

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

In the Matter of Wetland Individual Permit IP-WC-2016-42-00902, issued to Meteor Timber LLC, for Wetland fill or disturbance near Rudd Creek, in the Town of Grant, County of Monroe, State of Wisconsin

Case No. DNR-17-0013

In the Matter of Amended Wetland Individual Permit IP-WC-2016-42-00902, issued to Meteor Timber LLC, for wetland fill or disturbance near Rudd Creek, in the Town of Grant, County of Monroe, State of Wisconsin

Case No. DNR-17-0014

FINDINGS OF FACT

1. On May 24, 2018, the Secretary of the Department of Natural Resources issued an Order granting a petition filed by Meteor Timber LLC pursuant to Wis. Adm. Code § NR 2.20 (“Secretary’s Order”).
2. The Secretary’s Order designated an employee of the Department to review a decision issued on May 4, 2018, by the Division of Hearings and Appeals in Case Nos. DNR 17-0013 and DNR 17-0014 (“DHA Decision”), regarding a wetland permit and an amended wetland permit issued to Meteor Timber LLC.
3. On June 1, 2018, Meteor Timber filed a Petition for Judicial Review of the DHA Decision in Monroe County circuit court, *Meteor Timber LLC v. Wisconsin Division of Hearings and Appeals*, Case No. 2018CV123. The complaint alleged numerous errors in the Findings of Fact and law and requested that the DHA Decision be overturned and Meteor Timber’s rights under the amended wetland permit be restored.
4. On June 20, 2018, the Monroe County circuit court issued an order staying the petition for judicial review. Meteor Timber’s appeal of the DHA Decision remains pending in Monroe County circuit court.
5. On June 25, 2018, Clean Wisconsin filed a complaint in Dane County circuit court against the Department of Natural Resources challenging the Secretary’s Order. *Clean Wisconsin v. WDNR*, Case No. 2018CV1662.
6. On June 25, 2018, the Ho Chunk Nation filed a complaint in Monroe County circuit court against the Department of Natural Resources challenging the Secretary’s Order on the same grounds as the *Clean Wisconsin* complaint. *Ho Chunk Nation v. WDNR*, Case No. 2018CV148.

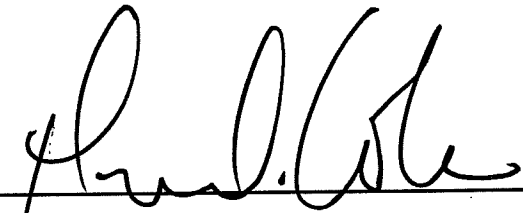
7. The *Clean Wisconsin* and *Ho Chunk Nation* complaints were consolidated in Monroe County circuit court. On September 25, 2018, the court approved a stipulation and issued an order approving the withdrawal of one count of the complaint; on November 30, 2018, the court dismissed the remaining count without prejudice.
8. No decision has been issued by the Secretary's designee on the Wis. Adm. Code § NR 2.20 petition.
9. All parties have an interest in resolving this matter in an efficient and lawful manner.
10. This matter is best resolved by mutual agreement of the parties or, if a mutual agreement is not reached, through judicial review.

CONCLUSIONS OF LAW

1. Wis. Stat. § 15.04(1)(a) authorizes the Secretary to plan, direct, coordinate and execute the functions vested in the Department of Natural Resources.
2. The Secretary has the authority to close this matter without modifying, affirming, or setting aside the DHA Decision. *Id.*; NR § 2.20.
3. The closing of this matter does not modify, affirm, or set aside the DHA Decision, which remains pending judicial review in Monroe County circuit court. *Meteor Timber LLC v. Wisconsin Division of Hearings and Appeals*, Case No. 2018CV123.

ORDER

1. The Secretary's review is now closed and all previous Orders issued by the Secretary in this matter, including the Order of May 24, 2018, are no longer in effect.
2. Pursuant to Wis. Adm. Code § NR 2.155(1), the DHA Decision is the final decision of the department.



Signed: Secretary Preston Cole

Dated and
mailed: _____

4/30/19

In accordance with §§ 227.42 and 227.53(1)(c), Wis. Stats., the parties to this proceeding are certified as follows:

Wisconsin Department of Administration, Division of Hearings and Appeals by

Administrative Law Judge Eric D. Défort
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NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to §§ 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

This notice is provided pursuant to § 227.48(2), Wis. Stats.