

Chapter VI:
Final assessment documents.

A) Feasibility determination of the proposed Glacial Heritage Area project.

The information and evaluation presented in this study, and supported by input received through the public involvement process, have produced the following conclusion:

The proposed Glacial Heritage Area is feasible from the standpoint of legal authority, recreational and ecological soundness, public support, and availability of funding.

Approved:

Steven W. Miller, Director
Bureau of Facilities and Lands
Co-Sponsor of GHA project

Date

Mark D. Aquino, Assistant Administrator
Land Division
Co-Sponsor of GHA project

Date

Laurie J. Osterndorf, Administrator
Land Division

Date

B) Environmental Impact Statement Certification and Record of Decision.

1) Introduction

The Wisconsin Environmental Policy Act (WEPA), s. 1.11, Stats., requires state agencies to fully consider and disclose the environmental impacts of agency actions. Chapter NR 150, Wis. Adm. Code, outlines policy and procedures for implementing WEPA for the Department of Natural Resources (DNR). Section NR 150.24, Wis. Adm. Code, requires a final written decision regarding WEPA compliance.

The Wisconsin Department of Natural Resources is initiating the Glacial Heritage Area (GHA). The vision for the GHA is to create a network of recreation and conservation lands that provide high quality outdoor experiences and protect critical habitat.

2) Changes to the Draft Plan

Department staff have amended the draft feasibility study and master plan based on comments received during the public review period, including the informational hearing, and on further review by staff. Substantive changes were not made to the feasibility study, master plan, or EIS. The changes that were made are outlined in an attached document, *Summary of public input to the Environmental Impact Statement, Draft Feasibility Study, and Draft Master Plan for the proposed Glacial Heritage Area*.

3) Findings of Fact

The Department of Natural Resources finds that:

- A. Section NR 150.03, Wis. Adm. Code, establishes a “Type List” for all DNR actions, setting minimum procedural requirements for WEPA compliance. Pursuant to s. NR 150.03 (5)(a)1.a, Wis. Adm. Code, the GHA project makes this a Type 1 action (land acquisition projects over 1,000 acres in size with a change in land use), requiring the Environmental Impact Statement (EIS) process as outlined under s. NR 150.20 (1) (d), Wis. Adm. Code.
- B. On June 1, 2009, the Department of Natural Resources completed an EIS and received public comments through July 15, 2009.
- C. On February 21, 2006, pursuant to ss. NR 150.21, Wis. Adm. Code, the Department notified the public of its determination to pursue the full EIS process, in order to complete its compliance with the Wisconsin Environmental Policy Act (WEPA), under s. 1.11 Stats., as it relates to the proposed GHA project.
- D. In September 26, 2006, pursuant to s. NR 150.21 (3), Wis. Adm. Code, the Department held a scoping meeting with the general public and interested parties concerning content of the feasibility study, master plan, and EIS document.
- E. On June 1, 2009, the Department of Natural Resources announced the availability of the Environmental Impact Statement (EIS) for public comment and announced a public information hearing for July 1, 2009, at the Lake Mills Municipal Building to receive comments on the EIS.
- F. Such notice was provided on May 29, 2009 via electronic mail to all interested parties, local governmental officials, the Governor’s office, other state and federal agencies, and to local libraries. Copies of the EIS were made available through the Department’s worldwide web site, in hard copy, and at all local libraries in the area.

- G. On June 1, 2009, at least 25 days prior to the hearing, a class 1 notice, as defined by ch. 985, Stats., was published in the Wisconsin State Journal, 1901 Fish Hatchery Road, Madison, WI 53713.
- H. The Department held open house informational meetings from 6:00 to 8:00pm on June 29 at the Waterloo Library and on June 30 at the Fort Atkinson High School.
- I. The Department held a public informational hearing on July 1, 2009, at 7:00 to 8:00pm at the Lake Mills Municipal Building. An informational open house was held for the GHA from 6:00pm to 7:00pm when the hearing commenced at the same location. The open house format allowed for a question and answer session with Department experts prior to the formal hearing proceedings.
- J. Verbal and written comments on the EIS were received at the July 1, 2009 hearing, and written comments were accepted in letter or electronic mail formats through July 15, 2009.
- K. Pursuant to s. NR 150.22 (3)(e), Wis. Adm. Code, the Department prepared a summary of the comments received in writing during the comment period and comments received at the public hearing regarding the EIS. The Department has responded to the EIS comments in a document dated September 18, 2009.
- L. DNR fully considered all comments on the EIS in making this decision pertaining to compliance with WEPA. Any substantive project changes that significantly affect its environmental impact may require additional analysis.

4) Conclusion of Law

The Department concludes that:

- A. The Department of Natural Resources, under s. 1.11, Stats., and Ch. NR 150, Wis. Adm. Code, has the responsibility to comply with WEPA, and the authority to determine its compliance with that Act.
- B. The procedure and analysis identified in the Findings of Fact complies with the requirements of s. 1.11, Stats., and ch. NR 150, Wis. Adm. Code.

5) Decision

The DNR has complied with the requirements of WEPA, s. 1.11, Stats. and Ch. NR 150, Wis. Adm. Code, for the proposed GHA project. This Decision applies to all subsequent DNR actions on the project, the impacts of which are considered in the EIS.

Dated at Fitchburg, Wisconsin, this 16th day of September, 2009

STATE OF WISCONSIN
 Department of Natural Resources
 For the Secretary

By: _____
 Russell A. Anderson
 Analysis & Review Program Supervisor, South Central Region
 Wisconsin Department of Natural Resources

6) Appeal Rights

If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes, administrative codes, and case law establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department's decision, ss. 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. Such a petition shall be filed with the appropriate circuit court and shall be served on the Department. The petition shall name the Department of Natural Resources as the respondent.