

*Also note that Wis. Admin. Code § NR 150.22(1)(d) requires that an environmental assessment be “written in plain language and should use appropriate graphics to aid decision-makers and the public.” The document in its present form fails to meet the standard established in the rule.*

The Department feels that Wis. Admin. Code § NR 150.22(1)(d) has been met. Scientific terms such as benthic, macroinvertebrates, and littoral zones as well as acronyms such as EA have been defined in the document so that individuals not familiar with these terms or acronyms would be able to understand the term when used. Pictures showing the type of dredging projects discussed in the environmental analysis and a summary table of potential physical changes was included in the document.

*It is unclear from the draft environmental assessment what proposed action of the DNR is being reviewed?*

There is no specific DNR action that triggered this environmental analysis. Under Wis. Admin. § NR 150.20(2)(e), Generic EA or EIS, an environmental analysis may be completed to assess the environmental effects of actions likely to be repeated on a recurring basis or actions which have relevant similarities such as common timing, impacts, alternatives, methods of implementation or subject matter. Considering the number of private dredging proposal over the last several years and the fact that there were 10 current private dredging proposals when Lawrence University was first contracted to conduct the study the DNR feels these types of proposals are likely to be repeated.

*I also want to point out that the environmental assessment does not meet the DNR’s own legally enacted criteria for what must be contained in an environmental assessment. The content of an environmental assessment is controlled by Wis. Admin. Code § NR 150.22. It is meant to be an analytical document that allows both environmental and economic factors to be considered. Wis. Admin. Code § NR 150.22(1)(b). It is not supposed to be a justification of an action, but a disclosure of adverse environmental effects of the action. Wis. Admin. Code § NR 150.22(1)(c). More specific requirements regarding the content of the environmental assessment are found at Wis. Admin. Code § Code NR 150.22(2). Based on my review of the document, these criteria are not satisfied. Base on my review of the document, these criteria are not satisfied. For instance, there is no discussion of the degree of risk or uncertainty in predicting effects, no discussion of how to control alleged effects, no discussion of the consistency of the proposed policy with local, state and federal governments, or the degree of controversy over the effects. The document fails the DNR’s own standards and should be rejected for that reason alone.*

The environmental analysis is not intended to justify any action nor is it intended to propose new policy. As stated in the environmental analysis on page 4 under the section, Purpose of the Study, “This EA is not a process to block future dredging projects”, on page 7 under Riparian Rights, “what constitutes a reasonable riparian use will vary from case to case”, and on page 27 under the section Significance of Precedent, “All permit decisions are reviewed on a case by case basis”, the document is not meant to deny future

proposals. Rather the document is meant to provide an environmental review of potential environmental effects from repeated private dredging projects so DNR can make an informed decision on future private dredging proposals.

The document does recognize there are limitations to the conclusions of the study and on page 27 under the section Significance of Risk it states “This was a small study and a more comprehensive study would need to be conducted to evaluate the full impact of boat access dredging and piers along Door County coasts”.

In the alternatives section of the document there is a discussion of what can be done to avoid and minimize the potential for the environmental effects from multiple private dredging projects. This section mentions the potential impacts from denial of private dredging proposals.