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JUDGE REVERSES KOHLER WETLAND PERMIT

An administrative law judge on Friday reversed a permit granted by the Wisconsin Department of Natural Resources (DNR) to Kohler Co. last year. The permit would have allowed the company to fill nearly four acres of high-quality wetland for a new golf course development in Sheboygan County, on land north of and within Kohler-Andrae State Park.

In reversing the permit, the judge found the standards for issuing the permit had not been met and that DNR lacked sufficient information to grant the permit.

“We are grateful for this decision, which thoroughly addressed the adverse, irreversible impacts of the proposed golf course,” said Mary Faydash, President of Friends of the Black River Forest, Inc. The group filed the petition challenging the permit, which was heard during a five-day evidentiary hearing last year.

“We are definitely delighted,” added Friends member and co-petitioner Claudia Bricks.

In the decision, the judge found that the project will require deforesting over half the site and significant regrading, resulting in changes to wetland and site hydrology. He concluded, “the Department’s determination that these adverse impacts will be significant mandate that the permit application must be denied.”

The judge also found that the DNR lacked sufficient information to conclude that the project would not harm water quality associated with chemical and fertilizer applications, and that some of Kohler’s submitted information was unreliable or incomplete.

Said the judge, “[t]he Department should be making its determinations based on completed plans, not trusting that management plans that will be prepared will adequately protect the groundwater and wetlands. Once the golf course is constructed the adverse impacts will be permanent and irreversible.”

“The golf course would be a major development on an extraordinarily sensitive site,” said Friends attorney Christa Westerberg. “The evidence simply did not support granting a permit in this case.”

The proposed golf course is located on forested property between the Black River and Lake Michigan. It hosts rare ridge and swale and interdunal wetlands and is an important stopover site for migratory birds. The property is susceptible to groundwater contamination due to sand soils and a high groundwater table.

Kohler's proposal also called for using land in Kohler-Andrae State Park for a golf course entrance road and large maintenance facility. That land is characterized by dunes, wetlands, and forest, and is used by park visitors for hiking and wildlife observation, among other activities.

Said Faydash, "this decision is a victory for all of Wisconsin, particularly the grassroots groups who have worked tirelessly to hold the DNR and developers to Wisconsin conservation law.

It confirms the DNR must issue sound, scientifically-based environmental permits which protect and preserve our air, land and water."
