

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

Form 1600-8

Rev. 6-90

Department of Natural Resources (DNR)

Region or Bureau
Bureau of Integrated Science Services

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:
James D. Pardee

Title: Environmental Assessment Coordinator

Address: 101 S. Webster – SS/6

Madison, WI 53707

Telephone Number

608-266-0426

Applicant: Wisconsin Department of Administration

Address: 101 East Wilson Street, Madison, WI 53707-7864

Title of Proposal: Black Point Historic Preserve

Location: Walworth County, Town of Linn, 4270w Southland Road

PROJECT SUMMARY - DNR Review Information Based on:

List documents, plans, studies or memos referred to and provide a brief overview

Documents:

Draft Black Point Gift Agreement between William O. Petersen and Jane Browne Petersen, and the State of Wisconsin Department of Administration

Draft Conditional Use Permit Application for Walworth County – State of Wisconsin/Black Point Historic Preserve, Inc.

Draft Grant of Conservation Easement by William O. Petersen, the Geneva Lake Conservancy, Inc., and the Black Point Historic Preserve, Inc.

Site Plan for Black Point Estate, 3/25/99, Uihlein Wilson architects, 322 East Michigan street, Milwaukee, WI 53202

Draft Trail Development, Redevelopment, and Rip Rap Program Requirements for Geneva Lake Shore Path – Black Point Segment, Wisconsin Department of Natural Resources

1997 and 1998 Walworth County Treasurer’s Office property tax records for Black Point Estate

1998 Real estate appraisal of Black Point Estate, C.J.Heise Real Estate Appraisal Service, Lake Geneva, WI 53147

Title Insurance Commitment, Chicago Title Insurance Company, 171 N. Clark St., Chicago, IL 60601-3294

Overview:

Pursuant to s. 23.0962 Stats., the Wisconsin Department of Administration (DOA) has been offered as a gift a property located on the shore of Geneva Lake, Walworth County known as Black Point Estate. This parcel and its improvements embody local, state-wide and national architectural, cultural and historic significance. If the gift is accepted, the Wisconsin Department of Natural Resources (DNR) will be required to make a grant of \$1.8 million to a nonprofit conservation organization for long-term maintenance and operation of the site as a historic facility provided it meets all the criteria listed in ss. 23.0962(1)(a), (b), (c), (d) and (e), Stats. These criteria include: the establishment of a non-profit conservation organization to manage the property, and acquisition of a DNR-approved conservation easement to ensure protection of the property. A conditional use permit from Walworth County is also required for the change in land use from residential to limited public use.

The property consists of: a historic lakefront Queen Anne style house known as the Black Point Residence along with its grounds and historic furnishings, a modern lakefront house known as the Shingle House, approximately 620 feet of lake frontage, and a farmstead on approximately five acres of land on a back lot known as the Visitor Center Tract.

The Black Point Residence and surrounding grounds are of primary historic significance and would be repaired and maintained for purposes of historic preservation and limited public use. The Shingle House would continue to be used as the primary residence of the grantors. The Visitor Center Tract with its two small barns, garage, and duplex farm house will be improved for use as a visitor reception center and gift shop, and would have office space for the non-profit conservation organization that will run the site. These improvements would consist primarily of building renovation and construction of a driveway and 42 vehicle parking area. In addition, the DNR will develop a plan for public safety and erosion control on the portion of the Geneva Lake Shore Path that runs through the property.

The required conservation easement will: prohibit commercial use of the property, limit lakefront property division into more than two parcels, prohibit placement of more than one pier and three berths on the lake, prohibit boat launching or camping on the property, strictly regulate vegetative cutting, strictly limit the placement of structures, and strictly regulate maintenance and modifications to the Historic Residence consistent with historic standards.

Public use of the site would be controlled through the Visitor Center Tract. Visitors would arrive at the visitor center by a new driveway located away from other residences. Visitors would park in a small visually screened parking lot and enter the adjacent visitor center. Visitors would then be transported to and from the Black Point Residence in historic site vans. Visitors would be given guided tours of the Black Point Residence.

The facility would likely be open during daylight hours from May through October. Estimated public use of the site is estimated to be up to three to four tours per hour for up to 20 persons per tour. This peak use is expected to be likely only in July and August, and likely only on weekend days or holidays. This peak usage would mean that up to two motorcoaches and 40 cars could be expected to arrive at the visitor center, or up to about five vehicles per hour. Additional local community group use will also likely continue. As a comparison, the historic museum in downtown Lake Geneva receives approximately 250 visitors over a three-day weekend in mid July. Many of these are shoppers who also incidentally tour the museum. A local slide presentation of the historic sites in the area (including Black Point) is attended by a total of about 200 to 300 people per year.

The purposes of accepting the gift and for the proposed improvements are: preservation of the historic, cultural and aesthetic qualities of the site, and providing for controlled limited public use of the historic site.

This Environmental Assessment has been prepared by the DNR at the request of the DOA.

DNR EVALUATION OF PROJECT SIGNIFICANCE (complete each item)

1. Environmental Effects and Their Significance

Discuss the short-term and long-term environmental effects of the proposed project, including secondary effects, particularly to geographically scarce resources such as historic or cultural resources, scenic and recreational resources, prime agricultural lands, threatened or endangered species or ecologically sensitive areas, and the significance of these effects. (The reversibility of an action affects the extent or degree of impact.)

The proposed project is not anticipated to result in any serious negative environmental effects, while historic and lake shore open space and conservation benefits are anticipated. The site is previously altered from a natural state, and only minor changes are proposed. No negative effect on any rare or sensitive resources is anticipated. The primary negative effect is expected to be related to the level of public use that is acceptable to neighborhood residents. The proposed project would

provide ongoing protection of a state historic site, maintain a wooded lake front parcel, and provide for limited public use and education.

Construction Effects:

Construction of the proposed new entrance driveway and parking lot will require grading and the removal of one tree. Best management practices (BMP) such as the use of silt fence and timely seeding and mulching will be needed to prevent erosion during construction. Visual screening of the parking lot will be provided by existing vegetation and buildings, and by construction of a new fence. The ground water seep and small stream that exist adjacent to Black Point Road at the edge of the visitor center property is located approximately 300 feet north of the proposed driveway entrance and is not anticipated to be adversely affected by the proposed project.

Proposed improvements to the Lake Shore Path at the site are intended to prevent erosion and improve public safety. BMP will be needed to control erosion during construction. Vegetative screening along the lake front will be preserved.

Other driveways and path improvements will also require BMP for erosion control.

Proper disposal at licensed disposal facilities will be required for all demolition materials.

The construction phase will result in equipment noise and exhaust, although this will be for a limited time only.

Usage Effects:

No changes to surface and ground water, and air quality are anticipated. The proposed driveway and parking lot will be surfaced with aggregate which will allow for percolation of precipitation, and will not result in changes to surface and ground water flow patterns or volumes. The small topographic changes due to grading for the proposed parking lot are not anticipated to result in measurable changes to water flow patterns or volumes. The proposed changes are also too small to be of concern from a water quality or air quality perspective. In order to require an air quality permit from the state, a parking lot must have space for at least 1000 vehicles. The proposed lot has space for only 42 vehicles.

Visitor traffic will result in some additional noise, vehicle exhaust, and safety issues. The controlled design for visitor tours will minimize these concerns between the visitor center and the historic residence. The proposed new driveway location is intended to keep traffic-related effects away from other residences located near the intersection of Black Point Road and Southland Road. The DNR anticipates traffic related concerns to be noticeable only on a few weekend days or holidays during the months when the site is open to the public. The conservancy management organization should work with neighborhood residents to restrict public use to acceptable peak levels. The Board will not allow the public to make stop by or impromptu visits. All visits have to be made by phone reservations only. Therefore a high peak that is normally associated with weekend would be controlled.

Incidental visitor traffic onto the property from the Lake Shore Path and by boat could result in some trespass on neighboring properties. Since impromptu site visits are not allowed via the road this is the same for the lake access therefore the trespassing should not be an issue. The dock that is there, is not to be used for public access to the historic home and there could be signage indicating this. The DNR foresees little if any change from the current situation, however, since the historic residence already is a well known attraction in the area, and the lake and path are already open to the public. If problems occur, additional fencing and signage may be needed.

Operation of the property as a historic site will require additional lighting and maintenance activity. The proposed lighting will be low level and is not anticipated to result in any nuisance conditions. Additional maintenance activity is not likely to be much higher than current levels.

Tax base effects:

The proposed project will remove a small portion of the current private property tax rolls.

Property value effects:

Property value effects are not anticipated to be affected by the proposed project. Some potential buyers may be attracted by, and willing to pay more, for property located adjacent to public property which cannot be further developed. Other potential buyers may not like adjacent public property.

Preservation Effects:

The proposed project will result in the preservation and limited public enjoyment of this historic site and open space. Approximately 620 feet of lake shore will be preserved in perpetuity in its present state.

The proposed changes and ongoing maintenance will minimize erosion on the site's steep lake shore.

Proposed changes to the Lake Shore Path at the site will improve public safety and minimize erosion, and will be designed to not be visually intrusive.

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 proposed project is unique because of the existence of a well-preserved historic building, and the desire of the current landowner to grant the property to the state. Repeated actions of the same kind are, therefore, not likely.

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?

Predicted public use is only estimated, although the predicted peak usage of 42 vehicles per day is based on the number of acceptably sized tours that can logically be accommodated. The proposed parking lot also has been designed to meet this peak demand. Experience at the Lake Geneva Area Museum of History supports these estimates for summer weekend day use. Non-summer, and non-weekend/holiday use can reasonably be expected to be less than the peak usage. The conservancy management organization would have the authority to restrict public use to acceptable levels.

- 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.

Fire and safety risks will likely be reduced from the current situation because buildings will be upgraded to meet public building safety codes. Ongoing oversight and maintenance will also tend to minimize such risks. The upgrades proposed by DOA include a central fire alarm and security system.

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 proposed action is not precedent setting since the department's of Administration and Natural Resources are obligated by statute to accept the gift and provide the grant if the county approves a conditional use permit.

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.

There has been considerable opposition to the proposed action from neighbors in the immediate project vicinity. Concerns

have been expressed about traffic, noise and congestion in what is now a quiet, suburban neighborhood. Fears have also been expressed about potential additional developments such as a public boat landing. Fears about additional developments are unfounded since the conservation easement would prohibit developments other than those already proposed which are directed strictly at historic and open space preservation and limited public use. The DNR does not foresee the proposed project resulting in dramatic changes to the quality of life for neighborhood residents, but the degree of disturbance that residents are willing to accept is open to legitimate discussion. An acceptable public use level should be worked out between neighborhood residents and the conservancy management organization that would manage the site.

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.)

The state legislature has made a decision to accept this gift if county zoning permits. The departments of Administration and Natural Resources are obligated by s. 23.0962 Stats. to accept the gift and provide the grant once a conditional use permit is granted by Walworth County. Alternatives that may decrease or eliminate adverse environmental effects can therefore only be within the scope of the conservation easement. The draft easement already includes provisions to address local concerns about traffic, motorcoach exhaust, noise, congestion, and visual intrusion.

One alternative that could be explored is to include one or more neighborhood representatives on the oversight committee to manage acceptable public use levels and to troubleshoot any problems that may arise in the neighborhood. The conservation organization is required in s. 23.0962(1)(c), Stats. to include members of local units of government and civic organizations that have an interest in Black Point Estate. This could certainly include project neighbors, giving them a voice in management of the site.

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.

<u>Date</u>	<u>Contact</u>	<u>Comment Summary</u>
March - April 1999	Richard Henneger – DNR	Project information, EA scoping, property tax information and legal issues
March - May 1999	Maura Donnelly – DOA	Project information, EA scoping
March – May 1999	William O'Connor – Wheeler, Van Sickle & Anderson, S.C. Attorneys at Law, Madison	Legal issues, tax information, EA scoping
May 1999	Robert Roden	Interagency cooperation and Geneva Lake Shore Path issues
May 1999	Kathy DuBois – Walworth County Treasurer	Property tax information
May 1999	Helen Brandt – Curator, Geneva lake Area Museum of History	Public interest and use of Black Point and other historic sites in the Geneva Lakes Area
May 1999	Richard Steffes - DNR	Affect of public property on adjacent private property values



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

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.

Signature of Evaluator	Date Signed
Noted: Regional Waste Supervisor	Date Signed

Number of responses to news release or other notice: _____

Add Discussion of Any Comments Received.

Certified to be in compliance with WEPA	
REGIONAL Director or Director of Bureau of Integrated Science Services (or designee)	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.