

ENVIRONMENTAL ANALYSIS AND DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS)

Department of Natural Resources (DNR)

Form 1600-8 Rev. 6-90

May 1, 2002 Draft

District or Bureau Southeast Region
Type List Designation

NOTE TO REVIEWERS: This document is a DNR environmental analysis that evaluates probable environmental effects and decides on the need for an EIS. The attached analysis includes a description of the proposal and the affected environment. The DNR has reviewed the attachments and, upon certification, accepts responsibility for their scope and content to fulfill requirements in s. NR 150.22, Wis. Adm. Code. Your comments should address completeness, accuracy or the EIS decision. For your comments to be considered, they must be received by the contact person before 4:30 p.m., _____ (date).

Contact Person	Terry Lohr
Title	Program Planning Analyst
Address	T. Lohr, WT/2 P.O. Box 7921 Madison, WI 53703
Telephone:	Terry Lohr (608-267-2375)

Applicant: Southeastern Wisconsin Regional Planning Commission

Address: 916 N. East Avenue, P.O.Box 1607 Waukesha, WI 53187-1607

Title of Proposal: Amendment to the Regional Water Quality Management Plan for the Greater Kenosha Area: Greater Kenosha Area Sewer Service Area (SSA) Plan

PROJECT SUMMARY

Location: City of Kenosha, Village of Pleasant Prairie, and the Town of Bristol. Proposed additions are shown as A, B, and C on attached Map 1 (from the referenced SEWRPC report below).

The sewer service area update and related documents for this environmental analysis are found in the Southeast Wisconsin Regional Planning Commission (SEWRPC) report: "Amendment to the Regional Water Quality Management Plan, Greater Kenosha Area, as Adopted by the Southeastern Wisconsin Regional Planning Commission (SEWRPC), December 2001". The three areas proposed to be added (described below as A, B, and C) encompass a total of 1,680 acres. Of this total, 280 acres are comprised of environmentally significant lands; 107 acres are devoted to existing urban development; and 1,293 acres are comprised of agricultural and other open lands which could be developed for urban uses.

Area A

This area is proposed to be added to the existing service area by the Village of Pleasant Prairie. It is envisioned that the area would primarily accommodate industrial development. WISPARK, Inc. has acquired much of that portion of the proposed sewer service area addition south of CTH Q for a new industrial park. Area A encompasses about 360 acres. In 1995 about 7 acres were in urban use. About 47 acres were comprised of isolated natural resource areas. The remainder of 306 acres is envisioned to be developed primarily for industrial uses.

Area B

This area is proposed to be added to the SSA by the Town of Bristol and is envisioned to accommodate low-density single-family residential development. Area B encompasses a total of 480 acres. In 1995 about 35 acres were in urban use. About 136 acres were comprised of environmental corridors and isolated natural resource areas, including adjacent farmed floodplain areas which may be expected to revert to a natural condition when farming operations cease, as shown in Map 2. The remainder of 306 acres is envisioned to be developed for residential use.

Area C

This area is proposed to be added to the SSA by the City of Kenosha. Under an agreement between the City of Kenosha and the Town of Bristol, nearly all of this area would eventually be attached to the City. It is envisioned that the area would accommodate a mixture of residential, commercial, and outdoor recreation uses. Area C encompasses a total of 840 acres. In 1995 about 62 acres were in urban use. About 97 acres were comprised of environmental corridors and isolated natural areas, including adjacent farm floodplain areas which may be expected to revert to a natural condition when farming operations cease, as shown on Map 2. The remainder of 681 acres is envisioned to be developed for residential, commercial, and outdoor recreational uses.

With these additions, the size of the Greater Kenosha sewer service area would increase by 2.6 square miles (3.5 percent) to a total of 76.5 square miles. The expanded sewer service area would encompass 14.1 square miles of environmentally significant lands – including 9.1 square miles of primary environmental corridors, 2.7 square miles of secondary environmental corridor, 1.7 square miles of isolated natural areas, and 0.6 square miles of wetlands and surface areas of less than five miles. Based upon the amount and density of planned residential development anticipated it is estimated the areas added to SSA would accommodate a total of 1,700 households.

The other component of this sewer service area amendment plan under consideration involves the modification of the primary environmental corridor in a portion of Alford Park that is leased to Carthage College by the City of Kenosha. The proposed modification involves the deletion from the existing primary environmental corridor of a 2.7 acre area on which Carthage College proposes to construct student housing. The area proposed to be removed from the environmental corridor is identified by the hatch marked area on Figure 1. The area to be removed is relatively level and abuts the inland edge of the Lake Michigan bluff. A number of trees would have to be removed to accommodate the proposed development.

Under Chapter NR 121, Wisconsin Administrative Code, the delineation of a sewer service boundary includes the identification of areas appropriate for current and future sewered development. Communities may also develop without sanitary sewer by utilizing onsite sewage systems. Where sewer service is available within a reasonable proximity, onsite systems may not provide an equivalent cost-effective and environmentally sustainable option for wastewater management. This environmental analysis focuses on the potential impacts of providing sanitary sewer service within the proposed revised sewer service area boundary.

Treatment Plant Capacity

In 1994, the Kenosha Water Utility completed sewage treatment plant improvements in accordance with the recommendations set forth in a 1991 sewerage system plan. The expanded sewage treatment plant has a capacity of 28 million gallons per day (mgd) on an average basis, and 140 mgd on a peak hourly basis. The peak hourly capacity is provided by a combination of a 30 million gallon flow equalization storage facility and a 68 mgd of treatment capacity. These design flows include consideration of the entire service area set forth in the currently adopted sanitary sewer service area as documented in the 1996 amendment to the regional water quality management plan. That service area includes areas currently served by the Village of Pleasant Prairie Sewer Utility District D and the former Sanitary District No. 73-1 sewage treatment plants. The current average hydraulic plant loading is approximately 23.0 mgd on an average annual basis. The plant has experienced flows that have exceeded the plant and storage system peak flow capacity on three occasions during the past two years. These occurrences were during periods of extreme rainfall events, including the short term intense rainfall event which occurred on June 12, 2000. In order to improve the peak flow plant hydraulic capacity, the Kenosha Water Utility has taken steps to increase the pumping capacity into the storage equalization basin, with construction underway in 2001.

The sewage flows from the areas proposed to be added to the service area are expected to add from 1.0 to 2.0 mgd on an average daily flow basis upon full development. Since the current plant design did not include these areas, it is expected that the plant capacity may be exceeded before the year 2020. However, based upon current trends, the existing capacity should be adequate through the year 2010, with the time for initiating facility planning dependent upon the pace of development over the entire service area.

The agreements between the Kenosha Water Utility and the communities served provide for the utility to notify the communities at least three and one-half years before any major sewage treatment plant expansion is initiated. Accordingly, review of the plant operation for contractual purposes, as well as for the Wisconsin Department of Natural Resources, will be required and appropriate planning will be put in place prior to the need for plant expansion.

Public Reaction to the Plan

A public meeting concerning the proposed amendments was held on November 26, 2001. The meeting was sponsored by the Kenosha Water Utility and the Regional Planning Commission. A summary of the plan was presented prior to receiving public comment. A review of the meeting record by the SEWRPC indicates no substantive concerns were raised, consequently, no changes were made to the proposed plan. The City of Kenosha Board of Water Commissioners adopted the plan amendments November 26, 2001.

Population Projection

The City of Kenosha and environs sanitary sewer service area had, in 1990, a resident population of about 98,900, of which about 94,600 persons, or about 96 percent, were provided with centralized public sanitary sewer service. The design year 2000 resident population level associated with the currently adopted City of Kenosha and environs sanitary sewer service area was about 138,000 persons; under the existing plan, the service area would have an overall density of about 4.4 dwelling units per net residential acre.

Current Commission population and household projections for the greater Kenosha area extend to the year 2020. The Commission analyses indicate that – assuming growth and development in accordance with the densities envisioned in the comprehensive plan for the Kenosha Urban Planning District – the currently adopted Greater Kenosha SSA would be able to accommodate a population level that approximates the high growth population projection for the year 2020: about 1,700 additional households.

The planned year 2010 resident population levels within the revised Kenosha sanitary sewer service area would range from about 112,000 persons, under the Commission's recommended land use plan, to about 129,700 persons, under the Commission's high-growth centralized land use plan.

DNR EVALUATION OF PROJECT SIGNIFICANCE

1. Environmental Effects and Their Significance

Under the adopted regional water quality management plan and the refined sanitary sewer service area plan, it is envisioned that all urban lands within the expanded urban service area would receive sanitary sewer service. Assuming all applicable federal, state, and local permits are obtained and proper site development and construction practices are followed, there should be no significant adverse water quality impacts attributable to the development of the planned sanitary sewer service area. In addition, the provision of public sanitary sewer service to those lands within the planned SSA which are currently developed and served by onsite sewage disposal systems may be expected to reduce the pollutant loadings from the existing onsite sewage disposal systems to both surface and groundwater.

Short-Term Impacts of the Proposed Project:

Construction Impacts:

- * Noise, dust, congestion (traffic), and habitat disturbance
- * Increased quantity of stormwater flow
- * Reduced water quality of wetlands and surface waters which may include increased nutrients, solids, bacteria, metals and polycyclic aromatic hydrocarbons (and other organics) from stormwater conveyance from increased development and reduced infiltration
- * Possible dredge and fill of wetlands during land disturbance activities and development of hydric soils, which will likely displace the local hydrologic flow and affect regional hydraulics during and subsequent to sewer system development.

Historic/Cultural Area:

There may be historic properties in the area identified to be added to the sewer service area. No portion of the project area has been surveyed for archaeological remains; thus, there is a possibility that unreported remains are present.

Endangered/Threatened Species and Natural Areas:

Location	Site Name and Species Found	Site Description

Ecologically sensitive areas:

SEWRPC has identified environmentally sensitive areas (ESA) associated with water resource features within the expansion of the SSA

SEWRPC designates primary and secondary corridors and isolated natural resource areas based, in part, on the size (length, width and acreage), of the area, which may or may not have a direct positive correlation with a resource's ecological value or significance. Thus, there can be environmentally significant lands in the planning area in which an ecologically valuable resource does not conform to the size standards prescribed by SEWRPC. The following are SEWRPC's size standards for environmental corridors and isolated natural resource areas (Map 2).

- Primary Corridor At least 400 acres in size, at least two miles long, and a minimum width of 200 feet.
- Secondary Corridor A minimum of 100 acres and a minimum length of one mile.
- Isolated Natural At least 5 acres in size

The following is the Departments definition of environmentally sensitive areas based on language in NR121.

"Areas to be considered for exclusion from the SSA because of the potential for adverse impacts on the quality of the waters of the state from both point and nonpoint sources of pollution include but are not limited to wetlands, shorelands, floodways and floodplains, steep slopes, highly erodible soils and other limiting soil types, groundwater recharge areas and other such physical constraints." (NR121.05(1)(g)2.c.) (Exhibit D)

Resource Areas

The following are major environmentally sensitive areas that will likely be affected by urban development associated with this amendment.

Resource Area and Location	Site Description
Alford Park	2.7 acre area abutting inland edge of Lake Michigan. A number of trees would have to be removed to accommodate construction of student housing.

For the reasons stated earlier, all areas identified as environmentally sensitive in the plan should be protected. Also, we encourage a closer look at the environmental corridors and isolated resources which may need to be crossed to develop surrounding areas. *All efforts to protect the integrity of the corridors should be undertaken.* Also, implementation of stormwater management practices for new and existing development should be encouraged to provide adequate stream protection for water quality.

⊥SEWRPC policies allow five acre lot development in primary corridor, thus obfuscating intended protection that primary corridor designation is to provide
 ⊥⊥ Data from Memorandum Report No. 93, *A Regional Water Quality Management Plan for Southeast Wisconsin: An Update and Status Report.*

Additional critical species habitats in the SSA area (and directly adjacent) include:

Water Quality Impacts

With respect to the proposed additions to the sewer service area, under the adopted regional water quality management plan and the refined SSA plan, it is envisioned all urban lands with the expanded urban service area would received sanitary sewer. Assuming all applicable federal, state, and local permits are obtained and proper site development and construction practices are employed, there should be no significant adverse water quality impacts attributable to the development of the planned SSA. In addition, the provision of public sanitary sewer service to those lands within the planned sanitary sewer service area which are currently developed and served by onsite sewage disposal systems may be expected to reduce the pollutant loadings from the existing onsite sewage disposal systems to both surface and groundwater.

A modest increase in runoff pollution would be expected from the 2.7 acre area to be removed from the primary corridor in Alford Park. The expected increase in sediment loading, in particular, would be most significant during construction. However, this could be minimized by the use of a high level of construction erosion control measures.

While the proposed development would result in increased runoff pollution, the amount of pollutants likely to be discharged during construction and under full development conditions would be insignificant when considered within the framework of the total pollutant loading to the reach of Lake Michigan along the Kenosha urbanized area.

Should this development move forward, every effort should be made to minimize erosion during the construction phase and to incorporate into the project stormwater management measures which minimize on a permanent basis any runoff pollution loading to Lake Michigan.

Other Resource Conditions

Within the amendment area, there are some tracks where soils pose limitations for residential development. These soils are associated with the wetland areas along the area's many wetlands, lakes and riverine floodplains and should be taken into consideration when development occurs. Generally, many of these soils are part of environmental corridors. However, there may currently be septic or private sewerage systems serving some of these areas at this time. If so, these existing developments would be better served by connection to public sewers as the inherent limitations of these soils can not be

overcome by enlarging the lot size and will likely result in ponding and runoff of partially treated wastes into surface waters (from SEWRPC Planning Report No. 30, 1978).

Significance of Short-Term Impacts:

- ! Increase in impervious surfaces are relatively permanent. Some urban BMPs can be used during development of roads, driveways, parking lots, etc. to abate degradation of natural resources.
- ! Onsite stormwater detention/retention facilities should be built into development plans. These facilities should mimic the natural setting as much as possible.
- ! Wetlands should not be used for stormwater treatment but primarily for environmental corridor/natural areas and habitat values; stormwater flows should be slowed before they reach wetland areas - ***and buffers of 75 feet or greater should be implemented around wetland areas to protect wildlife and water quality.***
- ! ***Secondary corridors and small headwater streams*** should not be used for "economical drainageways", but **should be protected to conserve natural hydrologic flows and groundwater recharge**. Waterbodies and wetlands interconnecting the cluster lakes should be preserved with a sizable buffer to allow free movement of animal species and to slow stormwater flows to prevent scouring and sedimentation in wetland areas.
- ! All wetlands, floodplains, and steep slopes associated with waterbodies should be off limits for development based on possible impacts to water quality; this protection should be applied despite or regardless of the type of environmental corridor designation.
- ! Department approval of this sewer service area plan amendment allows sewered development in the proposed area. As a single component of the land development process that includes streets, all utilities, building construction, parking area construction, etc., sewers are usually located in areas where earthmoving work would occur anyway (under streets). The sanitary sewer line installation probably has substantially less environmental impact than the coinciding earthmoving work on those sites. The industrial and commercial development that follows the land subdivision process causes an increase in stormwater runoff from roof tops and parking lots, and reduces the amount of groundwater recharge area.
- ! Although the proposed sewer system will replace mainly existing onsite systems, the presence of a sewer system may enhance development in the area, increasing the amount of impervious surfaces in the area. Increases in impervious surfaces are relatively permanent; however, some urban best management practices can be used during development of sewer lines, roads, driveways, parking lots, etc. to abate the degradation of natural resources associated with an increase in impervious surfaces.

Recommended Steps to Reduce the Significance of Short-Term Impacts

- ! To reduce the significance of wetland alterations, wetlands should not be used for stormwater treatment but primarily for environmental corridor/natural areas and habitat values.
- ! Erosion control practices should be installed and properly maintained on all areas under development to minimize runoff.
- ! Implementation of stormwater management practices for new development should be encouraged to provide adequate stream protection for water quality.
- ! Infilling of vacant lots for future development should be encouraged over the use of existing agricultural or vacant/undeveloped lands on the outskirts of the sewer service area.

- ! The use of wetlands and railroad right-of-ways should be discouraged, if not prohibited, for sewerline laterals due to the sensitivity of wetlands and the likelihood of rare plant species in railroad right-of-ways.

Long-Term Impacts of the Proposed Project

One major long-term impact of this project will stem from the development of medium and low density residential development. While some of these are partially developed with septic systems, installation of sewers at large lot sizes encourages and legitimates the type of urban sprawl that the Department of Natural Resources is trying to reduce in urbanizing regions. This sprawl and its associated impervious surface areas have been linked to water quality impacts written of and analyzed in numerous public journals, newspaper articles , etc.

- ! Water quality, quantity, economic, social, and ecological habitat and potential wildlife impacts from hydrologic modifications, including enhanced flashiness of flow regimes and increased pollutant loads from roof drains, street and parking lot runoff, deicers, spills, and oil and grease. Enhanced delivery of total suspended solids, bacteria, metals and organics (polychlorinated aromatic hydrocarbons) to surface waters, with potentially substantial changes to the quality and character of the waterbodies.
- ! Operational, maintenance and upgrade costs for WWTP and infrastructure development should be anticipated as the treatment plant nears its design capacity.
- ! Long-term primary impacts include effects from enhanced suburban sprawl over large land areas. SEWRPC allows five acre lot development in primary environmental corridor, which results in habitat fragmentation. Growth of outlying areas versus infill and vertical development of existing urban areas is associated with:
 - ! Loss of agricultural land
 - ! Loss of existing rural character in the outlying township
 - ! Ecological, social and economic costs associated with an increase in air and noise pollution, traffic congestion, waste generation, spills, need for new and enhanced infrastructure in city and outlying areas.
 - ! Air quality impacts from new industrial, commercial and residential land uses could be significant. Individual impacts will have to be addressed on a case-by-case basis through the state air operation permit process. An increase in the accompanying vehicular traffic and associated air pollution emissions is likely from increased commercial and industrial activity.

Significance of Long-Term Impacts:

- ! Loss of agricultural land is irreversible and permanent for foreseeable future.
- ! Loss of existing rural character is irreversible and relatively permanent for the foreseeable future.
- ! Increase in air and noise pollution, traffic congestion, waste generation, spills is relatively irreversible and permanent as long as the industrial, commercial and residential development is implemented as planned.
- ! Loss of wildlife and extirpation of endangered species and loss of unique communities/habitats is permanent and irreversible.

2. Significance of Cumulative Effects.

Discuss the significance of reasonably anticipated cumulative effects on the environment (and energy usage, if applicable). Consider cumulative effects from repeated projects of the same type. Would the cumulative effects be more severe or substantially change the quality of the environment? Include other activities planned or proposed in the area that would compound effects on the environment.

The affected municipalities are seeking approval of the sewer development plan boundary as proposed to meet anticipated land requirements to the year 2020. The cumulative impacts of the area's growth will include: increased traffic, jobs, air pollution and stormwater runoff with accompanying sedimentation and pollution. The cumulative impacts also include loss of rare and endangered wildlife, wetlands, prime agricultural land, groundwater recharge areas, woodlands, wildlife intolerant to urbanization, and rural community character. The transitional edge between urban and rural land use is pushed out farther from the center of the urban area causing land use speculation and increases in property values.

This SSA Plan public hearing has provided an opportunity for public participation concerning the area's future development. All plans however; should be reviewed from time to time to be sure that they represent the most current ideas and knowledge available. Wisconsin Administrative Code, NR 121, requires periodic sewer service area plan updates.

3. Significance of Risk

a. Explain the significance of any unknowns which create substantial uncertainty in predicting effects on the quality of the environment. What additional studies or analysis would eliminate or reduce these unknowns?

The current sewer extension provisions of Chapters NR 110 and ILHR 82, Wis. Adm. Code, provide implementation authority for the plan.

While SEWRPC's sewer service area plan report does not secure protection of all environmentally sensitive lands within the amendment area, the opportunity for development to create adverse impacts in ignorance of water quality protection rules is diminished because the plan provides notice that the protection of wetlands and shorelands is required through other state and federal laws.

It is highly recommended that communities rezone areas identified as environmentally sensitive to conservancy for their long-term protection.

Wetlands and shorelands represent the major features within the subject environmentally sensitive areas. All wetlands and shorelands within the boundary of the proposed amendment to the sewer service area should be protected through either the implementation of sewer service area plan itself or the Army Corps 404 wetland permit process, water quality standards for wetlands (Wis. Adm. Code, NR 103), and Wisconsin Administrative Code NR 115, the shoreland wetland program for unincorporated areas which are administered locally by counties.

SEWRPC policy provides for the protection of environmentally sensitive areas within primary environmental corridors but allows development of environmentally sensitive areas designated secondary environmental corridors or isolated natural resource areas, at the discretion of the local unit of government. However; any development proposal that would have a significant adverse water quality impact on environmentally sensitive lands, requiring a Clean Water Act - Section 404 Permit or a Wisconsin State Statute - Chapter 30 Permit, is required to also obtain DNR water quality certification. WDNR administers Chapter NR 103 which specifies state water quality standards. Analysis of whether the proposed project will meet the qualitative standards set out in NR 103 is required through the water quality certification procedure; this analysis is required of any action affecting a wetland, regardless of the size of that wetland.

Stormwater management plan development is required for any construction site activity disturbing five or more acres of land, pursuant to Chapter NR 216, Wisconsin Administrative Code.

If there were insufficient industrial and commercial lands within the sewer service area to meet the demand, it's possible that development would occur with onsite sewage disposal systems. Within the relatively high densities of urban area development sanitary sewer generally has less adverse impact on the environment than numerous onsite sewage systems, particularly as the onsite systems become old. The delineation and protection of environmentally sensitive areas through the sewer service area planning process is a positive secondary impact. The Facility Planning and Wastewater Permitting Programs oversee the maintenance of wastewater treatment standards and capacity.

b. Explain the environmental significance of reasonably anticipated operating problems such as malfunctions, spills, fires or other hazards (particularly those relating to health or safety). Consider reasonable detection and emergency response, and discuss the potential for these hazards.

None.

4. Significance of Precedent

Would a decision on this proposal influence future decisions or foreclose options that may additionally affect the quality of the environment? Describe any conflicts the proposal has with plans or policy of local, state or federal agencies. Explain the significance of each.

The approval of the subject plan provides significant direction for the community's future growth but does not foreclose future options which could have positive affects on the environment. Sewer service area plans allow amendment procedures to respond to new information and demands relative to providing water quality protection in a development setting. NR 121, Wisconsin Administrative Code requires periodic SSA plan updates.

5. Significance of Controversy Over Environmental Effects

Discuss the effects on the quality of the environment, including socio-economic effects, that are (or are likely to be) highly controversial, and summarize the controversy.

The proposed amendment to the Greater Kenosha Area SSA Plan is large and there is known *public* controversy regarding the environmental effects of this sewer service area plan. However, without a sewer service area plan to exclude the sewer development of environmentally sensitive lands, the adverse impact upon water quality through the development of environmentally sensitive areas could be significant. While SSA planning may not provide positive environmental impacts other than water quality protection; (such as air pollution or traffic impacts), the net environmental concern and benefit it generates through the community planning process may be broadly beneficial.

ALTERNATIVES

Briefly describe the impacts of no action and of alternatives that would decrease or eliminate adverse environmental effects. (Refer to any appropriate alternatives from the applicant or anyone else.)

Alternatives exist to the proposed action, including the 1) No action scenario, and 2) the proposed action with implementation of a series of recommendations designed to reduce the significance of short and long term water quality impacts.

No Action

The no action plan would require the continued reliance for residential development and treatment of wastewater on private onsite facilities. This scenario, currently in effect, does not include the environmentally sensitive area delineation and protection measures as that enumerated in the proposed SSA plan. Thus, there is potential for local development to occur utilizing onsite sewage disposal systems the placement of which is not excluded in some environmentally sensitive areas. The WDNR believes that this alternative is not preferred due to the potential for local development to occur without water quality assessment and protection measures and the likelihood of continued health and environmental problems posed by high groundwater levels and failing septic systems.

Proposed Action - With Recommendations to Reduce Adverse Water Quality Impacts

- ! To reduce the significance of wetland alterations, wetlands should not be used for stormwater treatment but for environmental corridor/natural area and habitat values.
- ! Archaeological resources in the planned site area should be investigated and protected if necessary before earthmoving activity occurs.
- ! Water quantity and quality impacts from increased commercial, residential and industrial discharges and stormwater flows should be abated through:
- ! Development of a comprehensive stormwater management plan for the entire area including the design and development of stormwater retention facilities and use of BMPs (preferably nonstructural) in future growth areas to

abate pollutant loads to surface waters during and after construction activities take place, on a landscape or regional scale.

- ! An assessment of water quantity impacts from groundwater withdrawals should be conducted using the hydrologic model developed for the SEWRPC region.
- ! A wellhead protection ordinances should be developed and a wellhead protection area delineated if one is not currently available. A source water protection area for the public water supply should be delineated and protected. Local development plans should be coordinated with any setbacks and/or restrictions in the wellhead protection ordinance.
- ! Update floodplain maps and associated tributaries as appropriate as well as evaluate secondary floodplain impacts on downstream areas; and rezoning land to provide protection for both land owners and the hydrology of the project and downstream area should occur over time.
- ! Development (as necessary) and implementation of construction site erosion control ordinances for construction activities on sites smaller than that regulated under state building code requirements.
- ! If and when the time is necessary, considerable planning should take place among the city, the county, DOT, DNR and SEWRPC to design an expanded transportation infrastructure that will minimize impacts to surface waters and will maximize the utility of the designed roads. Care should be taken to avoid the design of a superhighway that cuts of people from their environment and that encourages "sprawl".
- ! Special protection should be given to all remaining wildlife and wetlands in the project area and downstream. Pressure will be placed on downstream resources as development is extended out. Fragmentation of wildlife areas and habitat should be minimized. It is highly recommended that communities rezone areas identified as environmentally sensitive to conservancy for their long-term protection.
- ! Infilling of vacant lots for future development should be encouraged over the use of existing agricultural or vacant/undeveloped lands on the outskirts of the sewer service area.
- ! The use of wetlands and railroad right-of-ways should be discouraged, if not prohibited, for sewerline laterals due to the sensitivity of wetlands and the likelihood of rare plant species in railroad right-of-ways.
- ! A protection plan should be developed and implemented for the adjoining wetland communities and floodplain resources associated with the Fox River, Pebble Brook Creek, Mill Creek, Red Wing Creek, Genessee Creek and other waters that feed the Vernon Marsh.

SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES

List agencies, citizen groups and individuals contacted regarding the project (include DNR personnel and title) and summarize public contacts, completed or proposed.

Date	Individual	Action
04/29/02	Terry Lohr, WDNR, Watershed Management	Received revised plan for review

On-site inspection or past experience with site by evaluator.

Project Name:

County:

DECISION (This decision is not final until certified by the appropriate authority)

In accordance with s. 1.11, Stats., and Ch. NR 150, Adm. Code, the Department is authorized and required to determine whether it has complied with s. 1.11, Stats., and Ch. NR 150, Wis. Adm. Code.

Complete either A or B below:

A. EIS Process Not Required

The attached analysis of the expected impacts of this proposal is of sufficient scope and detail to conclude that this is not a major action which would significantly affect the quality of the human environment. In my opinion, therefore, an environmental impact statement is not required prior to final action by the Department on this project.

B. Major Action Requiring the Full EIS Process

The proposal is of such magnitude and complexity with such considerable and important impacts on the quality of the human environment that it constitutes a major action significantly affecting the quality of the human environment.

Number of responses to news release or other notice:	Signature of Staff Specialist or Bureau Director	Date Signed
	Signature of Director of Compliance with NEPA	Date Signed

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

Note: Not all Department decisions respecting environmental impact, such as those involving solid waste or hazardous waste facilities under sections 144.43 to 144.47 and 144.60 to 144.74, Stats., are subject to the contested case hearing provisions of section 227.42, Stats.

This notice is provided pursuant to section 227.48(2), Stats.

Project Name: Greater Kenosha Sewer Service Area Amendment County: Kenosha

DECISION (This decision is not final until certified by the appropriate authority)

In accordance with s. 1.11, Stats., and Ch. NR 150, Adm. Code, the Department is authorized and required to determine whether it has complied with s. 1.11, Stats., and Ch. NR 150, Wis. Adm. Code.

Complete either A or B below:

A. EIS Process Not Required



The attached analysis of the expected impacts of this proposal is of sufficient scope and detail to conclude that this is not a major action which would significantly affect the quality of the human environment. In my opinion, therefore, an environmental impact statement is not required prior to final action by the Department.

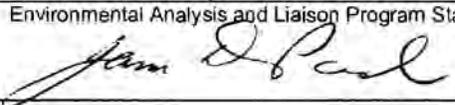
B. Major Action Requiring the Full EIS Process



The proposal is of such magnitude and complexity with such considerable and important impacts on the quality of the human environment that it constitutes a major action significantly affecting the quality of the human environment.

Signature of Evaluator 	Date Signed 6/4/02
--	-----------------------

Number of responses to news release or other notice: 0

Certified to be in compliance with WEPA	
Environmental Analysis and Liaison Program Staff 	Date Signed 6/4/02

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

Note: Not all Department decisions respecting environmental impact, such as those involving solid waste or hazardous waste facilities under sections 144.43 to 144.47 and 144.60 to 144.74, Stats., are subject to the contested case hearing provisions of section 227.42, Stats.

This notice is provided pursuant to section 227.48(2), Stats.



NEWS RELEASE

**Wisconsin Department of Natural Resources
101 S. Webster, Madison, WI 53702
Phone: 608-266-0426
E-mail: pardej@dnr.state.wi.us**

FOR RELEASE: May 16, 2002

**CONTACT: Terry Lohr, Planning and Policy Analyst, 608-267-2375,
lohrt@dnr.state.wi.us**

**SUBJECT: Sewer Service Area Amendment, City of Kenosha, Village of Pleasant
Prairie, and the Town of Bristol**

Madison, Wis. – The Wisconsin Department of Natural Resources has prepared an environmental assessment for the proposed sanitary sewer service area amendment for the City of Kenosha, Village of Pleasant Prairie, and the Town of Bristol in Kenosha County.

Under the proposed plan the sewer service area would increase by 2.6 square miles, or 3.5 percent, to a total of 76.5 miles. The expanded sewer service area would encompass 14.1 square miles of environmentally significant lands – including 9.1 square miles of primary environmental corridors, 2.7 square miles of secondary environmental corridor, 1.7 square miles of isolated natural areas, and 0.6 square miles of wetlands and surface areas of less than five miles. Based upon the amount and density of planned residential development anticipated in these areas, it is estimated that the areas would accommodate a total of 1,700 households by the year 2020.

The amendment was proposed by the City of Kenosha to update the area's sewer service area plan to reflect regional recommendations found in the South East Wisconsin Regional Planning Commission's 2020 Land Use Plan. The revised plan includes delineation and preservation of environmentally sensitive lands. Environmentally sensitive lands are areas where sewered development should not occur.

The department's environmental assessment focuses on the potential impacts of providing sanitary sewer service within the proposed revised sewer service area boundary. The goal of the department's plan approval is to protect water resources in the area by directing development away from environmentally sensitive areas and to control water pollution through planned sewered development.

The proposed Department action is not anticipated to result in significant adverse environmental effects. The Department has made a preliminary determination that an environmental impact statement will not be required for this action. Copies of the environmental assessment that led to the DNR's preliminary determination can be obtained from Mr. Terry Lohr, Planning and Policy Analyst, Wisconsin Department of Natural Resources, 101 S. Webster Street, Madison, WI 53702, 608-267-2375, lohrt@dnr.state.wi.us.

Public comments, either written or oral, on the environmental assessment are welcome and must be submitted to Mr. Lohr no later than 4:30 p.m. May 31, 2002.