



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary  
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters  
2984 Shawano Ave.,  
Green Bay, Wisconsin 54313  
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TTY Access via relay - 711

September 15, 2009

IP-NE-2009-45-03912, 3913, 3914, 3915, 3916, & 3917

City of Kaukauna  
John Sundelius  
201 W. Second Street  
Kaukauna, WI 54130

Dear Mr. Sundelius:

This is regarding your Chapter 30 permit application related to funding a stormwater management project in the City of Kaukauna in Horseshoe Park. Even though we have made an initial finding of denying the permit we are offering to work with you to assist your community in receiving stormwater funds. We believe stormwater projects are critical to meeting the water quality goals in this watershed. Staff from the Department will be contacting you to arrange for a discussion on revising your proposal and developing a project for funding.

We will continue to explore funding options from this round of SRF funding for a revised project. In order for modified proposals to still be eligible for fiscal year 2010 Clean Water Fund grant and loan funding, the same water quality benefit would need to be realized and the same conservation practice would need to be constructed. However, if for some reason it needs to be funded next year, there are discussions at the Federal level that could potentially provide Federal Fiscal Year 2010 funding for the SRF that is similar or the same as the current cycle of funding. Also, efforts to modify your proposal will position you well to submit an application for the next loan cycle.

The enclosed document is a "Notice of Complete Application" for your project. Wisconsin law requires that the public be allowed an opportunity to comment on projects like yours. The enclosed notice helps you meet this requirement.

Before I can proceed in processing your application, state law requires that you:

1. Publish this as a Class I Notice, at your expense, in the Times-Villager, 1900 Crooks Ave. Kaukauna, WI 54130-0229 Fax:(920) 759-7344.
2. Obtain an affidavit from the newspaper to prove that the notice was published.
3. Mail a copy of the enclosed notice by U.S. Mail with Return Receipt Requested to interested and potentially interested members of the public. The Department has determined, pursuant to s. 30.208, Stats., that you must notify the parties listed below. You may notify others at your discretion. You also must mail a copy of the notice to any person or group who asks you to do so.

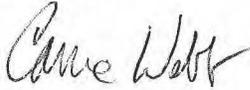
The adjacent property owners on all sides of the project location.



If I do not receive the affidavit and Return Receipts by October 15, 2009, the Department may dismiss your application without prejudice. If your application is dismissed, you may resubmit an application for the contract or permit.

Please write or call me at (920) 662-5453 if you have any questions.

Sincerely,



Carrie Webb  
Water Management Specialist

cc: Nick Domer, U.S. Army Corps of Engineers  
McMahon Engineers, Nick Vande Hey, 1445 McMahon Drive Neenah, WI 54957-1025  
Dave Rowe – Fisheries  
Dick Nikolai – Wildlife  
Miles Winkler – WME  
MaryAnne Lowndes – Stormwater  
Dave Bougie - Stormwater  
Kristy Rogers – NER  
Charlie Verhoeven – NER  
Dan Helf - NER

Notice of Complete Application for Proposed Stormwater Pond on a stream, Riprap, Outfall, Grading, Dam, & Water Quality Certification

The City of Kaukauna, 201 W. Second Street, Kaukauna, WI 54130 has applied to the Department of Natural Resources to construct a stormwater pond on Kankapot Creek. The City proposes to construct a wet detention pond in the forested ravine area at Horseshoe Park by putting a dam across Kankapot Creek. The outfall structures going into and out of the pond will be heavily riprapped and 0.34 acres of wetland will be disturbed.

The project is located in Section 22, Township 21 North, Range 18 East, City of Kaukauna, Outagamie County.

The proposed Department action is not anticipated to result in significant adverse environmental effects. The Department has made a preliminary determination that an environmental impact statement will not be required for this action. Copies of the environmental assessment that led to the DNR's preliminary determination can be obtained from Carrie Webb, 2984 Shawano Ave., Green Bay, 54313 phone number (920) 662-5453.

The Department has determined that the application is complete and is currently evaluating the applicant's proposal. The Department must consider factual information about the following legal standards in deciding whether to issue, modify, or deny the approval or permit to the applicant:

- 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 will follow the steps below to reach its final decision on the application:

1. Review the plans and information provided by the applicant.
2. Review the information from public comments.
3. Review the information presented at a public informational hearing if one is requested.
4. Review the information found in natural resource inventories and plans, maps, or data collected by the Department or others using commonly accepted methods.
5. Determine whether the proposed project or activity complies with s. 1.11, Stats [the Wisconsin Environmental Policy Act], and ch. NR 150, Wis. Adm. Code.

The Department has made a tentative determination that it will deny the proposed project.

If you would like to know more about this project or would like to see the application and plans, contact Carrie Webb, 2984 Shawano Ave., Green Bay, 54313 phone number (920) 662-5453.

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 the address above by U.S. mail. Comments should include the docket number or applicant name. If no public informational hearing is held on this application, comments must be postmarked no later than 30 days following the date of publication of this notice. If a public informational

hearing is held, comments must be postmarked no later than 10 days following the date on which the hearing is completed.

If notice of a public informational hearing is not included in this notice of complete application, no public informational hearing will be held unless the Department receives a request for hearing. If no hearing is requested, the Department may issue its decision without a hearing.

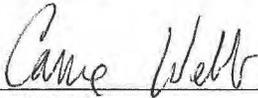
Any person may request a public informational hearing by writing to the address above by U.S. mail postmarked no later than 30 days following publication of this notice. A request for hearing must include the docket number or applicant name and specify the issues that the party desires to be addressed at the informational hearing. Because the Department must base its decision to issue or deny the permit or approval on whether the project or activity meets the legal standards listed above, the issues raised should relate to those standards.

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

Docket Number IP-NE-2009-45-03912, 3913, 3914, 3915, 3916, & 3917

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES**

For the Secretary



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Carrie Webb  
Water Management Specialist

9/15/2009

Date