

March 19, 2018

Attorneys Christa Westerberg and Leslie Freehill
Pines Bach, LLP
122 West Washington Ave., Ste. 900
Madison, WI 53703

Re: In the Matter of Wetland Individual Permit IP-SE-2017-60-00631 and Water Quality Certification for 3.69 Acres of Wetland Fill or Disturbance in the Town of Wilson, Sheboygan County.

Dear Attorneys Westerberg and Freehill:

You submitted a request for contested case hearing under Wis. Stat. §§ 227.42 and 281.36 and Wis. Adm. Code Ch. NR 2, on behalf of the Friends of the Black River Forest, Inc. (received February 15, 2018) regarding the above-referenced decision of the Wisconsin Department of Natural Resources (Department).

Your request for a hearing is hereby **granted** on the following issues:

1. Whether the permit satisfies the standards in Wis. Stat. §§ 281.36(3n)(c);
2. Whether the Department had sufficient information to consider the standards in Wis. Stat. § 281.36(3n)(c);
3. Whether the public had sufficient information to comment on the standards in Wis. Stat. § 281.36(3n)(c);
4. Whether the mitigation required under Wis. Stat. § 281.36(3n)(d) compensates for adverse impacts to wetlands;


Insofar as your request for contested case hearing seeks to raise any issues not granted above, it is hereby **denied**.

In addition, you have requested a stay of the project under Wis. Stat. § 281.36(3q)(d). The Department finds that your request alleges sufficient facts to meet the standard contained in that section. Your request for a stay of the project is **granted**. Pursuant to Wis. Stat. § 281.36(3q)(d)2., the stay will remain in effect until the hearing examiner determines that the stay is not necessary.

If you believe that you have a right to challenge this decision, you should know that the 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 Wis. Stat. §§ 227.52, and 227.53, you must file your petition with the appropriate circuit court and serve the petition on the Department within the prescribed time period. A petition for judicial review must name the Department of Natural

Resources as the respondent. If you have questions, please contact Department Staff Attorney Michael Kowalkowski at 608.266.7542.

Sincerely,


for Daniel L. Meyer
Secretary

cc: Attorney Deborah Tomczyk
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