



10/23/2013

IP-NO-2013-16-00193

Elkhorn Industries
Jeff Foster
PO Box 367
Superior, WI 54880

Dear Mr. Foster:

The Department has scheduled a public informational hearing on your proposal to place a structure on the bed of. The hearing will be held on November 26, 2013, at the Superior Public Library from 12:30-4:00pm.

Because your project is in or connected to public waters held in trust by the state for all citizens, state law provides an opportunity for public input to the Department's decision. The hearing is a time for gathering additional facts to help gauge possible impacts of the proposed project on fish and wildlife or their habitat, natural scenic beauty, surface water use and similar features of the lake or stream. The hearing is being held because Outside parties have requested the hearing

The hearing is informational only. I or another Department staffer will manage the hearing agenda according to set procedures in order to allow all who attend 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 enclosed document is the "Notice of Public Hearing" that must be published in the newspaper and mailed to specific groups and individuals.

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

1. Publish this as a Class I Notice, at your expense, in Superior Telegram.
2. Obtain an affidavit from the newspaper as proof that the notice was published.
3. Provide a copy of the enclosed notice to the parties listed below, either by U.S. Mail or in person. If provided by U.S. Mail, send the notice with 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.

Rondi Watson, Duluth Superior Metropolitan Interstate Council, 221 West 1st Street,
Duluth MN 55802

Julene Boe, St. Louis River Citizen Action Committee, 394 Lake Ave. South, Suite 321,
Duluth, MN 55802

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. I'm sure this will happen promptly, but in case I don't receive the proof of publication and proof of notification by 11/4/2013 the application may be dismissed. If your application is dismissed, you may resubmit an application.

Please write or call me at (715) 392-0803 or email Steven.LaValley@wisconsin.gov if you have any questions.

Sincerely,



Steven LaValley
Water Management Specialist

cc: Bill Sande - Project Manager, U.S. Army Corps of Engineers
Steve Rannenber - Douglas County Zoning Administrator
Scott Watson - WDNR
Megan Correll - WDNR
Peter Bormuth - 142 West Pearl St. Jackson, MI 49201
Dan Wade - Alliance for the Great Lakes
Ted Smith - AMI Engineering

Notice of Public Hearing for Proposed Miscellaneous structure

Elkhorn Industries, PO Box 367, Superior, WI 54880 has applied to the Department of Natural Resources for a permit to repair a dock on the bed of the St. Louis River, Superior Harbor.

The project is located Section 11, Township 49 North, Range 14 West, City of Superior, Douglas County.

The proposed project is to rehabilitate 703 linear feet of dock wall along the water ward edge of Elkhorn Industries dock by sheet piling along the existing dock wall and to tie back the wall into the existing fill.

The public hearing is scheduled for: November 26, 2013 from 12:30pm -4:00pm, at the Superior Public Library large meeting room.

The hearing will be a public informational hearing where individuals 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 for the project:

- Whether navigation is materially obstructed, including commercial, recreational, active and passive forms of navigation
- Whether there is detriment to the public interest, including fish and wildlife or their habitat, natural scenic beauty or water quality
- Whether the flood flow capacity of a stream is materially reduced

The Department has made a tentative determination that it will approve the permit with conditions. a 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.

The Department has scheduled a public hearing on this activity or project because members of the public have requested the right to voice their concerns with the project

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 Steven LaValley, 1701 North Fourth Street, Superior, WI 54880 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 30 days after the public hearing is held, the Department shall render a decision that approves, modifies or denies the permit 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.

Docket Number IP-NO-2013-16-00193

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

For the Secretary



Steven LaValley
Water Management Specialist

10/23/2013
Date