



**Before the
State of Wisconsin
DIVISION OF HEARINGS AND APPEALS**

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

Case No. DNR-18-0002

**NOTICE OF CONTESTED CASE HEARING
AND ORDER FOR PUBLICATION**

On January 17, 2018, the Department of Natural Resources (DNR) issued a preliminary permit decision, pursuant to Wis. Stat. § 281.36, granting The Kohler Company's permit application for 3.69 acres of wetland fill or disturbance for the purposes of constructing a golf course. The wetlands are located between the Black River and Lake Michigan, in the Town of Wilson, County of Sheboygan, State of Wisconsin. Jess Barley filed the permit application on behalf of The Kohler Company, which is located at 444 Highland Drive, Kohler, Wisconsin, 53044. On February 15, 2018, Friends of the Black River Forest and Claudia Bricks, by their attorneys, Christa O. Weterberg and Leslie A. Freehill with Pines Bach, LLP, submitted a Petition for a Contested Case Hearing (Petition) to review the decision. On March 19, 2018, the DNR granted the request for a hearing and certified the following issues for hearing:

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;

A hearing on all other issues raised in the Petition was denied. On April 3, 2018, the DNR referred the Petition to the Division of Hearings and Appeals to conduct the contested case hearing. The stay of the project granted by the Department pursuant to Wis. Stat. § 281.36(3q)(d)2, will remain in effect until a decision is issued after the hearing in this matter.

NOTICE IS HEREBY GIVEN that the State of Wisconsin Division of Hearings and Appeals will hold a contested case hearing in the above captioned case, pursuant to Wis. Stat. § 281.36(3q)(g), Wis. Stat. § 227.46(1), and Wis. Admin. Code § Chapter NR 2, **from Monday, June 4, 2018, through Friday, June 8, 2018**, at the City of Sheboygan Mead Public Library, "The Loft," 3rd Floor, located at 710 North 8th Street, Sheboygan, Wisconsin. **The proceedings will begin at 10:00 a.m. on June 4, 2018, and at 9:00 a.m. on subsequent days.**

The contested case hearing will be a Class 1 contested case, pursuant to Wis. Stat. § 227.01(3)(a). The procedures set forth in Wis. Stat. § 281.36(3q)(g), Wis. Stat. § 227.46(1), and Wis. Admin. Code § Chapter NR 2 will be followed and those procedures will closely resemble those which are normally followed at a trial in State Circuit Court. All parties are advised that they have the right to seek the aid and assistance of legal counsel and to be represented by legal counsel at the public hearing. There will also be an opportunity for public comment on the permit. Public comments will be heard commencing at 9:00 a.m. on Friday, June 8, 2018.

Pursuant to the Americans With Disabilities Act, reasonable accommodations will be made to any qualified individual upon request. Please call the Division of Hearings and Appeals at (608) 266-3865 with specific information on your request prior to the date of the scheduled hearing.

ORDER FOR PUBLICATION

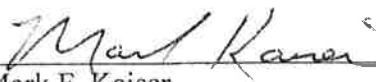
THE DIVISION, THEREFORE, ORDERS:

The DNR shall cause a copy of the foregoing Notice to be published once **at least 30** days before the date of hearing as a Class 1 notice under Wis. Stat. Ch. 985. Additionally, the DNR shall furnish proof of publication to the Division of Hearings and Appeals prior to the hearing.

Dated at Madison, Wisconsin, on April 25, 2018.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
4822 Madison Yards Way, 5th Floor
Madison, WI 53705
Telephone: (608) 266-7709
FAX: (608) 264-9885

By:



Mark F. Kaiser
Administrative Law Judge