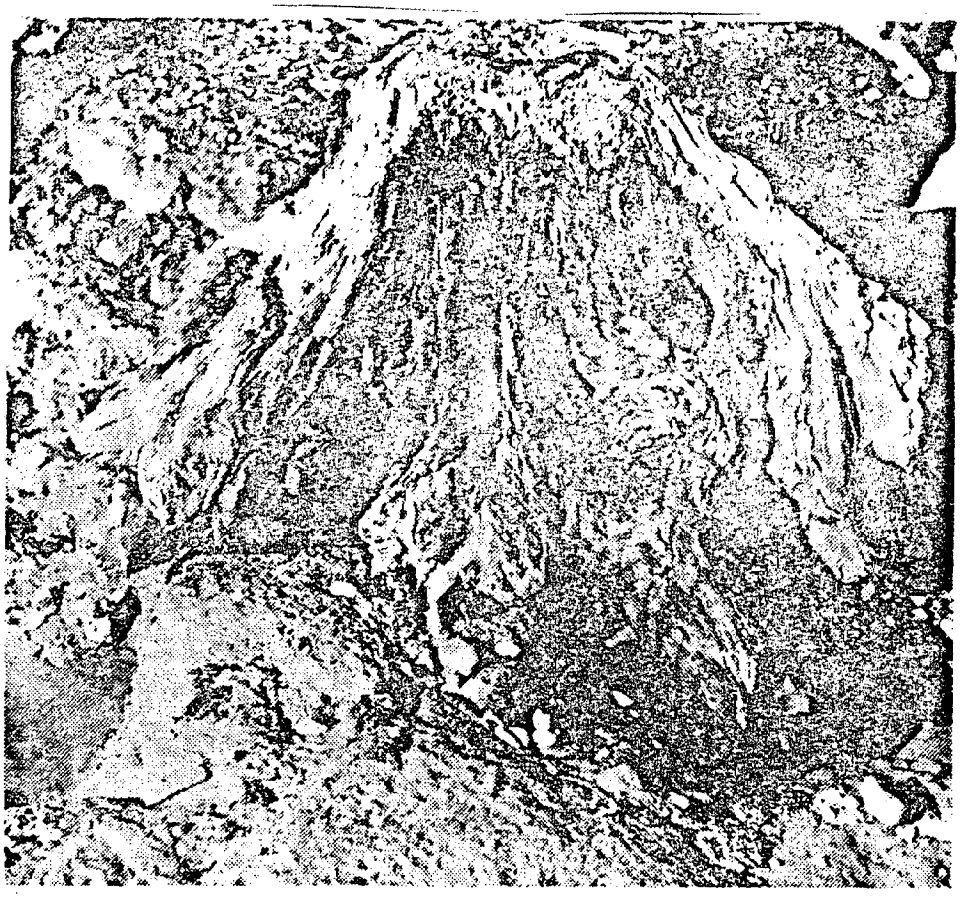
The dunes area provided plenty of materials for the native Americans to work with. Cattails from the nearby prairie were used for weaving mats and huts. Waterworn rocks helped fashion implements such as axes, spears, and arrowheads. Pottery was formed from clay located along the lake. Broken rock, flakes of chert, and other stone refuse can still be found at the former workshop site.

Wisconsin's climate was too harsh for the Indians during the winter, so they would migrate to the south or west every fall. The dune area provides a route for migrating animals as well. In the past, as at present, hawks and monarch butterflies fly south along the thermal air currents caused by the lake.

Vehicles Destroy Dunes

While deterioration cannot threaten the rich history of the Southport dunes, it does threaten the preservation and knowledge of that history. Even the foredunes, although not affected by the shore-bouldering nec-





Remnant of a buried forest, this stump is one of several uncovered by wave erosion at Southport sand dunes last spring. More than 6,000 years old, the stumps ranged from 12 to 15 inches in diameter and were one foot high. The stump pictured above was identified as a red oak. Since the picture was taken, wave action has re-buried the stumps.

essary to stop beach erosion, have fallen victim to cycles and dune buggies which tear away the dune reeds, beach grass, wild rye, and wheat grass that stabilize the mounds of sand.

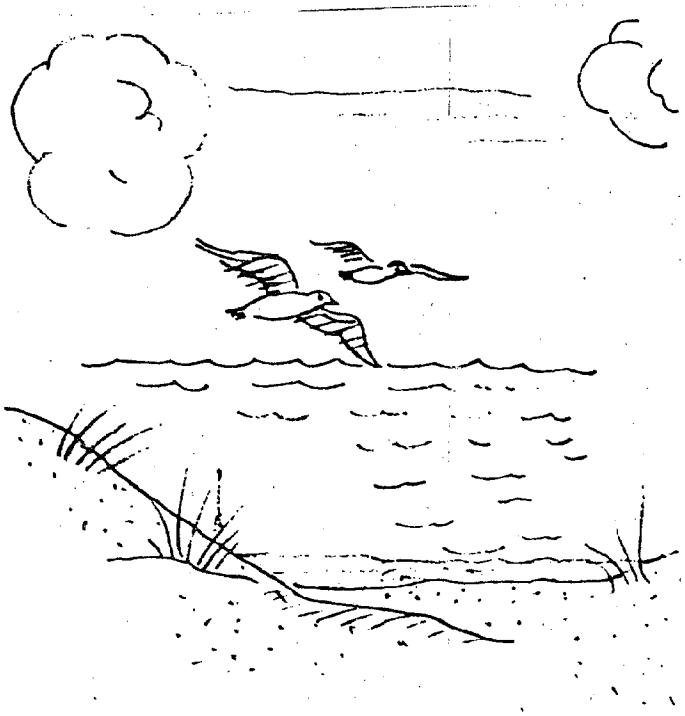
This needless destruction of nature bothers Sander infinitely more than the preventitive bouldering of the shoreline. For although he regrets that the lake-bordering bluffs had to be destroyed, the only alternative he could see was to have all the dunes, perhaps all the way to 7th Ave., absorbed by the rising lake.

Fortunately, the buried forest is not entirely lost to further research. However now, instead of waiting for wave action to peel away the sand above it, samples must be attained by digging down into the area.

Dunes Will Return

The dunes obliterated by the crane are not lost forever either. Wind action will shift the sand into mounds again; breezes will drop seeds from dune grass to the west, and the piles of sand will be stabilized once more, with leaves of the binding grasses regenerating themselves each time the wind re-buries them with sand.

Within five of 10 years, the dunes will once again dot the shore, for while man may be able to put it down a bit, nature still has the upper hand.



Carol Beach

Dream erodes with shoreline

By EMILY THAYER
Staff Writer

In the early 1900s the sandy strip of Lake Michigan frontage nestled between the Kenosha city limits and the northern border of Illinois was "nothing more than sand dunes with a few scrub oaks on it."

Youngsters of the World War I era played along the shores, hunting Indian relics and "skinny-dipping down past 75th Street, below the second fence."

In the months of September and October the swamplands became "infested with owls" and the young teen-agers, would-be hunters, whose brothers and fathers were in the trenches of France, shot at the owls with rifles, recalled Kenosha native Milton Steinmetz.

In 1924, a wealthy, recently-divorced heir to the millions of John D. Rockefeller Sr., Edith Rockefeller McCormick, developed interest in the unoccupied land once inhabited by the Potawatomi Indians.

On May 5, 1924 McCormick purchased 1,559 acres of the virgin land from the Schuyler Van Ingen estate. Van Ingen, recalled Steinmetz, lost five of his children on Dec. 30, 1902, in the Chicago fire of the Iroquois Theatre. Several other daughters, however, married and lived in Kenosha.

McCormick, a woman accustomed to the luxury of a 45-room mansion in the northern Chicago suburb of Lake Forest, Ill., made the total purchase of 1,800 acres with lofty dreams.

On October 12, 1924, McCormick announced that she planned to develop the land as a "millionaire resort," at a cost of $15 million.

And as the 1920's brought prosperity to Kenosha, a growing town of 40,000 which moved to the rank of the third most populous Wisconsin city, McCormick began developing her "millionaire resort," dubbing it Edithton Beach.

An artist's rendition of the proposed resort portrays Edithton Beach as a model city, with a golf course, playgrounds, schools and old English style downtown buildings. Undoubtedly it was to be a resort for those millionaire-acquaintances of Edith Rockefeller McCormick.

But little more than an arch across Highway 32 proclaiming Edithton Beach, and a few roads leading to the sandy dunes, was accomplished before the stock market crash of 29 reduced the heiress' millions. Three years later McCormick died, owing her creditors $10 million.

For the next seven years the title to Edithton Beach, Inc. was passed among various trustees, perhaps millionaire-acquaintances of the late McCormick.

On Nov. 1, 1939 three attorneys, among them Kenosha attorney David Phillips, filed articles of incorporation with the Kenosha County Register of Deeds, representing a "Chicago syndicate of businessmen" with tentative plans for development of Edithton Beach.

While the plans for development of the lakeshore frontage, which "succumbed to the onslaught of the depression in the early 1930s," were not made public, the attorneys "indicated intensive activity . . . for injection of new life" into the area, reported the Kenosha Evening News.

The Chicago businessmen who were to later develop Edithton Beach into a residential community of 1,500 people had little on their minds other than fishing, the day they decided to purchase 1,200 of the acres.

Realtor Joseph Shaffron, then a Chicago resident, was vacationing in northern Wisconsin in Manitowish Waters with eight business associates, when he closed the deal over the telephone with Phillips.

"We only looked at the land because it was offered to us," said Shaffron of the land which was to be later developed as modest homes, and named after his daughter Carol. "It was an interesting deal, fascinating.

"We anticipated profits and it did turn out to be profitable. The land developed just as we had anticipated."

For seven years the land remained undeveloped, 845 acres used as an anti-aircraft training site during World War II. But World War II brought many changes, and one of them was Shaffron's move to Kenosha.

A realtor with 25 years experience, Shaffron took over management of the land and made plans to develop it with homes.

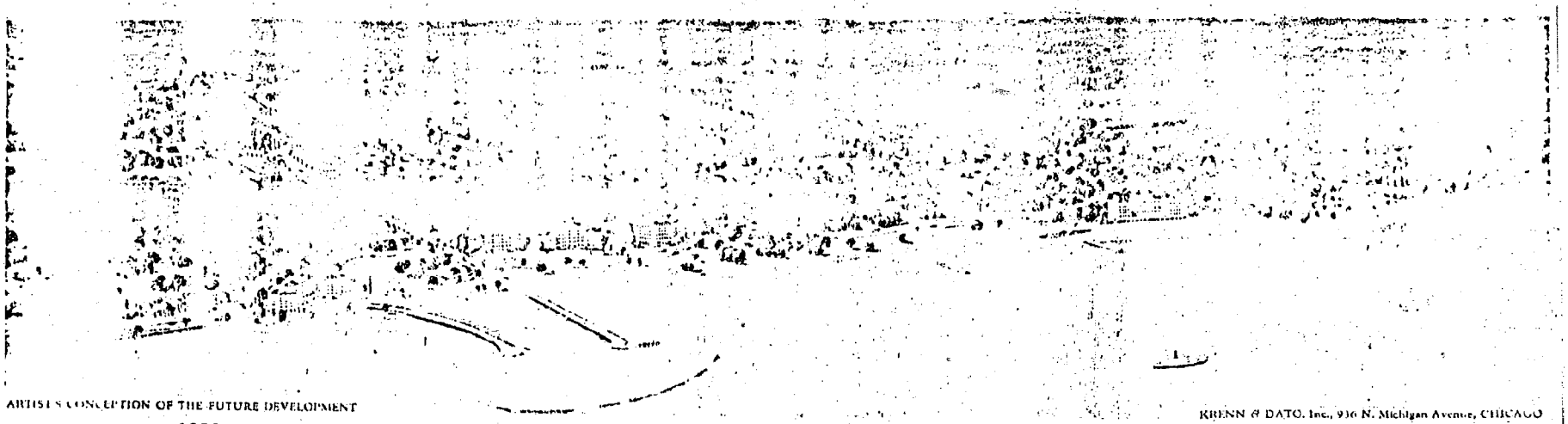
The development was not to be a "second Evanston" as the Milwaukee Journal reported in 1962. "I immediately stopped that idea because in my opinion it was not a good idea," recalled Shaffron. "It was too great of a distance to be considered a suburb of Chicago."

Edithton Beach, associated with the lofty dreams and pronounced failure of a wealthy idealist, was renamed Carol Beach Estates by Shaffron, whose daughter Carol was born the day Shaffron assumed management.

"The name of Edithton didn't do us any good," explained Shaffron. "So I gave Carol $10 for the use of her name."

Before homes were constructed however, Kenosha conservationists and historians became interested in the land for use as a state park, and urged citizen support of such an endeavour.

". . .the preservation of this unique stretch of shoreline would be a great contribution to the cultural resources of the state," wrote Kenosha Historical and Art Museum Curator Norbert Roeder. "Here . . . we can still catch a glimpse of what those first settlers saw as they



1920s artist drawing depicts what was to become the millionaire resort of Edithton Beach. The dream never materialized.

Kenosha News photo by J. Martin Roche

Street through Carol Beach shows what development actually took place

crossed through southern Wisconsin."

Accessibility of highway, rail or water, "ideal" bathing conditions, adjoining woodlands and the need for "wholesome outdoor recreation in natural surroundings" for the urban and industrial population were cited as recreational values of the 1,277 acres assessed at $107.51 per acre.

". . . by putting a great deal of effort into (this) our results will be a success," wrote Racine City Planner Floyd Carlson in April 1946. "We cannot take the attitude of 'let someone else do it.' "

Effort put forth by the Kenosha County Conservation Club and city and county officials was unsuccessful however, and within 10 years eleven units of houses stood on the once-virgin prairies.

The newly-developed homes in the late 1940's were sold primarily to Chicago area residents, many of whom were World War II veterans who bought the homes with a loan at a four percent interest rate.

"We first anticipated it as a resort," Shaffron said. "Within three years we knew it would be permanent."

It wasn't until the 1950s that Kenosha residents began purchasing the homes, diminishing Shaffron's and his associates' original plans of a private resort for Chicagoans seeking a summer haven.

By the early 1960s, Carol Beach Estates had been developed with 265 houses, and commercial development had sprung up along Highway 32. Two hundred acres had been developed as industrial park and an additional 200 had been given to the township of Pleasant Prairie for use as a park.

Development in the '40s and '50s had its snags, however, the most serious being that of erosion of the shoreline. It was a problem which Shaffron and his associates were unaware of at the time of purchase.

"It was a major problem," recalled Shaffron. "We had an average loss of 800 feet along the three-and-one-half miles of lake frontage. We spent a lot of money and fought with the government to do something about it."

Government interest in the eroding southern Wisconsin shoreline was minimal however, and Shaffron invested his own money in developing a method of preventing erosion.

"I was interested in the property and wanted to save it," said Shaffron of his battle against the timeless erosion problem.

The 1,500 residents of Carol Beach Estates today live in an area rich with history, and while a child playing along the shoreline may not find Indian arrowheads, a trace of McCormick's "millionaire city" is evident by remaining foundations of the 1920's-era buildings, hidden among the remaining prairie grasses.

KENOSHA NEWS

New owner plans to expand marina

Kenosha — The financially troubled Trident Marina has a new owner with plans for expansion.

The marina on the Lake Michigan shore in the Town of Pleasant Prairie south of Kenosha has been acquired by First Trident Corp., owned by Donald Conley, a Chicago (Ill.) attorney, a spokesman for the firm said Tuesday.

He said First Trident intends to expand operations and add jobs at the marina, which has about 200 boat slips.

Plans for expansion of the marina and development of related recreational and tourist facilities will be announced within the next few months, he said.

First Trident completed acquisition of the marina by purchasing the foreclosure rights of McHenry Savings & Loan Association for $430,000 and agreeing to pay the marina's creditors in full.

The marina previously was owned and operated by Marina Enterprises, a partnership in which Mort Shear was majority owner and Conley had a minority interest.

McHenry Savings & Loan held the first mortgage on the marina and sought to sell the property in a mortgage foreclosure proceeding. To protect its interest in the property, Marina Enterprises filed for reorganization under Chapter 11 of the Bankruptcy Act.

THE MILWAUKEE SENTINEL

Study group to develop pattern

Chiwaukee, urban balance sought

By ARLENE JENSEN
Staff Writer

PLEASANT PRAIRIE — It is possible to create a balance between environment and development in the Chiwaukee Prairie-Carol Beach area, George Melcher told a study committee Wednesday.

"We have an environmental corridor," said Melcher, "but we also have urban enclaves. It all has to be tied into a logical, balanced pattern."

Melcher, director of the Kenosha County Office of Planning and Zoning, is one of a committee of about 20 persons studying Chiwaukee prior to development of a land use management planning program.

The committee represents federal, state and local levels of government as well as environmental groups and private citizens. The area being studied is bounded on the east by Lake Michigan, the Wisconsin-Illinois line on the south, Highway 32 and the Chicago and North Western tracks on the west and by 80th Street on the north.

The study area encompasses 1,825 acres or about 8 percent of the total area of the Town of Pleasant Prairie.

Of primary concern is a plan to identify which portions should be preserved and protected to maintain environmental qualities and which should be served by sanitary sewers.

Philip Evenson, assistant director of the Southeastern Wisconsin Regional Planning Commission, said the study area is anchored by two important natural resource areas: the Kenosha sand dunes on the north and Chiwaukee Prairie on the south. An environmental corridor connects the two, he said.

Evenson asked all groups to list their priorities or specific areas of concern in the planning process.

Protection of wildlife habitat is a priority for the U.S. Fish and Wildlife Service, said biologist Ronald Spry, not only for animals that are permanent residents but for transients as well.

Spry said America's wetlands are being drained at the rate of 2,000 to 3,000 acres per year, making it difficult for certain species of waterfowl to survive.

Many migratory birds that nest in Canada during summer and Louisiana during winter use the Chiwaukee area as a resting place between the two, said Spry.

James Morrissey, of the U.S. Environmental Protection Agency, said the main thrust of EPA would be to prevent the degradation of water.

"EPA has taken the position that all wetlands are not equal," said Morrissey, "but this area has high quality wetlands."

The Department of Natural Resources will concentrate on defining a developable wetland, said Sharon Meier, DNR planning analyst, and continue to study those areas that are available for development.

"The committee should keep in mind that a major sewer problem exists in the area," said Thomas Terwall, Pleasant Prairie side supervisor, "and we need to define a sewer service area that can be considered cost effective."

O. Fred Nelson, Kenosha Water Utility manager, echoed Terwall's concern and said, "The sewer problem won't be solved by leaving it alone."

The Kenosha treatment plant is just north of the dunes area.

A major concern of the Town of Pleasant Prairie is providing utilities to the area, said Town Chairman Donald Wruck "for existing urban development and residents of the future."

Florence Jensen, a citizen representative, said, "We don't want the environment disturbed. We're here because it is a unique area, and we want to keep it that way."

The next meeting of the committee is tentatively set for Oct. 6.

KENOSHA NEWS
September 2, 1982

Residents critical of proposal

Chiwaukee-Carol Beach plan mapped out

By ARLENE JENSEN
Staff Writer

PLEASANT PRAIRIE — Preliminary plans for the future of Chiwaukee Prairie-Carol Beach drew criticism Thursday from residents of the area who got their first look at a mapping proposal.

The plan sets forth a proposal to preserve natural resource areas, provide sewers to residential enclaves and promote more intensive development along some areas of the lakeshore.

A special committee of about 20 persons representing federal, state and local governments and environmental and citizen groups, is studying the area and will make recommendations on future land use.

Encompassing 1,825 acres, the area being studied is located in the eastern portion of the Town of Pleasant Prairie bounded by Lake Michigan on the east, Wisconsin-Illinois line on the south, Highway 32 and the Chicago and North Western railroad tracks on the west and 80th Street on the north.

Carl Salerno, 11731 First Ave., complained about the conservancy label on his lakefront property and said he didn't believe his property contains any endangered plants.

"If they are there, they must be under the fill dirt," he said.

Stephen Barasch, 8610 Second Ave., said, "The most endangered species is the property owner."

In explaining the mapping proposal, Russell Knetzger, Pleasant Prairie planner, said the most significant areas of preservation include Chiwaukee Prairie at the southern end of the study area, and the Kenosha sand dunes to the north.

The two areas will be connected by an environmental corridor running along the railroad tracks but including two lesser natural resource areas not previously listed in the plan.

Knetzger said an area halfway between 90th Street and Highway Q could qualify as an area worthy of preservation. It currently contains seven homes, he said, but a proposal could be developed to acquire the homes and relocate them out of the preservation zone.

The Wisconsin Chapter of the Nature Conservancy currently owns substantial tracts of Chiwaukee Prairie land, but representatives said Thursday they "could not raise enough money to purchase miles and miles of land."

An area between Tobin Road and Highway Q, which is largely undeveloped, is the fourth important natural resource area, Knetzger said.

All lakefront lots have lost land to Lake Michigan, said Knetzger.

"At Tobin Road, the lake is 1,000 feet closer than it was 100 years ago, and it's not done yet."

Because of the expense to private property owners for shore protection, Knetzger said, that area could be proposed for more intensive development such as condominiums along the beach. Commercial developers are more financially able to handle the cost of shore protection, he said.

"New roads will have to be built in some areas," said Knetzger, "but where lots have already washed into the lake, it might be cheaper for the Town of Pleasant Prairie to just let the road go."

E.L. Crispell, town engineer, estimated the total cost of sewer, water and streets for the entire project area at $12.4 million.

Sewers to designated areas would be the most expensive, said Crispell, with a network of pipes and three lift stations pumping to an interceptor sewer along Sheridan Road. He estimated $5.5 million for sewers.

Water service to the area would cost an additional $4.1 million and necessary road construction $2.8 million.

Philip Evenson, assistant director of the Southeastern Wisconsin Regional Planning Commission, urged the audience to view the proposal "only as a point of beginning. We are looking ahead 10, 15 or 20 years. Nobody is saying that Pleasant Prairie is coming in tomorrow to start building sewers."

Sharon Meier, planning analyst for the Wisconsin Department of Natural Resources, said local governments must draft a plan for protection of wetlands.

"If the county and DNR do not agree on those areas that need protection," said Ms. Meier, "the DNR can adopt a policy that the county will be required to administer."

The map will be available for review at the Pleasant Prairie Town Hall until the next committee meeting, which will be announced later.

KENOSHA NEWS
October 8, 1982

Chiwaukee-Carol Beach study challenged

Officials want DNR powers defined

By ARLENE JENSEN
Staff Writer

PLEASANT PRAIRIE — Kenosha County officials will demand some answers from the Wisconsin Department of Natural Resources before a study of Chiwaukee Prairie-Carol Beach continues.

The question most often asked is: Does DNR have the power to place already platted land under the confines of shoreland-wetland zoning?

At Tuesday's joint session of town and county officials, members of the Kenosha County Planning and Zoning Committee voted to have the question researched by the county's legal staff, then seek a meeting with C.D. Besadny, DNR chief.

The scope of DNR's power will have a decided impact locally, according to Philip Evenson, assistant director of the Southeastern Wisconsin Regional Planning Commission, who told the group, "The clock will soon begin to run in Kenosha County on shoreland-wetland zoning."

Evenson said shoreland zoning attaches to all land within 1,000 feet of a lake or 300 feet of a stream.

An amendment which passed the Legislature recently "requires DNR to require counties to zone wetlands for protection and preservation," he said.

"The problem is," said Evenson, "in an inventory of wetlands throughout the state, Carol Beach stands out."

A special committee of federal, state and local government representatives is studying Carol Beach-Chiwaukee Prairie from the state line to the city limits, from Lake Michigan to Sheridan Road, an area of 1,825 acres.

Committee members hope to come up with a plan that will identify which portions of the area should be preserved and protected to maintain important environmental qualities and which should be served by a network of sanitary sewers.

Evenson said Tuesday 839 acres, or 46 percent of the study area, has been defined as wetland.

"My understanding is that DNR will require you to place all wetlands in conservancy zoning, ruling out the type of development that was once envisioned for the area," said Evenson.

County Board Supervisor Wayne Koessl said he would not vote to change the zoning to conservancy.

"UW-Parkside and Bong Recreation Area have already been taken off the tax rolls of Kenosha County. This could mean another $50 million," said Koessl.

"Instead of trying to second guess the DNR," said Supervisor James Fonk, "Let's find out first hand what they intend to do and what kind of jurisdiction they have."

Pleasant Prairie Town Chairman Donald Wruck said residents of the area have indicated they are preparing for a fight on the issue.

"I've had a lot of calls from people who say they are willing to spend money to fight this thing," he said.

"I perceive a general feeling on the part of local officials as well," said Evenson. "They feel that lands that have already been subdivided should be developed as the market indicates."

THERE WILL BE pressure on both sides of the issue. Evenson predicted pressure from environmental groups. Fonk promised pressure, in return, from Kenosha residents and officials.

In outlining a time frame for the wetland issue, Evenson said, "The clock begins to run when the DNR delivers its version of wetland maps to George Melcher." Melcher is Kenosha County Director of Planning and Zoning.

Once the maps have been received, the county has 90 days to respond, to challenge the accuracy of the mapping process.

Evenson said there is also a provision for an additional 90 days during which the county is required to hold formal public hearings before the maps are declared final and six months from that date to adopt zoning to correspond with the maps.

The schedule would place final adoption well into 1983, Evenson said, but if we don't end up with a plan that leaves the wetlands intact, there will be a confrontation between the county and DNR.

KENOSHA NEWS
October 27, 1982

Kenosha prairie to test DNR role

By Paul G. Hayes
Journal Science Reporter

A gentle prairie that cloaks the southeastern corner of Wisconsin with elegance each spring may become the battleground for the first major test of the state's new wetlands and shorelands zoning act.

The area in Kenosha County — 1,800 acres in a narrow strip on Lake Michigan's shore from the City of Kenosha's southern boundary into Illinois — contains, according to some biologists, wetlands and biological communities of statewide importance. Some rare and endangered plants are involved.

For instance, here grows the largest concentration of white-fringed orchids in the central Midwest, said Don Reed, biologist for the Southeastern Wisconsin Regional Planning Commission.

But the area also has been platted for years. Hundreds of small lots were sold off in the 1950s for development as single-family residences. Many, on high ground, have homes on them now. Many others remain as undeveloped 80-foot lots.

Now a classic confrontation of landowners, local governments operating under restricted budgets, environmental groups and the State Department of Natural Resources is developing. So far, the parties remain polite, but the battle lines are becoming fixed.

The act that is forcing the issue was the arrival in Kenosha County of DNR maps locating important wetlands. No one questions that much of the Kenosha County area is wetland and this is reflected on the maps, said James Kurtz, director of the DNR's bureau of legal services.

Meeting with DNR

Under the 1981 Wetlands and Shorelands Zoning Act, county governments must adopt zoning regulations that protect important wetlands from development or farming, recognize their importance to wildlife, rare plant communities and clean water.

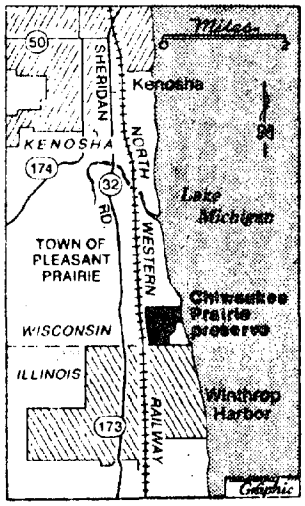
A task force formed by SEWRPC representing all parties failed to achieve a consensus on what to do. Therefore, Kenosha County officials have asked for a January meeting with the DNR.

Some Kenosha County and Town of Pleasant Prairie officials have made it plain that they oppose efforts to zone the wetlands for conservation.

"I'm not in agreement with anything that changes our long-range plan," said Gilbert Dosemagen, county administrator. "Anything that's platted, as far as I'm concerned, should be developed."

Dosemagen said he opposed any zoning that, in effect, would be "confiscation" of private property. And he said the county lacked funds to buy the properties for preservation.

At the same time, he said, it is unlikely that sewers will be ex-



tended into the area. Such a system would require expensive pumping stations. A lack of sewers might convince some owners to sell their lots for preservation, he said.

Even so, Philip C. Evenson, assistant director of SEWRPC, said that while most of the soils were unsuitable for septic tanks, sewage holding tanks could be installed lot by lot. Thus, a lack of sewers alone would not prevent further development.

George Melcher, planning and zoning administrator for Kenosha County, said he intended to propose retaining residential zoning for all of the private land in the area except, perhaps, for a parcel owned by Wisconsin Electric Power Co.

Southeast Kenosha County has the largest concentration of white-fringed orchids in the central Midwest

The Milwaukee-based utility owns 150 acres on the lakeshore just south of the City of Kenosha. It holds a cooling water intake for the firm's Pleasant Prairie power plant to the west.

At one time, the firm intended to build a power plant there. While it has no immediate plans, a spokesman said the firm wanted to keep the land for possible use in the future.

A coalition of environmental groups called the Wisconsin Environmental Network fears that the area is vulnerable to the construction of roads, sewers and houses, and thus, the complete destruction of the natural values.

The environmental advocates would like the entire area zoned as a conservancy district. During a grace period, present owners could build on their lots but after that period no new homes could be built, the Network suggested.

Several observers said the case was shaping up as a major test of an important new law — one that was intended to protect remaining wetlands from drainage or development.

"If the DNR caves in on some of the most important wetlands in the state, how can it go to another county and make a case to protect wetlands that may not be as valuable?" said one.

Kurtz said the DNR would follow the intent of the law.

"We're not going to be unreasonable, but we're not going to roll over either," he said.

Part of the importance of the 1,800 acres in question is scientific.

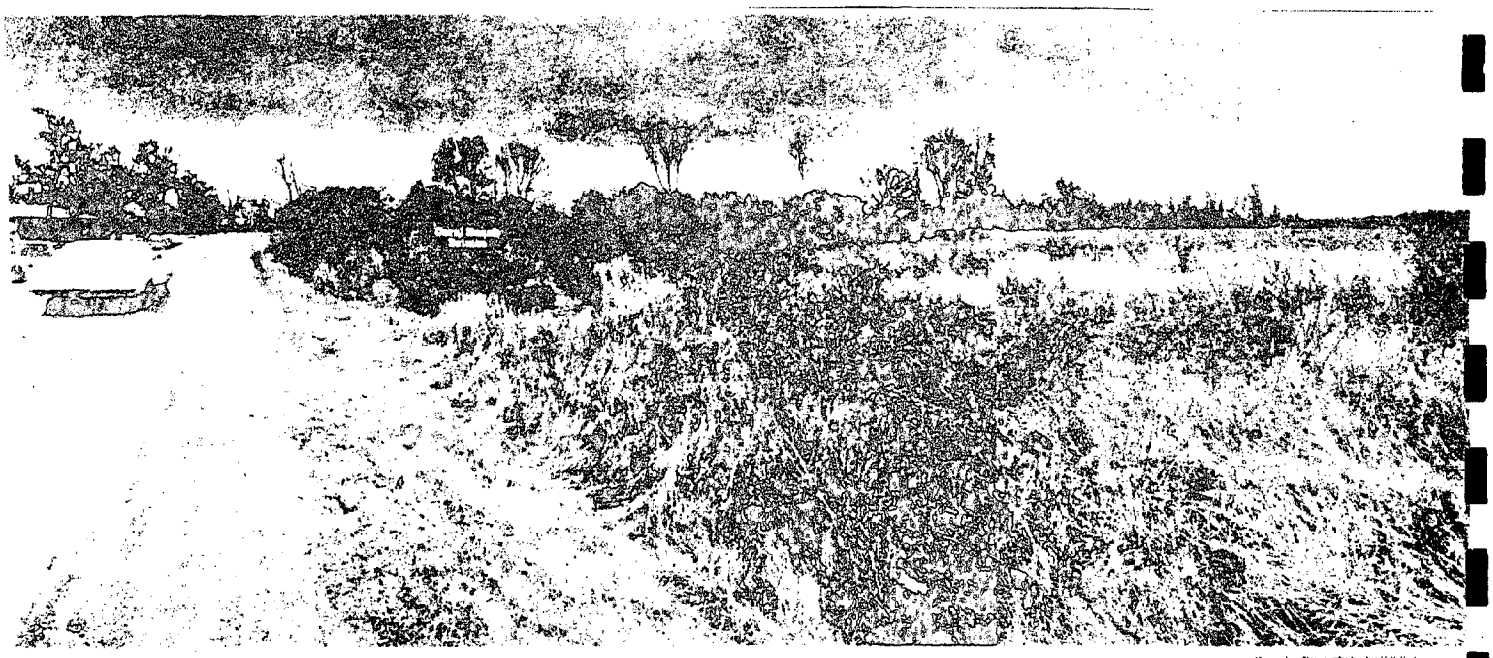
The preservation of about 140 acres of the Chiwaukee Prairie by the Nature Conservancy in the area several years ago is testimony to its worth. Chiwaukee is said to be the largest wetland prairie to survive unchanged since the glacial age that helped form it.

The prairie is unique in that it grows only native species of plants.

According to Reed, SEWRPC's biologist, the area also contains one of the fewer than 100 calcareous fens known to exist in the United States.

A calcareous fen, said Reed, is a wetland whose chemistry is calcium-based and which grows a distinct community of plants, including, in this case, a lily called the False Asphodel, a threatened species in Wisconsin.

THE MILWAUKEE JOURNAL
December 7, 1982



Kenosha News photo by Bill Siel

Chiwaukee Prairie-Carol Beach area encompasses homes and vast wetlands along Lake Michigan in Pleasant Prairie.

Officials to meet with DNR

Chiwaukee-Carol Beach future uncertain

By ARLENE JENSEN
Staff Writer

Wetlands equal wastelands. That used to be the accepted equation.

Today, though, the ecological value of wetlands for protecting water quality, wildlife habitat and for flood control is generally recognized.

But what happens when ecological considerations come up against the property rights of persons owning homes or buildable lots in a designated wetland area?

It is a problem that Kenosha County is going to have to face in the Chiwaukee Prairie-Carol Beach area. And it could put the county between a rock and a hard place; between state requirements and the wishes of area residents.

In a meeting set for Friday with C.D. Besadny, chief of the state's Department of Natural Resources, the county Planning and Zoning Committee will seek a "less drastic" compromise plan that would include development in some wetlands, conservancy zoning in others.

"It is a sounder approach from the standpoint of professional planning," Kurt Bauer, Southeastern Wisconsin Regional Planning Commission director, told the local committee Wednesday.

If the local plan meets with Besadny's approval, Bauer said, "some wetlands could be filled and developed . . . with utility services made available to those areas. There are other wetlands that should be preserved, but there should be arrangements made for the purchase of those by the private sector."

The potential confrontation — which surely will affect many other areas of the state — has its origins in an administrative rule, NR-115, adopted by the state Department of Natural Resources in 1980 in response to petitions from a coalition of environmental groups. An administrative rule has all the effect of a state law although it is not enacted by the Legislature.

NR-115 requires each county to protect wetlands, or those portions of wetlands within 1,000 feet of a lake, 300 feet from a stream or to the edge of a floodplain.

The special zoning, which counties are required to establish and enforce, can limit the use of such lands. The landowner may have to show that there will be no environmental harm caused by the use he plans for his property.

This may be generally acceptable to property owners in some areas, but what of the more than 1,800 acres along Lake Michigan from the Kenosha city limits south to the state line, east of Sheridan Road?

Forty-six percent of this land has been identified as wetlands by DNR although significant areas have been subdivided and there are already many homes existing.

The area is under study by a special committee of federal, state and local representatives. The committee hopes to come up with a plan which will identify those portions which should be preserved to maintain environmental qualities and those which should be served by a network of sanitary sewers for residential development.

MOST LOCAL OFFICIALS and property owners believe that land already subdivided should be excluded from the wetlands definition and developed as the market indicates, according to Philip Evenson, assistant director of the Southeastern Wisconsin Regional Planning Commission.

All 72 Wisconsin counties are required to adopt the provisions of NR-115. If they fail to do so, DNR can adopt a wetlands ordinance for them and require the county to enforce it.

Apparently, Kenosha County and the rest of Wisconsin will have wetlands zoning whether by normal passage of an ordinance by the County Board or by DNR directive.

In the opinion of Assistant Corporation Counsel Nancy Van Allen, if the county enforces a wetlands zoning ordinance which prohibits or restricts business, industrial and residential uses of the affected areas, "the county would be exposed to liability."

That means property owners could sue for damages, she said.

"It is my best prediction," Van Allen said, "that we could be held liable in every individual case. The facts could vary from case to case, depending on individual property owners, but there is enough risk that the County Board should not blindly rezone without considering that."

WHAT KIND OF TIME frame is involved?

"The clock began to run when the DNR deliverd (to the county) its version of wetland maps," Evenson has said.

The preliminary map which shows what DNR considers to be wetlands was received by Melcher last month.

The county has 90 days from receipt to challenge the accuracy of the preliminary map. There is an additional 90-day period during which the county is required to hold formal public hearings before the maps are declared final by DNR. From that date, the county will have six months to adopt zoning to correspond with the wetlands mapping, according to Van Allen.

That means it would be the end of 1983 before Kenosha County must have its wetlands zoning ordinance. Brown County will have its ordinance in place early this year and about 30 other counties before year's end.

"We are attempting to solve our wetland concerns at a local level," said George Melcher, Kenosha County director of planning and zoning, "by establishing our special Chiwaukee-Carol Beach committee. We hoped to get an agreement everyone could live with. We need to preserve wetlands, but we need a balance."

Planning and Zoning Committee members Wednesday decided to accept Bauer's proposal seeking DNR approval of a compromise "planning approach" to the wetlands question.

Corporation Counsel Frank Volpintesta said the plan is "a good alternative . . . it would allow us to develop our own plan, a less drastic one and resolve our own problem."

Melcher agreed, but said "without private sector money attached, the plan would be unfeasible."

If there is to be wetland zoning," said Volpintesta, "the plan should have a procedure for a viable program to fund the purchase of lands that were platted a long time ago. If you simply come in and zone, without compensation, it is contrary to the law."

Friday's meeting with the DNR chief is scheduled for 10 a.m. in Room 021 of the DNR offices in the State Office Building in Madison. It is open to the public.

THE KENOSHA NEWS
February 10, 1983

Chiwaukee Prairie could be state wetlands test case

By Kelly Donahue
of the Journal Times

The Chiwaukee Prairie's Carol Beach area in southeastern Kenosha County could be a test case in the state's wetlands mapping debate.

Kenosha County and the Department of Natural Resources are struggling to reach a compromise that could result in preservation of part of the 1,825 acres of the Chiwaukee environmental corridor, a site some consider to be of prime ecological importance.

The land extends south of the Kenosha city limits to the Illinois border, between Lake Michigan and Sheridan Road.

The move to save wetlands stems from an administrative rule adopted by the DNR in 1980, calling for protection of wetlands.

Preserving parts of Chiwaukee area is not simple. Some lots in the Carol Beach area were sold in the 1920s and '30s, when buyers were told the land was zoned residential, said Frank Volpintesta, Kenosha County Corporation Counsel.

Homes were built on some lots and others remain vacant. If the land is declared wetlands and preserved, there must be a provision for compensation for owners, he said.

Without compensation, "... we feel the county could be subject to inverse condemnation litigation," Volpintesta said.

But Kenosha County, the Town of Pleasant Prairie and the state have no money to compensate owners, he said.

"The state says they don't have to pay these people because they're in a bind. We need innovative legislation to give tax incentives, or something," Volpintesta said. "The state is rolling the dice on this ... (and) jeopardizing all their programs.

"The area has unique ecological features, I'm told. If that's the case, they (the state) have to pay for it. Government has to pay for its mistakes."

Plans for development collide with conservation efforts.

"It's not that we're anti-conservation ... (but) we don't know if all wetlands should be preserved," Volpintesta said.

The Nature Conservancy, a national environmental group with a Madison office, bought some prairie land in a preservation effort. Volpintesta said the Conservancy "... should be brought into this."

"These are alternatives the DNR hasn't looked at," he said.

Brent Haglund, acting director of the Nature Conservancy, would not comment on the group's activities regarding Chiwaukee.

Sharon Meier, a planning analyst with the DNR's bureau of water resources management, said one issue important to the DNR in the Chiwaukee situation is shoreland zoning requirements.

While 46 percent of the Chiwaukee corridor has been mapped as wetlands, the department must look carefully to determine if individual lots should not be considered wetlands, she said.

Meier said a plan for the area drawn up by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) for the Town of Pleasant Prairie calls for sanitary sewers. But she said sewers can't be installed to serve developments within an environmental corridor.

In addition, she said with development scattered over the area, it doesn't look like sewers would be "cost effective."

"To go forward, we must agree on what are the constraints ..." Meier said.

Said Volpintesta, "We're just waiting to hear from the DNR."

RACINE JOURNAL TIMES
February 20, 1983

Prairie preservation should get top priority

The struggle over the Chiwaukee Prairie Carol Beach area in southeastern Kenosha County continues, now with the Department of Natural Resources involved because of its rule adopted in 1980, calling for protection of wetlands.

Not only is preservation of the prairie threatened by development, but some lots in the area were bought in the 1920s and '30s and the buyers were told the land was zoned residential. Some of these lots became sites for homes and if these areas must be given up to protect the wetlands for preservation the Kenosha County Corporation Counsel wants compensation to the property owners made available.

This seems reasonable, but the state apparently does not have funds for this purpose, nor does Kenosha County or the Town of Pleasant Prairie, in which the land is located.

Adding to the confusion is the fact that some of the prairie land is owned by The Nature Conservancy, a national environmental group with a Madison office. Obviously, a meeting of the minds is called for to come up with an equitable solution.

A welcome move to solve the dilemma has come from two Southeastern Wisconsin senators, Joseph Strohl, Racine, and John Maurer, Kenosha, who jointly have called on the DNR to take whatever steps are necessary to protect the prairie from future development.

They note that the Wisconsin Environmental Network, a coalition of environmental groups in the area, has set up a plan whereby the entire area can be zoned a conservancy district, and under the plan no existing homes would be moved or destroyed and present lot owners would be given a grace period during which they could erect new buildings.

A major reason for preserving Chiwaukee Prairie is that, miraculously, it is still there to preserve — a remarkable remnant of this area's prairie past. Once gone, whether to "development" or unalterably changed by draining adjacent land, it is gone forever.

In a relatively compact space, the area provides examples of five different types of prairie, from wet to semi-arid, and includes 22 rare or endangered plant species. Naturalists recognize this uniqueness and come from all over the world to examine it.

It is the home of numerous, now rare, plant species, as well as a refuge for bird and animal life. It is also a source of endless delight to those who visit it to experience the subtle changing of the seasons on the prairie and the view the area as the Indians and the first white settlers saw it.

They wisely left it alone, recognizing that it's greatest value stems from leaving it as they found it. We hope that native widsom will prevail today.

Watts the alternative?

RACINE JOURNAL TIMES
February 23, 1983

Carol Beach unit to seek sewers

By JOHN McINTYRE
Staff Writer

PLEASANT PRAIRIE — With several Carol Beach Subdivision-Unit I septic systems having been condemned by the county and with many others apparently in jeopardy of condemnation, residents there have decided they want a sanitary sewer system.

Close to 40 such persons appeared in the Municipal Building Monday night in a move that caught the convening Town Board unawares.

"Had we known you were coming, we could have opened the auditorium and met there," Supervisor Thomas Terwall said, some 30 minutes into the meeting.

Spokesperson Geraldine Lachman, 1002 111th St., presented the board with a petition which, she said, contained considerably more than 100 signatures. The petition asks the board to look into the possibility of developing a community-wide sanitary sewer system to service Unit I.

Francis and Kathleen Brown, 11221 11th Ave., wanted to know why, if their septic system has obviously been bad for years, they weren't made aware of that when they bought their home. Mrs. Brown asked why there are no regulations requiring such knowledge to be made public.

"Why did they allow homes to be sold out there three years ago if they knew of problems?" she asked.

Terwall said that on new construction sites, such information is demanded by law, but there is nothing in the law requiring such information in the sale of existing homes. Neither, he said, is there anything in the law requiring a real estate agent to come before the board with such information.

He said that sale took place without the Town Board knowing about it, which is virtually always the case.

Lachman asked how sewer systems are paid for.

"What about vacant lots?" she asked.

Terwall said the total cost is broken down to a front footage price, and the more property owners involved in the project, the less the cost to each one.

"Then there's a hook-up fee in addition," he said, "and a user fee which is not applicable to the vacant lot owner because he wouldn't be using it."

Lachman asked how property owners delinquent in their taxes fit in.

Terwall said after three years, the property is sold at auction. Then, he said, state law demands special assessments to be paid off first followed by payment of any monies owed the town, followed by payment of the broker's fee.

"Then, if there's anything left over," he said, "it goes to the property owner."

Terwall also said there is an alternative to a sewer system. He said the Wisconsin Fund will help finance repairs to failing on-site systems.

He said Community Development Block Grant funds, federal monies administered by the states, can help pay for part of the system.

The problem there, Terwall said, is that one of the state's criterion is per capita income. Throughout Southeastern Wisconsin, he said, per capita income is usually too high to qualify for that type of assistance.

Terwall said the key questions are what type of system is desired and how big a surface area will it cover.

He said residents may opt for a large community septic system; they may ask the town to provide a package treatment plant, or they may decide on an interceptor to run north down 7th Avenue and hook-up to the city of Kenosha system.

Mrs. John Wick, 11301 11th Ave., asked how long it would take to get cost estimates from town engineers whenever residents decide which project they want.

Town Chairman Donald Wruck said usually such information takes three to four months to compile.

"And then we would call you," he said.

Board members pointed out that because the petition presentation was not on the agenda, formal board action can't be taken until the next meeting in two weeks.

"Then we'll formally accept the petition and instruct engineers to begin their studies," Terwall said.

"This is a preliminary step," Wruck said, "and I commend you for going ahead and taking action."

In other action the board:

— Renewed Class B combination licenses for Kracker Pub, 12622 Sheridan Rd.; The Club Cagney's, 6208 Green Bay Rd., and an as-yet unnamed establishment at 7580 118th Ave., agent, Anne M. Speaker of Ninety-Four Corp., 744 N. Shoreland Ave., Racine.

—Denied a request to vacate the Piela land dedication on 122nd Street, east of 88th Avenue in the Greenhill Farms Subdivision.

—Concurred with the recommendation of the town planning commission to install a street light at 65th Street and 62nd Avenue.

— Agreed to send a favorable recommendation to the Kenosha County Board of Adjustment for a variance requested by Elverne W. Pfeifer, 7916 49th Ave., who wants to construct a 24-foot by 26-foot garage where a smaller garage now stands. The existing garage is 18 inches from his property line instead of the 36 inches required by ordinance.

Impact study set by DNR for Chiwaukee

By ARLENE JENSEN
Staff Writer

PLEASANT PRAIRIE — The Chiwaukee Prairie-Carol Beach area will be targeted in an environmental impact statement being prepared by the state Department of Natural Resources.

At a Wednesday meeting of the town planning commission, members learned that the decision by DNR to conduct the study was made for two reasons: because of the sensitive and unique environmental resources found at Chiwaukee and because of the controversy that exists over development or preservation of the area.

The area to be studied is bounded by 80th Street on the north, Lake Michigan on the east, and the Illinois state line on the south. The western boundary is formed by the Chicago and North Western railroad tracks from 80th to 91st streets and State Highway 32 south to the state line.

The EIS will form the basis for an amendment to the area-wide water quality management plan being developed for the Chiwaukee area and, ultimately, a decision on which areas should be developed and which should be preserved.

The EIS will examine the direct impact of sanitary sewer service and subsequent housing developments and the indirect impact of housing development on other components of the environment.

According to the project outline sent to the town, the study has three purposes: to provide a full and objective examination of environmental issues, to inform the public and local officials of the issues, and to develop alternatives which would avoid or minimize adverse impacts.

The DNR plan noted: "In the coming months, DNR staff members working on the project will be asking the public for their ideas . . . comments and suggestions will be welcomed throughout the process."

Persons who wish more information should write the DNR at P.O. Box 7921, Madison, Wis., 53707, or telephone 608-266-6673.

In other business, two conditional use permit requests, each seeking permission to erect a satellite dish, were reviewed by the planning board.

Richard Slayton, representing Budgetel Inn, 7540 118th Ave., said his firm proposes placing a dish on the northwest corner of the Budgetel parking lot.

Slayton said the dish will enable the company to purchase programming directly off a satellite at a lower rate than from a cable company.

The request was approved and will be sent to the Kenosha County Planning and Zoning Committee for its Oct. 12 hearing with a favorable recommendation.

A second request for a satellite dish came from Lakeshore Tabernacle, 8900 34th Ave. Although the matter was on the agenda, no representatives of the church attended the meeting, and the matter was tabled.

Leland McDonald, 8115 57th Ave., was seated on the planning commission to replace John Higgens, who resigned because of a move into the city of Kenosha.

KENOSHA NEWS
October 6, 1983

Club fights to save Chiwaukee Prairie

The Racine-Kenosha Sierra Club has fought hard for over a year to protect a 1,825 acre narrow strip of prairie along Lake Michigan in southern Kenosha County.

Part of the area is the nationally renowned Chiwaukee Prairie, the largest "wet" prairie in the United States that has remained unchanged since Wisconsin's last glacier receded 10,000 years ago.

It's also a State Scientific Area, an official National Treasure, and home to 22 rare or endangered plant species – including the densest population of white-fringed orchids found anywhere in the United States.

The 100 acre Chiwaukee is under no direct threat, but other parts of the 1,825 acres are not so lucky. Kenosha County and the Town of Pleasant Prairie have been pressuring the Department of Natural Resources, claiming that since much of the land has been platted (most a long, long time ago), it should be developed.

Presently residential development is sparse - 515 homes (most clustered in two developments) within the 1,825 acres. And the reason is simple.

Southeastern Wisconsin Regional Planning Commission (SEWRPC) biologists have determined 82 percent of the area's soils "have severe or very severe limitations for residential development without public sanitary sewer services..."

Unlikely as it may seem, that is precisely why the conflict exists.

The town and county governments would like to increase their tax bases, but the only way to convince the people to build in the area is to supply a sewer system. For that to be cost-effective, however, a large and unified area must be serviced.

Over a year ago SEWRPC organized a committee of interested homeowners, civic groups, and regulatory bodies, hoping to facilitate just such large-scale development. By its third meeting the committee was thoroughly polarized.

After all future committee meetings were indefinitely postponed, the Racine-Kenosha Sierra Club sought other avenues to try to protect the prairie. First, it interested the Wisconsin Environmental Network, a coalition of 35 environmental groups, in protecting the prairie.

Then, in concert with the Network and the Hoy Nature Club, the Sierra Club sent over 200 letters to DNR Secretary Carol Besadny, pleading for protection. Dave Hewitt and Rick Marciniak also travelled to Madison to meet with top DNR wetlands experts and elicited promises of protection by the DNR.

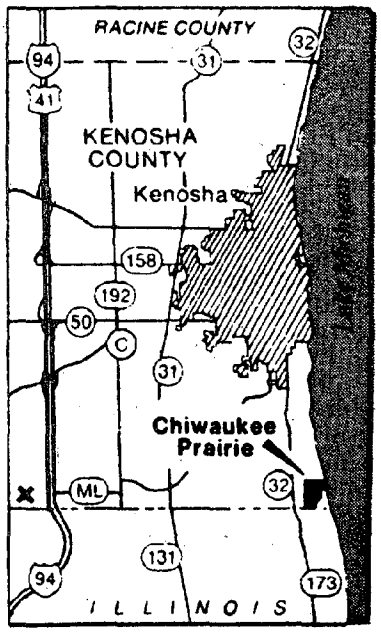
Now almost a year later a settlement is nowhere in sight, snarled by bureaucratic red tape involving NR 115 and the statewide debate over wetlands.

But whatever happens, the area is worth protection. Wetlands comprise 46 percent, prairie 49 percent of the area. Of the 345 acres of high-quality prairie, less then half are now protected as part of the Chiwaukee Prairie. And small "pockets" of endangered species are scattered throughout.

At the northern end of the area, the 120 acre Kenosha Sand Dunes, a unique prairie-sand dune complex, has been designated a "natural area of statewide or greater importance." According to the Wisconsin Scientific Areas Preservation Council, the area is "so little modified by man's activity, or sufficiently recovered from the effects of such activity, that it contains intact native plant and animal communities believed to be representative of the pre-settlement landscape."

For all those reasons, in the past six months the Racine-Kenosha Sierra Club has constantly been in contact with the DNR, SEWRPC, and involved local governments, trying to work out an equitable settlement.

The Group considers its efforts to protect this priceless area only a matter of course, following the national Sierra Club's motto – "to explore, protect, and enjoy ... our natural resources."



RA-SCENE
October 17, 1983

Wetlands area, or just all wet?

KENOSHA NEWS
November 18, 1983

By ARLENE JENSEN
Staff Writer

PLEASANT PRAIRIE — Preservation versus development is the issue that drew about 90 persons to a Thursday meeting with the Department of Natural Resources.

The state agency is writing an environmental impact statement concerning Carol Beach-Chiwaukee Prairie and asked for public comment on the scope of the project.

The EIS will form the basis for a land use plan being developed for the Chiwaukee area and, ultimately, a decision on the installation of sewers.

"The push to develop is at odds with the push to conserve," said Steven Ugoretz, DNR environmental specialist.

He asked the audience, most of them Carol Beach residents, to list issues that should be studied.

John Allen, vice president of the Kenosha Towne Club, 8815 Fifth Ave., said he was surprised that the study included his firm's 25 acres. He said the club property was wasteland before KTC bought it 20 years ago and undertook a project of development.

"We dug a pond; we filled and leveled dirt. How could it possibly be considered valuable habitat?" he asked.

The club property lies between 84th and 94th streets at the upper end of the study area which includes all land from the Kenosha city limits to the Illinois state line. Lake Michigan is the eastern boundary and the western boundary is formed by the Chicago and North Western railroad tracks from 80th to 91st streets and State Highway 32 continuing south to the state line.

Homeowner Carl Salerno said he agrees with the need to preserve lands of natural value but said he disputes the need for more conservancy areas.

"There is a strong need for accurate documentation of just what constitutes a wetland," said Salerno.

He noted that a lot listed on state maps as wetland recently passed the percolation test for a septic system.

Gregory McAndrews, 8860 Lakeshore Drive, said issues that should be studied in the EIS include "more clarification of which lands are true native prairie and how the land use plan will impact on taxation."

Florence Jensen, president of the Carol Beach Property Owners Association, charged that "the state will use the law to circumvent property rights."

In a letter distributed earlier to members of the association, Jensen said, "If our area becomes a wetland preservation area . . . the birds, animals and plants will have more rights than we do."

Environmentalist Ronald Spry, a U.S. Fish and Wildlife Service biologist, said a main topic of the EIS should be habitat preservation.

Several representatives of the Racine-Kenosha Sierra Club, urged that valuable nature areas be given top priority.

Ugoretz and Sharon Meier, DNR planning analyst, said the EIS will examine the direct impact of sanitary sewer service and subsequent housing developments and the indirect impact of housing developments on other components of the environment.

After the session, Meier said, "There are some very basic misconceptions on the part of residents. They worry that they will lose their property rights or have their homes razed. None of those things will happen."

The area contains about 400 homes and Meier said, "Areas that are already developed will not be identified as wetlands and will not be subject to the confines of shoreland zoning. There is a big difference between a developed lot and an undeveloped one."

Chiwaukee-Carol Beach group plans to oppose DNR zoning

PLEASANT PRAIRIE — An informational meeting of the Chiwaukee-Carol Beach Citizens Organization is scheduled for 7:30 tonight at the Pleasant Prairie town hall, according to organization member Wallace Piroyan, 11745 First Ave.

According to a release being circulated by the organization, the state Department of Natural Resources plans to rezone about 1,800 acres of Chiwaukee-Carol Beach property from residential to conservancy, an action which would prohibit construction of new homes, adding to existing structures or repairing existing homes if more than 50 percent of the structure is destroyed.

The organization warns in the release that the DNR plans to render this previously platted subdivision valueless and do so without compensation to property owners.

The group plans to oppose the action on the basis that the need by the University of Wisconsin and Nature Conservancy for additional acreage is doubtful, most of the area under consideration is not wetland, the rare species of plant and wildlife can be found in other areas along Lake Michigan, and residents are protecting the area by shoring up the lakefront against erosion.

KENOSHA NEWS
January 19, 1984

Chiwaukee - facts or fraud?

Several weeks ago, I attended a cocktail and dinner party given by the "Carol Beach Home Onwers Association." We also saw movie slides given by a high power national conservation group obsessed with preserving the Chiwaukee Prairie. The representative of this group could not tell me why his organization plans to buy 35 homes located in Chiwaukee subdivision and to dislocate the residents. The Wisconsin Nature Conservatory already owns more than 180 acres of the Prairie with tax exempt status. Why do they want to take away an additional 3 million dollars of assessed property valuation from the hands of private owners who are paying taxes.

After reviewing the movie slides, I was totally shocked by false claims, misrepresentation and the twisting of the truth.

I am a property owner in Chiwaukee subdivision who has lived there for many years. As an environmentalist, I have supported many local and national environmental causes. As a screenplay writer and poet who desires seclusion and privacy, I have taken thousands of walks through the Prairie in all four seasons.

I found the slides about Chiwaukee Prairie to be full of exaggerated claims, an insult to the intelligent, and a disgrace to the true conservationist. For example:

1. The statement that there are 400 species of plants exclusively growing in the Chiwaukee Prairie is an extremely exaggerated claim. More than 90 percent of the few dozen plants that grow in Chiwaukee also grow in a ten mile stretch between Kenosha and Waukegan.

2. The movie slides had a picture of snakes, ducks and frogs supposedly taken in the Prairie. They are not exclusive to the Chiwaukee Prairie.

3. The film showed smokey high rises in the big city and told the audience there's the imminent possibility of Chiwaukee subdivision having high rises if we don't act now. There was no mention of the fact that Chiwaukee subdivision is zoned single family without sewer or water.

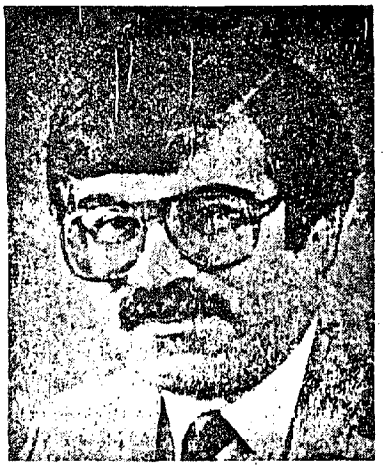
The film did not give the following facts:

A. Due to acid rain and pollution from Pleasant Prairie Power Plant, the Prairie's remaining and sensitive plants will disappear within the next 10-15 years and be replaced by big and ordinary weeds.

B. These so-called conservationists are not fighting against Exxon or Mobil oil but engaged in high pressure and scare tactics against defenseless plain, ordinary folks (some retired) to force them to sell their property below the market value. They are using exaggerated claims, media hype, taxpayers money, political arm-twisting to rezone and make the property in Chiwaukee subdivision worthless.

Property owners in Chiwaukee subdivision are terrified by this arrogant, ruthless organization whose representatives don't understand the environmental and economic problems that we are facing.

Instead of saving snakes, frogs and conserving weeds, how about if we try to conserve and protect people: their hopes, dreams and their right to pursue their happiness and live in peace in their own homes without constant threat by some elite group of self-righteous free-loaders who are exploiting our system and threatening the great American dream of home ownership.



Today's guest editorial is written by Wallace Piroyan, 11745 Lake Shore Drive, a resident of the Carol Beach area for the past four years. A former accountant, he is now a screen playwright. While living in Lake Bluff, Ill., he worked with the Sierra Club on environmental problems.

KENOSHA NEWS
January 4, 1984

Carol Beach exempt in Maurer plan

Plan to curb wetland zoning

By ARLENE JENSEN
Staff Writer

PLEASANT PRAIRIE — State Sen. John Maurer has threatened legislative action to force the Department of Natural Resources to back off from the wetland zoning proposed for Carol Beach and Chiwaukee Prairie.

In a telephone interview following a meeting of the Chiwaukee-Carol Beach Citizens Organization Thursday, Maurer said legislation has been prepared that would exclude platted subdivisions from wetland zoning or require compensation to property owners.

"We don't want to change the law," said Maurer. "We want the DNR to be practical under the current law, but if they won't, we will be forced to seek a change."

At issue is the future of 1,800 acres of land along the Lake Michigan shoreline from the Kenosha city limits to the Illinois state line and west to Sheridan Road. Some of the land is residential, some undeveloped, but much of it has been platted for subdivisions.

The DNR is currently preparing an environmental impact statement for the area. Results of that study will be crucial to a decision on which areas should be developed with sewers and which should be preserved in a natural state.

At Thursday's meeting attended by about 100 Carol Beach area residents, Carl Salerno, 11731 First Ave., outlined legislation that is to be introduced by Maurer on Jan. 31.

Maurer commented later about his plans that include a meeting with DNR chief Carroll Besadny to seek a solution to the Pleasant Prairie issue.

Salerno explained the wetland controversy to the citizen group and advised them to protest wetland classification of their land that would place severe restrictions on its use.

"The DNR has designated most of Chiwaukee and much of Carol Beach as wetland," said Salerno, "but it is all based on aerial photos, not actual onsite inspections."

Wetland maps have been delivered to the county, said Salerno, and can be studied at the Office of Planning and Zoning in the courthouse. Salerno said residents should fill out the "Comment Sheet for Public Review of Wetland Maps" form which demands an onsite inspection of the property in question.

"We're guilty until proven innocent here," said Salerno, "and it's not worth the risk."

On another issue, Salerno said the group will challenge the claim by environmentalists that the Chiwaukee-Carol Beach area contains 22 species of rare and endangered plants.

Salerno said Maurer will demand that all endangered plants be located and identified.

"We're not against protecting those areas that legitimately deserve protection such as the Chiwaukee Prairie itself," said Salerno, "but we want to be sure the selection process is accurate."

Much of the Thursday meeting was given over to the task of organizing the group and collecting money for such items as mailing newsletters to an estimated 2,000 property owners.

The organization is currently being run by acting chairman Wallace Piroyan, 11745 First Ave. Directors included Salerno, Myron Keyes, Juan Marianyi, Michael Sebetic, Stephen Barasch, Edward Ganick, Lavern Kulisek, and Louis Szepi, all residents of the area.

Piroyan said the non-profit organization will include two types of members: property owners who will be allowed to vote and non-residents, who can be associate members but will have no vote. Annual membership dues are $10 per person.

Organizers of the group were critical of environmentalists who, according to Salerno, "have come from as far away as Florida to tell us what we can do with our property."

At a public hearing in November, several representatives of the Racine-Kenosha Sierra Club urged that nature areas be given top priority in future planning.

"The DNR said they have no intention of taking our homes away," said Salerno, "and I'm giving them the benefit of the doubt, but I guarantee you the Sierra Club and Nature Conservancy would love to do it."

KENOSHA NEWS
January 20, 1984

Carol Beach affected

Wetland legislation proposed

By ARLENE JENSEN
Staff Writer

PLEASANT PRAIRIE — "Your homes are not in jeopardy," State Sen. John Maurer told a group of Carol Beach residents Thursday. "There will be no wetland zoning of existing homes."

Maurer told the Carol Beach Property Owners Association he has submitted legislation to prohibit wetland zoning of subdivisions platted before October 1980.

Further, said Maurer, the state will be forced to compensate owners of any property which is zoned wetland.

Senate Bill 582 was introduced Feb. 1 and referred to the Senate Committee on Energy and Environmental Resources.

"We knew it would get the attention of the Department of Natural Resources," said Maurer. "A lot of people have been upset by the DNR's rather forceful habit of getting what they want."

Agreement has been reached with DNR officials, said Maurer, "and we expect a written commitment soon."

"When you have recorded subdivisions approved by the state," he said, "you can't allow the state to come back later and say they made a mistake."

Asked about the compensation clause, Maurer said owners of lots zoned wetland would not be forced to sell.

"They (the state) would have to offer you fair market value," he said, "but you don't have to sell. It's your choice."

At issue is the future of 1,825 acres of land on the Lake Michigan shoreline from the Kenosha city limits to the Illinois border and west to Sheridan Road. Some of the land is residential and some undeveloped, but much of it has already been platted for subdivisions.

When an intensive study of the area was undertaken in 1982,46 percent or 839 acres was tagged wetland by DNR definition.

Since all wetland in Wisconsin must be placed in conservancy zoning, property owners feared restrictions would be placed on the use of their land.

The controversy surrounding wetland zoning of platted subdivisions brought the 1982 study to a halt. A preliminary land use plan being developed by DNR and the Southeastern Wisconsin Regional Planning Commission was withdrawn.

Instead, an environmental impact study was ordered by DNR in late 1983. Pleasant Prairie officials were told the study would be done for two reasons: because of the sensitive and unique environment of Chiwaukee Prairie and because of the controversy that exists over development or preservation of the area.

Florence Jensen, association president, said Thursday the impact study is scheduled for completion in August. Results will be crucial to a decision on which areas should be developed with sewers and which should be preserved in a natural state.

Jensen urged her group to "stay involved; keep the pressure on."

After a review of the issues by board member Gregory McAndrews, association members asked why their group is not working with the Chiwaukee-Carol Beach Citizens Organization.

Jensen accused the other group of using "a shotgun approach. I proposed a task force of both organizations, but they said we weren't moving fast enough for them."

Michael Sebetic, a board member of the Chiwaukee organization, urged cooperation between the groups saying, "Our differences don't seem to be that great. Let's just come together and get something done."

Pleasant Prairie Town Chairman Donald Wruck said the groups should "iron out your differences. You will be much more effective."

KENOSHA NEWS
February 17, 1984

Chiwaukee Prairie development considered

RACINE JOURNAL TIMES
February 23, 1984

By Kelly Donahue
Journal Times

PLEASANT PRAIRIE — Four land use management plans for Chiwaukee Prairie are under study by an advisory committee made up of citizens and experts.

Plans include options for maximum development of the 1,825-acre prairie located in southeastern Kenosha County, as well as maximum preservation, combination development-preservation and "no action" alternatives.

Excluding the "do nothing" plan, the three other options call for public sanitary sewer service extended to all urban areas identified in the plans, the committee said.

The maximum development plan calls for development of 1,094 acres, or about 60 percent of the prairie, for urban purposes.

Of the 732 acres of prairie wetlands, about 37 percent would be destroyed under this proposal, the committee said.

About 102 acres would be acquired in the public interest and preserved, it said, at a cost of $269,000.

The maximum preservation option would allow development of 653 acres, or 36 percent of the prairie. About 449 acres would be purchased for the public and preserved, including 63 housing units, at a cost of $5.3 million.

The development-preservation plan would be a middle ground, the committee said. It calls for 846 acres earmarked for urban use and preservation of about 90 percent of the wetlands.

The committee will meet again on Tuesday at 7 p.m. at the Pleasant Prairie Municipal Building.

Group to air Chiwaukee future

By ARLENE JENSEN
Staff Writer

Four alternative land use development plans for the Chiwaukee Prairie-Carol Beach area will be discussed next week by a special committee of about 20 representatives of federal, state, and local goverments, environmental and citizen groups and residents.

The Technical and Citizen Advisory Committee for the Chiwaukee Prairie-Carol Beach Land Use Management Planning Program will meet at 7 p.m. Tuesday at the Pleasant Prairie Town Hall.

The future of 1,825 acres south of the city between Sheridan Road and Lake Michigan will be the topic. Some of the land has been developed for residential use, some subdivided but still vacant and other portions remain undeveloped.

In 1982, after a study by the state Department of Natural Resources, about 46 percent of the land was defined as wetland. State law requires that defined wetlands be placed in conservation zoning; consequently, the original DNR maps drew fire from property owners who feared restrictions would be imposed on their use of their land.

The controversy led to withdrawal of the first plan, and additional studies were conducted.

The four alternative plans to be considered Tuesday were developed by the Southeastern Wisconsin Regional Planning Commission. According to Kurt W. Bauer, SEWRPC executive director, the plans "represent in concept the entire range of possibilities available in considering this matter."

The plans include a maximum development alternative, maximum preservation alternative, a compromise development-preservation alternative that represents a conscious attempt to accommodate significant additional urban development within the study area and at the same time preserve the most important natural features of the area, and a fourth alternative for no action.

Maps based on each of the alternatives for land use development may be viewed from now until the meeting during business hours at the Pleasant Prairie Town Hall, 9915 39th Ave.

Committee input will be sought Tuesday on the four alternatives, and, after discussion, the committee will be asked to provide direction to SEWRPC in drafting a recommended plan.

A public hearing will be scheduled this spring for Chiwaukee Prairie-Carol Beach area residents and landowners to comment on the tentatively recommended plan as well as measures such as zoning and land acquisition.

KENOSHA NEWS
February 24, 1984

Chiwaukee plan under study

KENOSHA NEWS
February 29, 1984

By ARLENE JENSEN
Staff Writer

PLEASANT PRAIRIE — A special Chiwaukee Prairie-Carol Beach committee Tuesday reviewed four land use plans for the area, but did not reach agreement on any one of the four.

Instead, they tabled the matter until April to allow time for review by the town and county and to hear plans for the recently purchased Trident Marina near the state line.

The 20 member Technical and Citizen Advisory Committee for the Chiwaukee Prairie-Carol Beach Land Use Management Planning Program concluded a three hour session with plans to make an on-site inspection of the study area later this spring.

The area includes 1,825 acres immediately south of the Kenosha city limits, from the Lake Michigan shoreline west to Sheridan Road.

The Central issue in the study is development versus preservation. Some of the land has been developed for residential use, some already subdivided but still vacant, wile other acres remain undeveloped.

The four plans, developed by Southeastern Wisconsin Regional Planning Commission, include a maximum development alternative, a maximum preservation alternative, a compromise development-preservation alternative and a fourth alternative, the standard no-action plan.

At Tuesday's session, the committee voted to remove the no-action plan from further consideration.

Of the remaining options, the maximum development plan envisions the highest level of development, with 1,094 acres or 60 percent of the study area developed for urban purposes. It also foresees the highest population level and highest public improvement cost for sewers and streets.

The maximum development plan would also result in a substantial loss of natural resource values within the study area. Of 732 acres of special value wetlands, about 37 per cent would be destroyed.

Maximum preservation, the second plan studied, would do just the opposite of the first alternative. It would allow the lowest level of development, only 653 acres or 36 per cent of the study area, the lowest population and the lowest public improvement costs.

As the name implies, the emphasis of the plan would be on preservation, with nearly all of the 732 acres of special value wetland preserved.

The development-preservation plan stands as a middle ground between the other two extremes and according to committee members, has the best chance for adoption.

Under this alternative, 846 acres, 46 per cent of the study area would be allocated to urban use. Population levels would be significantly higher and public improvement costs are estimated at $11.7 million for sewers, water, streets and stormwater drainage.

The development-preservation plan would preserve about 90 percent of the special value wetlands in the study area and see 300 acres of land acquired in the public interest for preservation.

When the committee concluded its review of the 70 page document, SEWRPC's Kurt Bauer urged members to settle on a plan they favor.

SEWRPC will make no recommendations, said Bauer, but will wait for the committee choice. "We're at a point where no more work can be done until the choice is made."

Kenosha County supervisor Wayne Koessl said he was not prepared to make a choice. "I want a review by our own county and town boards and a discussion of the impacts these plans will have locally."

Meanwhile, Don Reed, SEWRPC said he will organize a bus tour for the committee to inspect critical nature area before the matter is decided.

Tom Conley, First Trident Corporation, owners of the marina located at the southernmost tip of the study area, said his firm will be ready to discuss specifics of their plan for development when the group reconvenes in April.

Organizers of the Chiwaukee-Carol Beach Citizens Organization, Inc., said they too will have issues to settle before a plan is adopted.

Carl Salerno, chairman of the citizen group and a member of the advisory committee, said "We still haven't seen a list of plants that are supposedly rare or endangered. We want them identified and located."

Salerno was also critical of a map of the area defining boundaries of the land owned by the Nature Conservancy, a group dedicated to preservation.

"The map shows what the Conservancy would like to own," said Salerno, "and implies that they already do."

Bauer promised the audience of about 60 Carol Beach-Chiwaukee residents they will have an opportunity to be heard at a public meeting later this spring.

"Once we settle on a plan, we will open it up to public comment," he said.

SEWRPC to recommend compromise

Partial Carol Beach development seen

By ARLENE JENSEN
Staff Writer

PLEASANT PRAIRIE — A compromise development-preservation plan for Chiwaukee Prairie-Carol Beach represents the middle ground, Philip C. Evenson said Thursday.

"It would allow a lot of development and at the same time satisfy the most ardent environmentalist," Evenson told a group of about 60 area residents.

Evenson, of Southeastern Wisconsin Regional Planning Commission, described the compromise plan as one that is "still in an embryonic form . . . but it represents our best shot."

SEWRPC staff will recommend acceptance of the compromise plan, he said, when the Technical and Citizen Advisory Committee for Chiwaukee Prairie-Carol Beach meets at 7 p.m. May 3, at the Pleasant Prairie Town Hall.

The TAC committee is completing its study of the 1,825-acre area known as Chiwaukee Prairie-Carol Beach. The study area begins at the southern edge of Kenosha and extends south along the Lake Michigan shore to the Illinois state line. The western boundary is Sheridan Road.

If the compromise plan is accepted by the committee, SEWRPC will begin to "fine tune the plan. We'll start by taking an inventory of the area, then decide what to do and how to do it," said Evenson.

The compromise plan, one of three currently under study, would emphasize preservation of wetlands with special significance. Less importance would be placed on those wetlands with no identified special natural values.

The number of hourses in the area could increase to 1,544 units, triple the current level. The population of the area could be expected to increase to about 4,491, an increase of 3,099 persons.

The plan proposes that an additional 300 acres be acquired for preservation to add to the 215 presently owned by the Nature Conservancy and the University of Wisconsin-Parkside.

Public sewer and water would be extended to all urban areas in the study area at a capital cost of $11.6 million.

Other plans currently being studied are maximum development and maximum preservation.

Maximum development would see about 60 per cent of the area developed for urban purposes and destruction of about one-third of the special value wetland in the area.

Maximum preservation would preserve nearly all of the 742 acres considered of significant value.

Carl Salerno, representing the Chiwaukee-Carol Beach Citizens Organization, Inc., said some lands classified wetlands by the Department of Natural Resources are not really wetlands but may be buildable lots.

Salerno noted that wetland maps were drawn from aerial photos, "and may not accurately reflect what is or isn't wetland."

He urged property owners to complete comment sheets that have been designed by DNR to allow landowners the opportunity to protest the wetland classification. After the forms are filled out, the DNR is required to make an on-site inspection of the property, said Salerno.

The comment forms were mailed to 2,000 property owners, but Salerno said persons who did not receive one should contact the organization at 11745 First Ave., Kenosha, 53140.

KENOSHA NEWS
April 20, 1984

Development-preservation plan favored for Chiwaukee

By ARLENE JENSEN
Staff Writer

PLEASANT PRAIRIE — After a year and a half of study, a special committee has recommended a combination development-preservation plan for the future of Chiwaukee Prairie-Carol Beach.

Meeting Thursday, the 20-member Technical and Citizen Advisory Committee concluded the first phase of an exhaustive study of the 1,825 acres south of the Kenosha city limits to the state line extending from Lake Michigan west to Sheridan Road.

The committee meeting drew a crowd of about 100 persons, most of them residents of the area.

The central issue in the study is development versus preservation and, ultimately, a decision on the extension of sewer lines. Some of the land has been developed for residential use; some has been subdivided but is still vacant while other acres remain undeveloped.

In voting for the compromise plan, the committee chose a middle ground between two extremes with maximum preservation at one end of the spectrum and maximum development at the other.

The development-preservation plan would preserve about 90 percent of the 732 acres of valuable wetland identified in the study and see another 300 acres acquired for preservation.

Using this plan, 46 percent of the study area would be allocated to urban use. Public improvements such as sewers, water, streets, and storm water drainage are estimated at $11.7 million. Population levels would be significantly higher than at present.

In moving for adoption of the compromise plan, LaVern Kulisek, representing the League of Women Voters of Kenosha, recommended that existing homes be excluded from shoreland zoning.

"That's a moot point," said Sharon Meier, of the Department of Natural Resources, " since DNR has said from the outset that existing homes would be excluded."

Meier also objected to a lot-by-lot survey of the area included in Kulisek's motion.

"If Southeastern Wisconsin Regional Planning Commission wants to take that on, that's up to them," she said, "but DNR won't be a party to it."

To date, about 75 property owners have request onsite inspections of their land to determine whether the property is truly wetland as indicated on maps provided by DNR.

Carl Salerno, representing the Chiwaukee-Carol Beach Citizens Organization Inc., said the organization has mailed about 2,000 comment forms designed by DNR and urges that they be filled out and returned.

A May 15 deadline has been set for the return of the form, and persons who wish an onsite inspection should file the forms at the Kenosha County Office of Planning and Zoning in the courthouse.

The inspection, to be led by SEWRPC's Donald Reed, will begin Monday on requests already received. Residents are welcome to participate, said Reed, "but bring your boots."

Meanwhile, the SEWRPC staff will begin fine-tuning the compromise plan approved by the committee.

Kurt Bauer, SEWRPC executive director, said, "We will refine the plan and come back here with a new map to describe what we hope will be the final recommendations."

Bauer urged citizen leaders of several Chiwaukee-Carol Beach groups to "be more factual in your dissemination of information."

"You are misleading your people with the misinformation contained in newsletters," said Bauer.

SEWRPC's Philip Evenson predicted it will take at least a month to complete the next phase of the study in preparation for a committee review.

A summary chapter will be written, said Bauer, and a public hearing scheduled before final adoption.

Donald Conley, of First Trident Corp., owners of the marina at the southernmost tip of the study area, said plans are progressing for the new hotel-marina complex.

Conley said his plan is to construct 500 boat slips surrounded by four-story hotel wings and convention facilities. He estimated the project at $21 million.

KENOSHA NEWS
May 4, 1984

Park Service asked to help save Chiwaukee

The state Department of Justice public intervenor, Kathleen M. Falk, and a coalition of eight environmental and nature organizations have requested that Chiwaukee Prairie be placed on the National Park Service's 1984 "Report on Damaged and Threatened National Natural Landmarks."

The coalition is composed of the John Muir Chapter of the Sierra Club, Kettle Moraine Audubon Society, Kenosha/Racine Chiwaukee Project Committee, Chiwaukee Prairie Rescue Coalition, Hoy Nature Club, Racine/Kenosha Sierra Club, Kenosha Woman's Club, and Four Seasons Garden Club.

Of major concern, according to the letter to Michael J. Gallagher, coordinator of the National Park Service, Midwest Region office in Omaha, Nebr., are a proposed sewer extension planned by the Town of Pleasant Prairie and a hotel-convention center planned by Trident Marina.

"If these plans are realized, they will lead to development adjacent to the landmark (prairie) which could potentially damage the prairie," the letter states.

Also cited are human disturbances resulting from development. The letter cites the current problems of trash dumping, unauthorized plant digging, flower picking, snowmobiling and off-road vehicles as well as ditching and water level changes in surrounding areas which injure the prairie.

"Presumably, this detrimental activity will only increase as further development occurs, resulting in a decrease in the quantity of individual species observed on Chiwaukee Prairie," the letter states.

The request cites the more than 400 species of native plants, including several rare plants, growing on Chiwaukee Prairie, which it terms "the richest prairie remnant known in Wisconsin and one of the richest remaining in the nation."

Additional information is available locally by contacting David Hewitt, 20101 60th St., Bristol; Phil Sander, 8026 Seventh Ave., Kenosha; Dorothy McAleer, 9126 32nd Ave., Kenosha, or Genevieve J. Crema, 4123 18th Ave., Kenosha.

KENOSHA NEWS
July 13,1984

Chiwaukee facts or fraud II

Three years ago in another editorial for this newspaper, I called attention to a group of single-minded individuals calling themselves conservationists who use political lobbying, media hype and misinformation in an attempt to depress property values in Chiwaukee Prairie and Carol Beach and rip-off more than 2,000 property owners, many of whom are senior citizens. Today, they carry out their campaign with greater vengence. They believe the end justifies the means, that the State Division of Natural Resources ought to confiscate privately owned, platted land by rezoning it conservancy. If that fails, they would like the DNR to use taxpayers' money to acquire the lots and homes at lower than market value and remove them from the tax rolls.

These groups go by different names but their purpose is singular — to control as much of the area as they can get hold of by any means. They have engaged Racine politician, Senator Strohl, who is trying to build his political career by interfering in the affairs of Kenosha County and depriving taxpayers of more than $25,000,000 of new home construction and the county of larger tax base. He, along with the tax-supported State Public Intervenor's Office, have joined the bandwagon of these groups based on misinformation about the scientific value of the area.

As a property owner and humanitarian, I am appalled and deeply disturbed by the insensitive tactics used by these organizations. On one occasion, a 77 year old widow living in a nursing home with a below poverty level income was contacted and offered $300.00 for her quarter acre lot she bought 33 years ago for $1,500.

It is important for the public and county government to recognize the following facts:

1. Chiwaukee Prairie is not a 10,000 year-old virgin prairie. It is an abandoned 18 hole golf course that was in operation from 1923 to 1932. The Canadian bluegrass, the well and the sprinkler system can still be seen.

2. There are only 18 endangered species of plants in Chiwaukee confirmed by the DNR. Most grow elsewhere in Wisconsin and Illinois. Only one plant and no animals are nationally endangered. Many of the prairie flower seeds are available for sale and can be planted on one's own backyard.

3. Over 200 acres of prairie are already conserved. The need to acquire additional land at the expense of tax-paying citizens has not been established.

4. Aerial wetland maps, prepared some years ago by the DNR, are seriously flawed. The Southeastern Wisconsin Regional Planning Commission has been conducting a field study to revise the map but their methods are open to challenge and the scope of their inventory far too narrow.

I have spent seven days with a SEWERPC biologist in field inspection to identify 300 lots classified as wetlands. A large margin of error was discovered during these field trips and were confirmed by an independent biologist.

Kenosha News photo

Today's guest editorial was written by Wallace Piroyan, 11745 1st Avenue, the founder and chairman of the Chiwaukee-Carol Beach Citizens Organization, Inc. He is a graduate of Northwestern University and former business executive.

Despite the pressure from groups outside our community, the decision to rezone these platted lands lies with county government. I urge our county officials to seek unbiased confirmation about the wetland status of Chiwaukee Prairie-Carol Beach and to reject the rezoning of uplands simply to satisfy the greed of a few. I ask on behalf of all the senior citizens who have payed taxes on their properties for over 30 years, and for all the young families who scraped together their savings to buy land and wish to build the home of their dreams.

KENOSHA NEWS
September 4, 1984

Town planners recommend more time for Chiwaukee study

By ARLENE JENSEN
Staff Writer

PLEASANT PRAIRIE — Local representatives should ask for more time to study a land use plan for Chiwaukee Prairie-Carol Beach, town planning commission members said Wednesday.

The plan is set for review tonight when a special 20-member Technical and Advisory Committee will make recommendations for putting the plan into action. The session is set for 7 o'clock at the Pleasant Prairie Town Hall.

"The technicians have done their work," said James Fonk, county supervisor and commission member. "Now it's time for the town and county to sit down and talk about what's best for Pleasant Prairie."

"There are a lot of things to evaluate," said county supervisor Wayne Koessel, who also serves on the plan commission. "I'll never vote a dollar of county money for buying land out there."

One of the recommendations in the plan is for the county to purchase six acres of land at a cost of $34,500. Other land targeted for open space preservation would be purchased by the Wisconsin Department of Natural Resources and a private group, The Nature Conservancy.

"If the county buys land in Pleasant Prairie," said Koessel, "there are a lot of other wetlands in this county that someone will want us to buy."

Town planner Russell Knetzger said his review of the draft turned up several areas of concern to the town, including a plan that would require the town to install sewers at First Avenue and 112th St.

"Lake Michigan abuts much of the road," said Knetzger. "Where it does not, too little road remains for development."

Other items with which the town will take issue are access to Trident Marina and zoning during the acquisition period. Knetzger said marina access should be along State Line Road, rather than 116th St., as proposed.

With the plan recommending establishment of a C-3 Natural and Scientific Area Resource Conservancy zone, Knetzger said, "The zone becomes irrelevant after five years because the land will then be preserved by public ownership."

An alternative to using the C-3 zone is to keep the existing C-1, said Knetzger.

"It would keep pressure on the DNR to make the purchases, whereas the C-3 might make government purchase slower or unnecessary."

In other action, commission members voted unanimously to recommend that the county approve a change of zoning for Manutronics, Inc., 9115 26th Ave.

Manutronics president Roger Mayer is seeking a change from urban single family residential to limited manufacturing to allow expansion of a parking lot on the west side of 24th Ave., near his factory.

Mayer said he met with residential neighbors of his factory and discussed their concerns about the expansion.

"There is nobody here tonight," he said, "and I think their questions have been answered."

Koessel said, "Mayer has lived up to every promise he's ever made to this planning commission and to his neighbors."

The motion to recommend the rezoning passed unanimously.

Ben Hansche's proposal to change the future path of 93rd St., was referred to the County Highway Committee and the Office of Planning and Zoning.

Hansche asked that 93rd St., west of Sheridan Rd., be moved from its intended route along the section line, and instead constructed at an angle toward the southeast.

In other action, the board tabled action on a rezoning request from Jack Grossich, McHenry, Ill., for a 20 acre parcel at I-94 and 104th St.

Grossich made a preliminary inquiry about a potential transient campground in the area but did not attend the meeting.

KENOSHA NEWS
September 6, 1984

Chiwaukee land plan is tabled

KENOSHA NEWS
September 7, 1984

By ARLENE JENSEN
Staff Writer

PLEASANT PRAIRIE — With a roomful of property owners and environmentalists hissing and scowling over the top of their picket signs, a land use plan for Chiwaukee Prairie-Carol Beach was reviewed Thursday but not adopted.

On a motion by local representatives, the plan was tabled by the Technical and Citizen Advisory Committee, which has been studying the area for more than two years. A delay of 90 days was voted at the conclusion of a three-hour session.

"We need time at the local level to understand what adoption of this plan means to us," County Supervisor James Fonk, 22nd District, told fellow committee members."We want to re-evaluate, re-assess, and re-educate before we make a final decision."

Fonk said he expects local meetings to include all interested persons including town and county representatives. A public hearing will be included in the process, he said.

Discussion was limited to members of the committee. Residents of the lakeshore community and members of various environmental groups filled the room but were not allowed to participate.

Instead, they waved signs bearing slogans such as "Citizens of Pleasant Prairie . . . endangered species" and "Dump DNR." On the other side of the room were signs which read "Don't Condemn Chiwaukee Prairie to Division, Development, Deterioration."

Joseph Shaffron, developer and Carol Beach homeowner, told the committee he wanted to speak.

"If he is allowed to speak, we will, too," shouted a woman in the audience.

TAC Committee chairman Roger Prange said Shaffron would be allowed to speak if the committee agreed, but the committee didn't, and Shaffron stalked out shouting, "You fellows don't know what you're talking about."

What they talked about was the same subject that has consumed two years and countless hours: how much of the Pleasant Prairie lakeshore should be preserved in a natural state and how much developed for urban use.

The committee has focused since August 1982 on 1,825 acres between Sheridan Road and Lake Michigan from the Kenosha city limits south to the Illinois state line.

The plan recommended at Thursday's session is described as a compromise, midway between maximum preservation and maximum development.

The proposal envisions that housing in the area would increase from 512 units in 1980 to about 1,460 homes under full development.

The population increase is forecast at 4,260 persons compared with 1,401 in 1980.

The urban area would use 851 acres or 47 percent of the study area. Open space preservation would encompass 812 acres, just over 44 percent. It includes 605 acres, or 81 percent, of all wetlands in the area.

The plan sets forth specifics on sanitary sewer, water service, streets, and storm sewers, proposing that all be provided to urban enclaves.

The proposal seeks the acquisition of 660 lots. The plan recommends that The Nature Conservancy, a private non-profit group, purchase 59 acres south of 116th Street.

According to the plan, the Department of Natural Resources would buy 448 lots encompassing 160 acres north of 116th Street.

Initially, the plan recommended that Kenosha County buy six acres for drainage purposes, an idea that was squelched by county representatives.

George Melcher, director of the county Office of Planning and Zoning, said, "The county has never bought land for drainage, and there's no reason to think they will do it now. You may as well delete that item."

Kurt Bauer, executive director of Southeastern Wisconsin Regional Planning Commission, whose staff wrote the text of the plan, said, "If you write the county out, you have to write the town in."

The 90-day delay could have an impact on the DNR's ability to purchase the 160 acres called for in the plan, Bauer said. The $945,000 required for the purchase must be included in a budget being prepared by DNR secretary Carroll Besadny, said Bauer.

"If the request doesn't go into the budget for the next biennium, there will be no land purchases for the next two years," said Bauer.

On the subject of land purchase, Pleasant Prairie Supervisor Thomas Terwall said lots to be purchased by DNR or The Nature Conservancy should be valued at 1981 prices plus inflation. Once the study is complete and the land in question placed in a conservancy zone, the price will be depressed, said Terwall.

Bauer agreed and said the final text of the plan will be changed to reflect Terwall's suggestion.

The decision to table the plan left the entire matter in limbo. No dates were set for committee meetings or a promised public hearing. Bauer said further TAC meetings will be "at the call of the chair."

Sharon Meier, DNR planning analyst, said the department will issue a draft environmental impact statement on Chiwaukee Prairie by the end of September and conduct a public hearing a month later. The TAC recommendation will be used as a basis for the EIS proposal, she said.

After the meeting, Linda Monroe, representing the Public Intervenor's Office, Wisconsin Department of Justice, said, "The TAC plan is called a middle ground, but it's not."

Monroe said, "There has been no consideration given to the wetlands. The plan is environmentally unsound and wouldcause significant damage to wetlands and the natural habitat."

Wallace Piroyan, Chiwaukee-Carol Beach Citizens Organization, Inc., said his group will call a press conference early next week to discuss a natural resource inventory and analysis of land in the area.

Piroyan said his group hired independent scientists to conduct a study of those lands tagged wetland by DNR and SEWRPC staff members. Piroyan charged there are discrepancies between the independent study and the one done by the public agencies.

Official urges rejection of Chiwaukee projects

MADISON, Wis. (UPI) — The state Public Intervenor strongly urged Friday rejection of a plan to allow four developments on the Chiwaukee Prairie in Kenosha County.

Kathleen Falk made her request to the Southeast Wisconsin Regional Planning Commission.

The plan was developed by the commission staff and "caves in on every single one of the four development threats that could hurt" the prairie, Falk said.

Chiwaukee Prairie is an 1,800 acre area that includes 700 acres of wetland, which she called some of the best remaining prairie in the Great Lakes region. She said it has unusual geological features such as sand dunes and some two dozen rare or endangered species of plants and animals.

"There are few spots in Wisconsin where they are as many or as precious, natural resources than in the Chiwaukee Prairie area," Falk said, "but the prairie is under attack."

She said the four proposed developments are a 250-room hotel, convention center; possible expansion of the Kenosha sewage treatment plant; the Wisconsin Electric Power Co. request to construct a 400-foot corridor and a propoed sewer and subdivision development.

KENOSHA NEWS
September 14, 1984

Agency urged to reject Chiwaukee Prairie plans

Madison —UPI— The State Public Intervenor on Friday urged rejection of a plan to allow four developments on Chiwaukee Prairie in Kenosha County.

Kathleen Falk made her request to the Southeastern Wisconsin Regional Planning Commission.

The plan — developed by the commission — "caves in on every single one of the four development threats that could hurt" the prairie, she said. "There are few spots in Wisconsin where there are as many or as precious, natural resources than in the Chiwaukee Prairie area. But the prairie is under attack."

Chiwaukee Prairie is an 1,800-acre area that includes 700 acres of wetland, which she called some of the best remaining prairie in the Great Lakes region.

It has unusual geological features such as sand dunes and two dozen rare or endangered species of plants and animals, she said.

The proposed developments are a 250-room hotel and convention center; possible expansion of the Kenosha sewage treatment plant; a request from the Wisconsin Electric Power Co. to construct a 400-foot corridor; and a propoed sewer and subdivision development.

THE MILWAUKEE SENTINEL
September 15, 1984

SEWRPC hit for failure to protect prairie

By ARLENE JENSEN
Staff Writer

Wisconsin's Public Intervenor has accused Southeastern Wisconsin Regional Planning Commission of caving in on issues that could threaten Chiwaukee Prairie.

Kathleen Falk said Friday a land use plan prepared by SEWRPC "caves in on every single one of the four major development threats that could hurt the prairie area."

The plan, written by SEWRPC in sessions with a 20-member Technicaland Citizen Advisory Committee, has been in the hopper for more than two years. It is intended to guide the development of the 1,800 acre area on Pleasant Prairie's lakeshore, from the Kenosha city limits to the Illinois border.

At a Sept. 6 TAC session, a final draft of the land use plan was reviewed and tabled without formal acceptance by the committee.

Falk, who is weorking with the Chiwaukee Prairie Rescue Coalition, a combination of environmental groups and individuals, said major threats are "waiting only for approvals by government agencies."

She cited expansion plans by Trident Marina, 12800 First Ave., a proposal that includes a 250-unit hotel and convention center. "Not only does the expansion area contain two endangered species," said Falk, "but according to the Department of Natural Resources, this would result in the loss of ignificant wetlands within the shoreland area."

Falk said the increased vehicle traffic across or around the heart of the prairie would cause "substantial injury."

The committee appears to be extending an invitation to the marina to pave an additional road through the prairie in future years should traffic flow warrant it," said Falk.

SEcondly, Falk was critical of a proposed expansion of the Kenosha Sewage Treatment plant, saying it would threaten the Kenosha sand dunes.

The plans is just north of the study area, but according to Falk, will be allowed to expand "into the wetlands an sand dunes, a unique natural area."

Falk said, "it is our position that there are several alternative spots that are not in wetland. Two parcelsjust west and south of the plant could be used."

Plans by Wisconsin Electric Power Company for an east-west corridor ranked third on Falk's list of environmental threats. The WEPCo property is at the northern edge of the study area, and Falk said the corridor would run through an area which would otherwise be designated open space.

"To open a hole in the north-south environmental corridor for some future unknown use makes no sense at all," said Falk.

Falk listed sewers and subdivision development as the fourth and "possibly most important" of the four environmental concerns.

"Both the direct construction effects on the prairie as well as the long-term indirect effects of development on the area are obvious but are not considered at all in the plan," she said.

Falk an the Coalition have hired Douglas Cherkauer, University of Wisconsin-Milwaukee geologist, to study the groundwater and surface water flow of the prairie.

Cherkauer will be asked to determine whether sewers would affect the wate flow through the prairie.

Falk said his report is expected in about three weeks.

In her criticism of the land use plan, Falk said, "the TAC committee did not have to exist at all. SEWRPC is responsible for coming up with a plan. And that'S really all this is, a plan, a proposal."

Though the plan is labeled by SEWRPC as a compromise, Falk says, "It is no compromise. The other side got everything they wanted."

Falk, whose job it is to intervene on behalf of public rights where natural resources are at stake, said Friday, "There are few spots in Wisconsin where there are as many or as precious natural resources as the Chiwaukee Prairie."

Falk cites statistics from the U.S. Department of Interior, claiming that Chiwaukee contains about 250 acres of "exceptionally fine and diverse priaire, ridge and swale, one of the best remaining in the Great Lakes region."

The area hosts more than two dozen rare, endangered or theatened species of plants and animals, said Falk. "Over 400 plant species are found in the prairie and 76 animal species use the prairie in one season alone, enjoying 300 acres of high value habitat."

Falk notes "83 acres of the prairie were declared a national natural landmark in 1974. In addition, the state has officially recognized two natural areas of statewide significance and two areas of regional significance."

The prairie also includes nine archeological sites, she said, including the only nondisturbed Paleo-Indian site in Wisconsin, offering a "unique opportunity to study the cultural history and settlement patterns of people living around 200 BC to 1200 AD.

KENOSHA NEWS
September 17, 1984

No wonder there's confusion

To the Editor:

After reading a recent guest editorial by Mr. Piroyan in the Kenosha News, there's little wonder why such confusion surrounds the Chiwaukee Prairie issue. Some of his so-called "facts" are seriously flawed.

He claims that Chiwaukee Prairie is "not a 10,000-year-old virgin prairie." Instead, he says, "It is an abandoned 18-hole golf course that was in operation from 1923 to 1932." There was in fact a golf course on Chiwaukee Prairie during that time period, but it only encompassed a very small percentage of the total acreage we call Chiwaukee Prairie. To say that the whole of Chiwaukee Prairie was a golf course is not fact, but exaggeration.

The editorial also refers to Chiwaukee Prairie's endangered plant species. Mr. Piroyan states "there are only 18." I wonder if he'd feel differently if there were, say, 20, or 50, or 100? I think probably not. Whether or not one recognizes endangered species as important, 18 is a significant number of them to be growing in any concentrated area. Sure, most of them grow in some other places in the Midwest, but that doesn't mean we should destroy those that are here. And to suggest that we might be satisfied by buying seeds of these endangered species and planting them in our backyards misses the point completely. That's like saying "Who needs bald eagles living in the wild when we can go see them in the zoo?"

I don't claim to have all the answers to this complex issue. I doubt that anybody does. I respect Mr. Piroyan's right to his own opinion about Chiwaukee Prairie, just as I hope he respects mine. I do, however, believe that we all need to base our opinion on the best, most accurate information available. I call attention to the flaws in Mr. Piroyan's guest editorial only in an attempt to help others develop their own, informed opinions.

Michael J. Schneider

Chiwaukee should be maintained

To the Editor:

I am a member of Hoy Nature Club and have visited Chiwaukee Prairie every year for the past 10 years or more. It is a marvelous example of an original prairie — unequalled in our state, and perhaps in the country. We sincerely hope that it can be preserved as the home of about 400 plant species and refuge for various birds and animals. To disturb this gem of nature would be a serious interference with ecology of the area. We hope that some way can be found to maintain it as it is.

Margaret E. Wernecke
Racine

KENOSHA NEWS
September 17, 1984

SEWRPC defends Chiwaukee plan

KENOSHA NEWS
September 21, 1984

By ARLENE JENSEN
Staff Writer

A draft land use plan for the Chiwaukee Prairie area is a reasonable compromise "between inherently conflicting, but legitimate, objectives," noted Kurt Bauer, executive director of the Southeastern Wisconsin Regional Planning Commission.

"The plan performs well both from an urban development and environmental protection viewpoint," he said.

Bauer was responding to recent criticisms from Kathleen Falk, Wisconsin's Public Intervenor, that the Chiwaukee plan caves in on developmental threats to the prairie environment.

The proposed plan, written by SEWRPC, in conjunction with a technical and citizens advisory committee during the past several years, is intended to guide development of 1,800 acres along Pleasant Prairie's shoreline, between the Kenosha city limits and the state line.

The public intervenor, an assistant attorney general directed by state law to intervene on behalf of the public when natural resources are involved, is working with the Chiwaukee Prairie Rescue Coalition, a combination of environmental groups and individuals.

CPRC is concerned, Falk wrote in a Sept. 14 letter to SEWRPC, that the draft plan "endorses every single one of the four major threats to the prairie," in short, favoring developmental over environmental interests.

Bauer responded that relatively recent federal and state land use regulations fail to adequately recognize that the Chiwaukee Prairie-Carol Beach is not just wetlands, but a "complexly inter-related uplands and wetlands," area.

SEWRPC is concerned, Bauer noted, with the unfairness of imposing severe land use controls on hundreds of owners of small residential lots platted many years ago.

"In effect," Bauer said, "a government system that had, years earlier, declared these lots to be suitable for residential development was now about to say that many of these lots could not be developed for any urban use."

As a result, Bauer said, "from the very beginning, all parties concerned (with the plan) recognized that the preparation of such a plan would inevitably involve compromise."

Bauer said, "It should not be expected, therefore, that the compromise will at once please the most ardent environmentalist or the most ardent development advocate."

If the advisory committee and SEWRPC were to accept Falk's position, Bauer said, "there could be no meaningful compromise. The planning effort would then fail, and the narrowly based and — as applied to this geographic location — unfair federal and state wetland regulatory efforts would prevail."

Responding to environmental threats alleged by Falk, Bauer noted that the draft plan would cut the size of a proposed development of a Trident Marina hotel-conference center complex from 43 to 36 acres. The loss in terms of significant wetlands and uplands would be only about 4 percent of the entire study area.

Falk had criticized a draft plant recommendation that an 18 acre wetland and dune site south of the Kenosha sewage treatment plant was reserved for possible expansion of the plant beyond the year 2000.

Bauer said that with park and residential land on three sides, eventual sewer plant expansion must be to the south.

"Failure to provide for such expansion would be short-sighted indeed," he said.

Responding to a complaint that the plan recognizes a Wisconsin Electric Power Co. east-west corridor through an otherwise open area, Bauer said that the strip already exists, in part, to accommodate maintenance requirements for water intake and discharge lines between the lake and the Wisconsin Electric Power Co. generating plant 4½ miles to the west.

In response to Falk's concern about the effect of sewers which could be constructed to serve Carol Beach, Bauer said "many of the problems that currently plague (the area) can be traced to the widely held but erroneous belief that on-site sewage disposal systems (holding tanks, septic tanks) can be effectively and permanently used to support urban residential development."

In summary, Bauer said that the compromise plan would not only permit urban development but would protect the majority of natural resources in the area.

The plan would preserve about 87 percent of all significant wetlands, about 84 percent of all upland plant habitat, about 76 percent of all wildlife habitat, about 95 percent of all upland areas having area value and 71 percent of the prairie lands in the study area.

"Surely the plan provides reasonable protection of the resource base, given the location of the site, not only on the fringes of one of the large urban areas in the state, the Kenosha urbanized area, but in a corridor between two large metropolitan areas," Bauer concluded.

A public hearing on the draft plan is to be scheduled sometime in late October.

Hopes for compromise

To the Editor:

As a member of the Pleasant Prairie Town Board, I have followed the continuing dialogue in these pages concerning the Chiwaukee Prairie issue with great interest. I have attended the Technical Advisory Committee meetings and have attempted to maintain objectivity in my deliberation of the issues involved.

Recent statements in these pages by the public intervenor and Donna Peterson in her letter to this column are misleading and ignore completely the rights of the property owners involved. Ms. Peterson correctly states that neither the public intervenor nor the Chiwaukee Prairie Rescue Coalition support the condemnation of privately-held lands to protect Chiwaukee Prairie. Condemnation requires that just cause for the acquisition be proven in a court of law and that the property owner be compensated at fair market value for his property. Rather, the public intervenor, the DNR and the Coalition propose to rezone this entire area a conservancy zone by administrative fiat thereby rendering the property worthless with no provision for compensation of the affected property owner.

To his credit, Kurt Bauer of SEWRPC is the only representative of a state or federal agency to advocate compensating the affected property owners during the Technical Advisory Committee's proceedings.

Donna Peterson grieves for the nice people who were duped into buying land they were told was suitable for building when area farmers have known for more than 100 years that it was unsuitable for growing crops. Since when was the land's suitability for agriculture a criterion for determining its suitability for home construction? The fact is that a portion of the study area upon which Ms. Peterson wants all development banned is one of very few in the entire county that meets the stringent, state-mandated soil absorption requirements for an on-site septic system.

I am cognizant of the need to conserve our natural resources and I support the efforts and objectives of the Nature Conservancy. I also support the rights of the property owners and the moral obligation to compensate them for any land that is placed in conservancy.

It is my hope that the Technical Advisory Committee, with the support of SEWRPC, will be able to achieve a compromise that is acceptable to fair-minded people on all sides of this complex issue. Less intervention on the part of the public intervenor would go a long way toward making this a reality.

Tom Terwall

KENOSHA NEWS
September 27, 1984

Chiwaukee hearing set Oct. 23

Comments from the public on the proposed land use management plan for Chiwaukee Prairie-Carol Beach will be invited at a public hearing Tuesday, Oct. 23, at Lance Junior High School, conducted by the Southeastern Wisconsin Regional Planning Commission.

The hearing is set for 7 p.m. in the school auditorium.

The proposed plan sets forth recommendations on future open space preservation-urban development patterns, provision of public services including public sanitary sewer service, and public acquisition of open space land in the area, said Kurt W. Bauer, SEWRPC executive director.

The proposed land use management plan will also be explained at the hearing.

Following the hearing, an advisory committee to SEWRPC will determine whether any changes should be made in the plan presented at the hearing and will consider recommending action on the plan to the commission.

If approved by the advisory committee, SEWRPC will formally adopt the plan and certify it for adoption or endorsement to the Town of Pleasant Prairie and Kenosha County as well as the state and federal agencies having land use regulatory responsibilities in the area including the state Department of Natural Resources and U.S. Army Corps of Engineers.

A draft report describing the proposal, including a plan map, is on file at the Pleasant Prairie municipal building, 9915 39th Ave., and the SEWRPC office, 916 N. East Ave., Waukesha, Wis., 53186.

Further information is available by contacting the town or SEWRPC office.

KENOSHA NEWS
October 23, 1984

Chiwaukee, Carol Beach groups heard

Issue divides homeowners, environmentalists

By ARLENE JENSEN
Staff Writer

Chiwaukee Prairie is one of the most controversial issues the commission has dealt with in the past 20 years, Kurt Bauer told a Kenosha audience Tuesday.

Bauer, executive director of Southeastern Wisconsin Regional Planning Commission, conducted the public hearing on a land use management plan for the Chiwaukee Prairie-Carol Beach area.

The session drew 200 persons with the audience about evenly divided between property owners and representatives of various environmental groups. About 50 persons commented on the plan, which has been on the drawing board for more than two years.

Bauer said the commission's plan is strictly advisory.

"I want to make it clear, the plan is only our recommendation," said Bauer.

If approved, SEWRPC will formally certify the plan for adoption or endorsement by the Town of Pleasant Prairie and Kenosha County as well as state and federal agencies having land use regulatory responsibilities in the area. Implementation must still come from the town and county, he said.

The plan presented Tuesday is described as a combination development-preservation plan, a middle ground between maximum development and maximum preservation of the 1,825-acre study area. Its boundaries are Lake Michigan on the east, the Wisconsin-Illinois state line on the south, Sheridan Road to the west and 80th Street on the north.

"The plan," said SEWRPC's Phillip Evenson, "would identify those open space lands — both wetlands and uplands — which should be protected and preserved in the public interest and those lands on which urban growth should be accommodated."

The plan proposes 803 acres in open space preservation and 860 alloted to urban use.

Main components of the plan are that:

✔ About 641 undeveloped, platted lots within the open space preservation area would be acquired at fair market value by the Department of Natural Resources or private resource protection organizations such as The Nature Conservancy.

✔ An additional 20 lots would be acquired by Pleasant Prairie to preserve open drainageways.

✔ Lands in the open space preservation area would be placed in a conservancy zoning district to ensure their preservation until purchased.

✔ The 30 existing homes in the preservation area would be left in private ownership to be maintained without the restriction of nonconforming use. The plan does not rule out acquisition of the 30 homes if agreement can be reached between willing sellers and purchasing agencies.

In the urban development portion of the plan, 47 percent of the alloted 860 acres would be devoted to single family residential use and to limited commercial and institutional use. In addition, the proposed urban area includes land set aside for the possible expansion of the Kenosha sewage treatment plant and Trident Marina.

The plan envisions that:

✔ The town and county would apply to the U.S. Army Corps of Engineers for a collective permit to fill and develop those wetlands in the urban development area, thus relieving individual landowners of that burden.

✔ Housing units in the study area would increase from 500 to 1,500 while the population would increase from 1,400 to about 4,300.

✔ Over a period of time, the town would provide public sanitary sewer and water service, drainage systems, and new or improved roads in the urban area as needed and as finances permit.

✔ All platted land in the urban area would be zoned for development and be placed in a residential, commercial, institutional, or recreational district.

Evenson said the plan "attempts to lift the cloud of uncertainty which has for many years surrounded the area . . . would ensure the preservation of valuable plant and animal communities . . . and enhance the potential for good urban development.

Attorney John Crosetto told the commission he was hired by the Chiwaukee-Carol Beach Citizens Organization to stop any rezoning that will deprive citizens of the use of their property.

Crosettto warned, "If the plan is adopted, you can expect expensive and time consuming litigation."

Public Intervenor Kathleen Falk spoke later in response to Crosetto's comments and said, "It looks like we are reading different plans. I have not heard that anyone is being kicked out of their homes. We are talking about what to do with undeveloped areas."

Also representing the homeowners group was Warren Buchanan Jr., an environmental science consultant, hired to study the validity of wetland mapping in the Chiwaukee

area done earlier by the Department of Natural Resources.

Buchanan said he concluded the maps are inaccurate and further studies are needed.

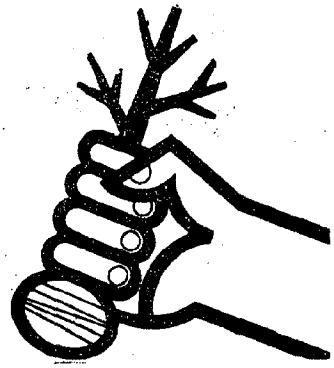
Robert Deutsch, a Carol Beach property owner, said his property has been designated wetland. "I am further above sea level than the City of Kenosha," said Deutsch.

Linda Monroe, representing the Public Intervenor's office, also criticized the plan which, she said, is "only a compromise between some damaging development and a lot of damaging development."

Mary Ellen Johnson, of the Chiwaukee Prairie Rescue Coalition, said her group finds the compromise plan unacceptable but has offered an alternative plan. The CPR plan, said Johnson, is based on two principles: reasonable treatment of existing property owners and maximum preservation of the prairie.

"Chiwaukee contains 400 species of rare and endangered species," said Johnson. "The time to save them is now, and to do that, you must preserve the habitat."

Professor Douglas Cherkauer, of the department of geological sciences, University of Wisconsin-Milwaukee, said the ground water data contained in the SEWRPC study is seriously flawed. He said the plan could cause the demise of the wetland it is trying to protect.



Cherkauer, who was hired by the Public Intervenor's office, said the plan "should be held in abeyance until the necessary hydrologic information is obtained."

Bauer said the public hearing record will be kept open until Friday, Nov. 2, for written testimony.

Persons who wish to add their comments should send letters to SEWRPC, 916 N. East Ave., Waukesha, Wis., 53187-1607.

KENOSHA NEWS
October 24, 1984

Chiwaukee Prairie fight could hurt all, planner says

By Andy Blankenburg
Journal Times

KENOSHA — Disagreement between developers and conservationists involved in the Chiwaukee Prairie-Carol Beach land use plan could cost the groups the land they are fighting to keep, a state planner told a public hearing here Tuesday.

Without a plan that can serve as the basis for federal and state action, the regulatory process — including government acquisition of land — would prevail, said Kurt Bauer, chairman of the Southeast Wisconsin Regional Planning Commission (SEWRPC).

"The rigid application of the law would permit the state to zone that land against development, without taking into account compensation," Bauer said.

The judicial system probably would not provide much help for those who have had their land taken away, Bauer said.

"There have been Supreme Court cases in the state of Wisconsin that have upheld the right of the state to apply police powers in that way," he said.

The proposed SEWRPC plan was intended as a compromise between development and preservation. About 47 percent of the Chiwaukee Prairie's 1,825 acres would be allowed to develop as an urban area under the plan, with 44 percent set aside as an open space preservation area. The remaining land would be classified as rural or railway right-of-way.

The Chiwaukee Prairie-Carol Beach area, in the southeastern corner of Kenosha County, is regarded by naturalists as containing some of the most outstanding prairie and wetland features remaining in the state.

The SEWRPC compromise plan was attacked for about four hours by speakers — some of whom came from Madison and Green Bay — who said provisions of the plan would satisfy neither landowners nor preservationists.

Without a plan, Bauer said, owners of about 750 wetland lots in state-defined shoreland areas will have their land zoned for conservancy, preventing the development of their lots.

Also, landowners of government-regulated wetland lots will not be allowed to develop their lots without a plan, he said.

In the open space preservation area of the SEWRPC plan:

- About 641 undeveloped platted lots would be purchased at fair market value by the Department of Natural Resources or private resource protection organizations.
- An additional 20 lots will be acquired by the town of Pleasant Prairie to preserve open drainageways.
- The existing 30 homes would be left in private ownership.

In the urban development area of the SEWRPC plan:

- Pleasant Prairie and Kenosha County would apply to the U.S. Army Corps of Engineers for a collective permit to fill and develop wetlands.
- Housing units would increase from the existing 500 to nearly 1,500, with an population increase from the existing 1,400 to about 4,300.
- Pleasant Prairie would provide sanitary sewer service, water supply, drainage systems and roads as needed.
- Platted land would be zoned either residential, commercial, institutional or recreational.

RACINE JOURNAL TIMES
October 24, 1984

Appendix I

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