



11/19/2013

IP-WC-2013-62-03384, IP-WC-2013-62-03385,
IP-WC-2013-62-03386, IP-WC-2013-62-03387

AllEnergy Corporation
Dean Sukowatey
6165 N. W. 86th St.
Des Moines, IA 50131

Subject: Notice of Public Informational Hearing

Dear Mr. Sukowatey:

Included with this letter is a "Notice of Public Informational Hearing". State law provides an opportunity for the public to learn about your project and provide input to the Department's decision. The hearing also provides an opportunity for you and the Department to gather additional facts to help gauge the possible impacts of your proposed project on the wetland's functions and values.

The hearing is informational only. Department staff will manage the hearing agenda according to set procedures to allow all who attend a chance to be heard and to gather as much factual information as possible. Attorneys are not typically involved and this is not like a court proceeding.

The hearing will be held on Thursday, December 5, 2013 at 10:00 am, located at Riverland Energy Cooperative, N28988 State Road 93, Arcadia, WI 54612.

The enclosed document is the "Notice of Public Informational Hearing" that you must publish in the newspaper and mail to specific groups and individuals. The Department will also publish the notice on our Internet Website at <http://dnr.wi.gov/permits/water/notices.html>.

Before I can proceed further toward a decision on your application, state law requires you to:

1. Publish this as a Class I Notice, at your expense, in Trempealeau County Times, 36435 Main St, PO Box 95, Whitehall, WI 54773-0095, chuck@trempecotimes.com, Phone (715) 538-4765, Fax (715) 538-4540.
2. Provide the Department an Affidavit of Publication from the newspaper to prove that the notice was published.
3. Provide a copy of the enclosed notice to the parties listed below by U.S. Mail or in person. If provided by U.S. Mail, send the notice Certified Mail - Return Receipt Requested. If provided in person, obtain a signature from each party to verify that they received the notice. You may notify others at your discretion. You also must provide a copy of the notice to any person or group who asks you to do so.

-Gary Haines, N25619 County Road J, Arcadia, WI 54612
-Cortland Farm LLC, W30596 Trout Run Road, Arcadia, WI 54612
-Francis Pronschinske, W29149 Bill's Valley Road, Arcadia, WI 54612

- David and Diane Wanoriek, N25139 County Road J, Arcadia, WI 54612
- Tim and Margaret Pronschinske, W31706 Pronschinske Lane, Arcadia, WI 54612

Please send me the Affidavit for proof of publication, and the Return Receipts or other signed document for proof of notification of the groups or individuals, as soon as possible. If I don't receive the proof of publication and proof of notification by 12/15/2013, the Department may dismiss your application. If your application is dismissed, you may resubmit the application.

Please write or call me at (715) 839-1600 or email ChristopherJ.Willger@wisconsin.gov if you have any questions.

Sincerely,



Chris Willger
Water Management Specialist

cc:

David Studenski, Army Corps of Engineers
Kevin Lien, Trempealeau County
Christopher Shea, Conservation Warden
David Pericak, Waterway and Wetland Supervisor
Consultant

Quality Customer Service is Important to Us. Tell Us How We Are Doing.

Water Division Customer Service Survey

<https://www.surveymonkey.com/s/WDNRWater>

Notice of Public Informational Hearing for Proposed Wetland Individual Permit, Changing of Stream Course, and Two Bridge Crossings.

Dean Sukowatey, 6165 N. W. 86th St., Des Moines, IA 50131 has applied to the Department of Natural Resources for a permit to discharge fill material into wetlands, change the stream course of Trout Run Creek, and construct two bridges over Trout Run Creek.

The project is located in portions of Section 9, Section 10, and Section 16. Township 20 North, Range 10 West, Town of Arcadia, Trempealeau County.

The project involves constructing a rail loop to support rail-based shipping of sand to be produced at the adjacent proposed industrial sand mine. The construction of the rail loop will result in 1.77 acres of fill impact to wetlands. Additionally, the rail loop will cross Trout Run Creek in two locations, resulting in the need for two bridges, and a stream realignment.

The public hearing is scheduled for: Thursday, December 5, 2013 at 10:00 am, located at Riverland Energy Cooperative, N28988 State Road 93, Arcadia, WI 54612.

The hearing will be a public informational hearing where members of the public can learn more about the proposed activity and submit written or oral comments about the waterway and project in light of the standards below. The Department is currently evaluating the applicant's proposal and must consider factual information about the following legal standards in deciding whether to grant, modify, or deny a permit or approve or disapprove a contract for the project:

- Whether the project will materially obstruct navigation, including commercial, recreational, active and passive forms of navigation
- Whether the project will be detrimental to the public interest, including fish and wildlife or their habitat, natural scenic beauty or water quality
- Whether the project will materially reduce the flood flow capacity of a stream
- Whether a practicable alternative exists which would avoid adverse impacts to wetlands, and the project will result in the least environmentally damaging practicable alternative taking into consideration practicable alternatives that avoid wetland impacts
- Whether all practicable measures to minimize adverse impacts to the functional values of the wetland have been taken
- Whether the proposed project will result in significant adverse impacts to wetland functional values, significant impacts to water quality, or other significant adverse environmental consequences
- Whether the proposed mitigation will meet the standards in S. 281.36(3r)

The Department has made a tentative determination that it will issue the permit or contract for the proposed activity.

The Department considers all the following information to make a decision to approve, modify or deny the application:

1. Applicable standards in statutes, rules, and common law.
2. Plans and information provided by an applicant.
3. Information gathered during site investigations.
4. Written or oral provided during a public comment period or public hearing.
5. Statements or information provided by local, state, and national government agencies.
6. Data or information found in natural resource inventories and plans, or maps collected by the department or others using commonly accepted methods.

7. Published scientific research.
8. Section. 1.11, Stats., Wisconsin environmental policy act, and ch. NR 150.
9. Any other pertinent information.

If you would like to know more about this project or would like to see the application and plans, please visit the Department's permit tracking website at <https://permits.dnr.wi.gov/water/SitePages/Permit%20Search.aspx>.

Reasonable accommodation, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request.

Any member of the public may submit written comments to Chris Willger, 1300 W Clairemont Ave., Eau Claire, WI 54701 by U.S. Mail. Comments shall include the docket number or applicant name, and shall relate to whether the project meets the legal standards listed above. Comments shall be postmarked no later than 10 days after the date that the public informational hearing is completed.

Pursuant to s. 30.208(3)(e), Stats, within 20 days after the 10-day period for public comment ends, the Department shall render a decision that approves, modifies or denies the permit or approves or disapproves the contract that is the subject of the application by mailing the decision to the applicant.

The final decision may be appealed as indicated in the permit decision document.

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WISCONSIN DEPARTMENT OF NATURAL RESOURCES

For the Secretary



Chris Willger Date 11/19/2013
Water Management Specialist