



**Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS**

In the Matter West Shore Ventures, LLC's
Application to Place a Pier on the Bed of Lake
Beulah in the Town of East Troy, Walworth
County

Case No. DNR-14-015

NOTICE OF PUBLIC HEARING
AND
ORDER FOR PUBLICATION

West Shore Ventures, LLC applied to the Department of Natural Resources (the Department) for a permit to place a pier/wharf on the bed of Lake Beulah, in the Town of East Troy, Walworth County. The proposed project is located in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 18, Township 4 North, Range 18 East.

The proposed project would be 80 feet long and 28 inches wide with one L that is 12 feet long by 28 inches wide with two boats moored. A boat lift is proposed to be constructed on the West side of the pier.

By letter dated January 12, 2014, the Department approved West Shore Ventures, LLC's application with limitations.

On March 12, 2014, the Department received a petition for a contested case hearing and request for a stay from Attorney Crystal H. Fieber, on behalf of the Lake Beulah Management District.

On April 11, 2014, the Department granted the case hearing request with respect to the following issues:

- Whether "the use of the pier [will be] detrimental to the public interest due to the adverse environmental effects that the pier will likely have on Lake Beulah and its environments." The Petition also raises the issue of whether granting the pier permit violates the Public Trust Doctrine (PTD). This issue coincides with the first issue raised because chapter 30 has codified the PTD utilizing the term of art "public interest."
- Whether the pier will materially obstruct navigation because of its location, which has not been clearly defined.

Further, the Department granted the stay of the permit pursuant to Wis. Stat. §§ 30.209 and 227.42. On September 9, 2014, the Division of Hearings and Appeals received the Request for Hearing from the Department.

NOTICE IS HEREBY GIVEN that the State of Wisconsin Division of Hearings and Appeals will hold a public hearing pursuant to Wis. Stat. §§ 30.12, 30.209 and 227.42 commencing at **10:30 a.m. on January 14, 2015**, in the Jury Assembly Room at the Judicial Center, 1800 Highway NN, Elkhorn, Wisconsin. The hearing will continue on **January 15, 2015**, at the same location.

The hearing will be a Class 1 contested case pursuant to Wis. Stat. § 227.01(3)(a) and the fair play provisions of Wis. Stat. ch. 227 will apply. The procedures relating to contested cases set forth in Wis. Admin. Code ch. NR 2 will be followed. The procedure that will be followed at the public hearing will closely resemble that normally followed at a court hearing. 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.

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 at least 10 days before the date of the scheduled hearing.

ORDER

THE DIVISION, THEREFORE, ORDERS:

That the applicant, West Shore Ventures, LLC, shall cause a copy of the foregoing Notice to be published once at least one week before the date of hearing in the "East Troy Times" c/o Southern Lakes Newspapers, Business/Legal Department, 1102 Ann Street, Delavan, Wisconsin, 53115, Phone: (262) 728-3411. The applicant shall furnish proof of such publication to the Division of Hearings and Appeals by **Monday, January 12, 2015**.

Dated at Madison, Wisconsin on October 27, 2014.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
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By: _____

Jeffrey D. Boldt
Administrative Law Judge