



Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS

In the Matter of the Application of Jeanette and
Kimbal Goluska to Place a Structure on the Bed of
Catfish Lake, Town of Washington, Vilas County

Case No. DNR-14-047

NOTICE OF TELEPHONE PREHEARING CONFERENCE
AND
ORDER FOR PUBLICATION

On February 13, 2014, Jeanette and Kimbal Goluska, 1024 Everett Road, Eagle River, Wisconsin, filed an application with the Department of Natural Resources (Department) to construct a 45' long, 20' wide, and 10' high enclosure complete with a flat roof and railings along the perimeter, a connecting bridge with railings between the roof of the proposed structure and the second story of the existing historically designated boathouse, exterior windows and doorways, electrical service, and an integrated boat life mechanism in the interior. The structure is proposed to be built atop existing piers/decking which is attached and adjacent to the existing, historically designated boathouse located on the bed of Catfish Lake, adjacent to the applicants' property located in the SE ¼ of the SE ¼ of Section 36, Township 40 North, Range 10 East, in the Town of Washington, Vilas County.

On June 13, 2014, the Department denied Jeanette and Kimbal Goluska's permit application. The Department received a Request for Administrative Review from Attorney Timm P. Speerschneider, on behalf of Jeanette and Kimbal Goluska. By letter dated August 8, 2014, the Department granted a contested case hearing, but limited the issues for hearing to the following:

1. Whether the Department properly complied with the statutory requirements for public notice, comment and opportunity for hearing pursuant to Wis. Stat. § 30.208.
2. Whether the Department properly determined that the proposed boathouse addition will materially obstruct navigation.
3. Whether the Department properly determined that the proposed boathouse addition will be detrimental to the public interest in the navigable waters of Catfish Lake on the Eagle Chain of Lakes.

On December 8, 2014, the Division of Hearings and Appeals received the Request for Hearing from the Department of Natural Resources.

NOTICE IS HEREBY GIVEN that pursuant to Wis. Stat. §§ the 30.12, 30.121 and 227.42 the State of Wisconsin Division of Hearings and Appeals will initiate a telephone prehearing conference in regard to the above matter on **January 12, 2015, at 10:00 a.m.** Any person, organization or governmental unit wishing to become a party to this proceeding must appear at the conference in person or by an authorized representative. To so participate, said persons must write to the Division of Hearings and Appeals in care of the undersigned and indicate a phone number where they can be reached at the above mentioned time. If necessary, the purpose of the prehearing conference will be to identify parties to the proceeding, to simplify the issues which may be contested at the hearing, establish a discovery schedule and set a date for hearing. No testimony will be heard at the prehearing conference; however, a date may be set for the hearing on the merits at the conference.

When the hearing is held it 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 prior to the date of the scheduled prehearing or hearing.

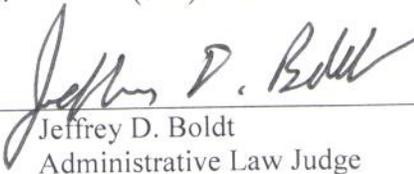
ORDER

THE DIVISION, THEREFORE, ORDERS:

That the applicants, Jeanette and Kimbal Goluska, shall cause a copy of the foregoing Notice to be published once at least one week before the date of hearing in the "Vilas County News-Review, 425 Mill Street, PO Box 1929, Eagle River, Wisconsin, 54521-1929. The applicants shall furnish proof of such publication to the Division of Hearings and Appeals by Thursday, January 8, 2015.

Dated at Madison, Wisconsin on December 16, 2014.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, Wisconsin 53705
Telephone: (608) 266-7709
FAX: (608) 264-9885

By: 
Jeffrey D. Boldt
Administrative Law Judge



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
5005 University Avenue, Suite 201
Madison, WI 53705-5400

Telephone: (608) 266-7709
FAX: (608) 264-9885
E-mail: DHAMail@wisconsin.gov
Internet: <http://dha.state.wi.us>

December 16, 2014

Attorney Timm P. Speerschneider
DeWitt, Ross and Stevens, S.C.
2 East Mifflin Street, Suite 600
Madison, WI 53703

Re: In the Matter of the Application of Jeanette and Kimbal Goluska to Place a Structure on the Bed of
Catfish Lake, Town of Washington, Vilas County

Dear Mr. Speerschneider:

We are enclosing Notice of Public Hearing and Order for Publication issued by the Division of Hearings and Appeals in the above-entitled proceeding.

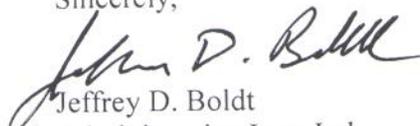
In accordance with the requirements of Wis. Stat. § 30.208(5)(c) the text of the entire Notice, with the exception of the Order paragraph, must be turned over to the "Vilas County News-Review", 425 Mill Street, PO Box 1929, Eagle River, Wisconsin, 54521-1929, Wisconsin, for publication.

Our records show that the "Vilas County News-Review" is a weekly paper. We suggest that you make immediate arrangements for publication of the Notice in this paper. The latest date for publication is **Wednesday, December 31, 2014**, and most newspapers require several days lead-time prior to insertion in the legal notice section. State law provides that the cost of the publication is to be borne by the applicant.

Proof of publication must be made by affidavit of the publisher, with copy of the printed Notice attached. Such proof is to be filed with the Division of Hearings and Appeals by **Thursday, January 8, 2015**, after the Notice has been published in the paper.

PLEASE COMPLY STRICTLY WITH THE ABOVE REQUIREMENTS. Failure to comply will result in rescheduling the hearing or the dismissal of your application. These requirements are necessary to comply with the law. It is also necessary that the applicant or an authorized representative appear at the hearing to present testimony.

Sincerely,


Jeffrey D. Boldt
Administrative Law Judge

JDB:lam

Enclosure

c: Attorney Megan Correll – DNR
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