

From: [Kowalkowski, Michael J - DNR](#)
To: [Scherf, Rebecca](#)
Subject: RE: Proposed Meeting with DNR re. Resolution of Easement Violations by Reducing Easement Area
Date: Friday, February 9, 2024 3:51:00 PM
Attachments: [image001.png](#)
[image002.gif](#)
[image003.gif](#)
[image004.gif](#)
[image005.gif](#)
[image006.gif](#)
[image007.gif](#)

Rebecca,

Thank you for following up. Please let Mayor Paine know I expect to present the Department's offer for resolution of this matter to him via email on Monday.

Have a good weekend,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Michael Kowalkowski

(608) 287-8130

michael.kowalkowski@wisconsin.gov



From: Scherf, Rebecca <scherrfr@ci.superior.wi.us>
Sent: Tuesday, February 6, 2024 5:34 PM
To: Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov>
Subject: RE: Proposed Meeting with DNR re. Resolution of Easement Violations by Reducing Easement Area

CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mr. Kowalkowski,

Following up to the below issue. Can you please provide us with an update?

Thank you,

Rebecca Scherf

Chief of Staff to the Mayor
City of Superior
1316 N. 14th Street
Superior, WI 54880
scherfr@ci.superior.wi.us
Phone: 715-395-7480

From: Scherf, Rebecca

Sent: Thursday, November 16, 2023 11:59 AM

To: Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov>

Subject: RE: Proposed Meeting with DNR re. Resolution of Easement Violations by Reducing Easement Area

Hello Mr. Kowalkowski,

I am looking to follow up regarding your meeting with Mayor Paine. He said we would be receiving something about an agreement in writing and we have not seen it. Could I please get a timeframe on when you think you will have that to us? We need to be setting meetings on our end in order to stand up to our end of things. I appreciate your time.

Thank you,

Rebecca Scherf

Chief of Staff to the Mayor
City of Superior
1316 N. 14th Street
Superior, WI 54880
scherfr@ci.superior.wi.us
Phone: 715-395-7480

From: Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov>

Sent: Thursday, July 27, 2023 1:01 PM

To: Scherf, Rebecca <scherfr@ci.superior.wi.us>

Subject: RE: Proposed Meeting with DNR re. Resolution of Easement Violations by Reducing Easement Area

Rebecca,

1-3 on 8/10 would work well for me if that is still available. If so, I can send a virtual meeting invite (Microsoft Teams) to you and Mayor Paine. Or if you have a preferred virtual platform please feel free to send me an invite for that time. I think we would likely not take the full 2 hours, but I'd rather block the time than run short if that works for you and the mayor.

Regards,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Michael Kowalkowski

(608) 287-8130

michael.kowalkowski@wisconsin.gov



From: Scherf, Rebecca <scherfr@ci.superior.wi.us>

Sent: Tuesday, July 25, 2023 8:52 AM

To: Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov>

Subject: Proposed Meeting with DNR re. Resolution of Easement Violations by Reducing Easement Area

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Hello,

Mayor Paine is available the following times the week of the 7th

Monday August 7th: 12PM

Tuesday August 8th: 12PM-2PM

Wednesday August 9th: 12PM-3PM

Thursday August 10th: 1PM-3PM

Please let me know if you have any availability during these times. The Mayor looks forward to meeting with you on this.

Rebecca Scherf

Chief of Staff to the Mayor
City of Superior
1316 N. 14th Street
Superior, WI 54880
scherfr@ci.superior.wi.us
Phone: 715-395-7480

From: Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov>
Sent: Tuesday, July 18, 2023 11:37 PM
To: Scherf, Rebecca <scherfr@ci.superior.wi.us>
Subject: RE: Proposed Meeting with DNR re. Resolution of Easement Violations by Reducing Easement Area

Hello Rebecca,

My apologies for the delay in response. This has been an exceedingly busy time as I am preparing for a case going to trial in addition to my normal responsibilities. On the DNR staff side we have also had a recent retirement that has affected our timing as we bring a new person in to the loop on this matter. I will not be able to meet with Mayor Paine on Thursday of this week and be prepared to resolve the matter. Please let the mayor know I sincerely appreciate his attention to this and the offer to meet in person. I will be prepared to reengage with a proposal for resolution at the conclusion of my case. I would propose a virtual meeting at a convenient time the week of August 7th (unless the mayor has another trip to Madison planned in the near future). Would you be able to assist and let me know a few available and convenient times? I can arrange the meeting and send an invite to you and Mayor Paine.

Thanks and regards,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Michael Kowalkowski

(608) 287-8130

michael.kowalkowski@wisconsin.gov



From: Scherf, Rebecca <scherfr@ci.superior.wi.us>

Sent: Thursday, July 13, 2023 1:43 PM

To: Lindsey, Adam L - DNR <Adam.Lindsey@wisconsin.gov>

Subject: RE: Proposed Meeting with DNR re. Resolution of Easement Violations by Reducing Easement Area

CAUTION: This email originated from outside the organization.

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Hello,

We have still not heard back from Attorney Kowalkowski. Could you please ask for an update?

Thank you,

Rebecca Scherf

Chief of Staff to the Mayor

City of Superior

1316 N. 14th Street

Superior, WI 54880

scherfr@ci.superior.wi.us

Phone: 715-395-7480

From: Lindsey, Adam L - DNR <Adam.Lindsey@wisconsin.gov>

Sent: Tuesday, June 13, 2023 12:38 PM

To: Scherf, Rebecca <scherfr@ci.superior.wi.us>

Subject: RE: Proposed Meeting with DNR re. Resolution of Easement Violations by Reducing Easement Area

Rebecca,

Attorney Kowalkowski is working with staff to get an update. He'll reach out to you directly to set up a time with Mayor Paine.

Have a great afternoon,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Adam Lindsey

Phone: (608) 261-0767

adam.lindsey@wisconsin.gov

From: Scherf, Rebecca <scherfr@ci.superior.wi.us>

Sent: Tuesday, June 13, 2023 10:41 AM

To: Lindsey, Adam L - DNR <Adam.Lindsey@wisconsin.gov>

Subject: RE: Proposed Meeting with DNR re. Resolution of Easement Violations by Reducing Easement Area

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Hello,

It may work for him to just call in for an update. If you're able to just give me a name of who is handling it and possibly an update of where it is at that may be sufficient.

I appreciate your help,

Rebecca Scherf

Chief of Staff to the Mayor

City of Superior

1316 N. 14th Street

Superior, WI 54880

scherfr@ci.superior.wi.us

Phone: 715-395-7480

From: Lindsey, Adam L - DNR <Adam.Lindsey@wisconsin.gov>

Sent: Tuesday, June 13, 2023 9:05 AM

To: Scherf, Rebecca <scherfr@ci.superior.wi.us>

Subject: RE: Proposed Meeting with DNR re. Resolution of Easement Violations by Reducing Easement Area

Rebecca,

I'm waiting on some folks to get back to me on who would all need to attend from DNR. I'll let you know as soon as I do.

Have a great day,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Adam Lindsey

Phone: (608) 261-0767

adam.lindsey@wisconsin.gov

From: Scherf, Rebecca <scherfr@ci.superior.wi.us>

Sent: Monday, June 12, 2023 1:09 PM

To: Lindsey, Adam L - DNR <Adam.Lindsey@wisconsin.gov>

Subject: RE: Proposed Meeting with DNR re. Resolution of Easement Violations by Reducing Easement Area

CAUTION: This email originated from outside the organization.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Adam,

The Mayor would like to set another meeting or call in regards to the below issue. Can you assist with who would be best for him to meet with?

Thank you,

Rebecca Scherf

Chief of Staff to the Mayor

City of Superior

1316 N. 14th Street

Superior, WI 54880

scherfr@ci.superior.wi.us

Phone: 715-395-7480

From: Lindsey, Adam L - DNR <Adam.Lindsey@wisconsin.gov>

Sent: Thursday, February 16, 2023 11:10 AM

To: Scherf, Rebecca <scherfr@ci.superior.wi.us>

Subject: Proposed Meeting with DNR re. Resolution of Easement Violations by Reducing Easement Area

Ms. Scherf,

Instead of playing a long drawn out game of phone tag please let me know who Mayor Paine would like to meet with and I can look at their availability for a meeting. I'm assuming the email below is the issue he would like to discuss.

Thanks much and have a great day,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Adam Lindsey

Paralegal – Bureau of Legal Services
Wisconsin Department of Natural Resources
P.O. Box 7921, Madison, WI 53707
Phone: (608) 261-0767
adam.lindsey@wisconsin.gov



dnr.wi.gov



From: Lindsey, Adam L - DNR

Sent: Monday, December 5, 2022 3:24 PM

To: 'prellf@ci.superior.wi.us' <prellf@ci.superior.wi.us>; 'VanSicklej@ci.superior.wi.us' <VanSicklej@ci.superior.wi.us>

Cc: 'Painej@ci.superior.wi.us' <Painej@ci.superior.wi.us>; 'Serckj@city.superior.wi.us' <Serckj@city.superior.wi.us>; Yach, James A - DNR <JamesA.Yach@wisconsin.gov>; Antonuk, Connie J - DNR <Connie.Antonuk@wisconsin.gov>; Hagen, Cherie L - DNR <Cherie.Hagen@wisconsin.gov>; Cunningham, Paul - DNR <Paul.Cunningham@wisconsin.gov>; Piszczek, Paul P - DNR <Paul.Piszczek@wisconsin.gov>; LaValley, Steven A - DNR <Steven.LaValley@wisconsin.gov>; Croonborg-Murphy, Jennifer M - DNR <Jennifer.CroonborgMurphy@wisconsin.gov>; Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov>; Lemke, James W - DNR <James.Lemke@wisconsin.gov>; Wolter, Peter B - DNR <Peter.Wolter@wisconsin.gov>; Flamang, Nicole M - DNR <nicolem.flamang@wisconsin.gov>; Johnson, Aubrey F - DNR <Aubrey.Johnson@wisconsin.gov>; Milligan, Diane L - DNR <Diane.Milligan@wisconsin.gov>

Subject: DNR Letter re. Resolution of Easement Violations by Reducing Easement Area

Attorney Prell and Councilor Van Sickle:

Please find attached a letter, with reference documents, from the Department of Natural Resources proposing a resolution to an easement issue with the Paine family. Questions or concerns can be directed to Secretary's Director James Yach. Paper copies will be sent via U.S. Mail to Frederick L. & Nancy Paine and Frederick A. & Dawn Paine.

Have a great afternoon,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Adam Lindsey

Paralegal – Bureau of Legal Services

Wisconsin Department of Natural Resources

P.O. Box 7921, Madison, WI 53707

Phone: (608) 261-0767

adam.lindsey@wisconsin.gov



dnr.wi.gov



From: [Kowalkowski, Michael J - DNR](#)
To: mayor@ci.superior.wi.us
Cc: [Scherf, Rebecca](#)
Subject: Easement matter
Date: Monday, February 12, 2024 4:13:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[Superior easement release proposal 2-12-24.jpg](#)

Hello Mayor Paine,

Thank you for your diligence in pursuing resolution of the encroachment on the Department of Natural Resources' easement encumbering property formerly owned by the City of Superior adjacent to the St. Louis River. I have conferred with my clients and can report that the Department would be prepared to resolve this matter as follows:

The City of Superior would pursue dedication of the Dwight's Point and Pokegema Wetlands State Natural Area.

The property owners would have the sunken barge removed from the bed of the river and properly disposed of at an upland location not encumbered by the Department's easement. The property owner would remove any other structures within the retained easement area, including the pier and shed on the shore. The property owners would be required to comply with the retained easement and refrain from placing structures on or altering vegetation in the easement areas remaining.

Note, this agreement would not prevent the property owners from placing a pier on the property to the south of the easement area.

Upon completion of the dedication and completion of the property owner's obligations, the Department would agree to release a portion of the easement encompassing the developed homes, lawn areas, and driveways, as well as the hay field on the eastern side of the property. The Department would retain the easement for 35 ft. width of the shoreline portion adjacent to the homes as well as the easement area north of the homes and hayfield. I have attached a visual representation for reference.

In the interest of working with the City should the City opt to pursue dedication of the Natural Area, the Department will conduct a preliminary field evaluation of the existing boundary this winter. This step does not obligate the City to proceed, but does assist with moving the process along expediently by supplying information necessary for the process. The next step, which can begin at the City's convenience, would be to work to draft articles of dedication to be recorded. Once the City has confirmed it is prepared to move forward with dedication, the Department can commit to engaging with the City on the articles of dedication as desired, and further as the proposal moves through the process. When the City is ready I would be happy to connect your staff to the appropriate department staff.

Please let me know if I can provide additional information or if you would like to discuss. I suggest we check in in two weeks to determine whether we have a path forward.

Regards,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Michael Kowalkowski

Staff Attorney

Wisconsin Department of Natural Resources

Phone: (608) 287-8130

michael.kowalkowski@wisconsin.gov



dnr.wi.gov



From: [Scherf, Rebecca](#)
To: [Kowalkowski, Michael J - DNR](#)
Subject: RE: Easement matter
Date: Thursday, April 18, 2024 10:27:49 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

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Hello Attorney Kowalkowski,

I apologize for the delay in our response. We are ready to move forward with the process you outlined below. Could you provide us with the draft articles of dedication? We will then proceed with our legal and administrative reviews and move them for proper approvals.

Thank you,

Rebecca Scherf

Chief of Staff to the Mayor
City of Superior
1316 N. 14th Street
Superior, WI 54880
scherfr@ci.superior.wi.us
Phone: 715-395-7480

From: Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov>
Sent: Monday, February 12, 2024 4:15 PM
To: Mayor <Mayor@ci.superior.wi.us>
Cc: Scherf, Rebecca <scherfr@ci.superior.wi.us>
Subject: Easement matter

Hello Mayor Paine,

Thank you for your diligence in pursuing resolution of the encroachment on the Department of Natural Resources' easement encumbering property formerly owned by the City of Superior adjacent to the St. Louis River. I have conferred with my clients and can report that the Department would be prepared to resolve this matter as follows:

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Please let me know if I can provide additional information or if you would like to discuss. I suggest we check in in two weeks to determine whether we have a path forward.

Regards,

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Michael Kowalkowski

Staff Attorney

Wisconsin Department of Natural Resources

Phone: (608) 287-8130

michael.kowalkowski@wisconsin.gov



dnr.wi.gov



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Thank you,

Rebecca Scherf

Chief of Staff to the Mayor
City of Superior
1316 N. 14th Street
Superior, WI 54880
scherfr@ci.superior.wi.us
Phone: 715-395-7480

From: Hel oAtr noyoeek
Sent: w aAks Ki r, Mch - rDNDR J N-D. , @
To: gv> Khv> kdr @el KohFbu1n 2@el KohFgv> Khv> kdr > dkev: kc GvPp
Subject: nS<SKkof o: Ef KEoA

moliv, EvA: oi gv> Klv> kdr

I apologize for the delay in our response. We are ready to move forward with the process you outlined below. Could you provide us with the draft articles of dedication? We will then proceed with our legal and administrative reviews and move them for proper approvals.

Thank you,

Rebecca Scherf

Chief of Staff to the Mayor

City of Superior

1316 N. 14th Street

Superior, WI 54880

scherfr@ci.superior.wi.us

Phone: 715-395-7480

From: gv> Khdv> kdr @ael KohFbu1 n 2 @ael KohFbu1 n 2 @ael KohFbu1 n 2 > ddev: kc 5vPp

Sent: @v: s Ki r ToyAaKAi J Dr DNDR R4' C@

To: @Ki vA2 @Ki vA2 edKaMoAvA> @kp

j b: Hel oAtr noyoeek 2kel oA4 edKaMoAvA> @kp

SCcubt: SKkof o: Ef KEoA

molhv @Ki vACKc or

wl K: di va tvAi vaAsd5o: eo c MaKac 5 AokvhaEv: vt B o o: eAvKel f o: Ev: B o uoMKAf o: Evt
1 KEaAkhnoKvaAekj oKkof o: Eo: eaf yoAc 5 MAvMAf tvAf oAi v>: os yi B o Ld vt HaMAvA
KsIKeo: EEv B o HEOWad nPoAO ql KPo ev: toAos > d f i eh: Ek K: s ek: AoMAf B KE B o uoMKAf o: E
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wl o Ld vt HaMAvA> val5 MAkao sosaeEv: vt B o u> dI EjK Cvc EK: s Cvdo5of K U oEk: s k HEKo
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K: s AotAKc tAvf Mikc 5 KEAeEaAok v: vAKHeAc 5 Po5oKEv: c B o oKkof o: EKAoKk Aof Kc c 50
1 vEor B d K5Aof o: E> val5 : vEMAoPo: E B o MAvMAf v>: oA tAvf Mikc 5 K MoAv: B o MAvMAf
Ev B o kva B vt B o oKkof o: EKAoKO

xM: evf MoEv: vt B o sosaeEv: K: s evf MoEv: vt B o MAvMAf v>: oAjK vyh5KEv: kr B o
uoMKAf o: E> val5 K5Aoo Ev AohKko KMAEv: vt B o oKkof o: Eo: evf Mkkc 5 B o soPolvMs l vf ok
K>: KAokK K: s sAPo> Ki krKk> ohKk B o l Ki tohs v: B o oKKeoA ks o vt B o MAvMAf O wl o
uoMKAf o: E> val5 AokC B o oKkof o: EtvAO' tEO> d B vt B o kl vAoh o MAEv: KsIKeo: EEv B o
l vf ok Kk> ohKk B o oKkof o: EKAoK: vA B vt B o l vf ok K: s l Ki tohs O ql KPo KEKkel os K PkaKh
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q ð o c EoAkEvt>vAdc 5>ð ð o Lð kl valð ð o Lð vMEv MaAkaos sosæKEv: vt ð o 1 KEaAKh, AoKr
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 kEoMsvok: vEvyl5KEo ð o Lð Ev MaAeoos ryaEsvok KkkðE>ð f vPc 5 ð o MaAeokk Khv: 5
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 KMMaMaAKeo soMKAf o: EkBtt0

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We are committed to servibe exbellenbe.

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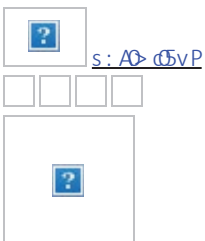
@æI Kohgv> Khðv> kdc

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[f æI Kohgv> Khðv> kdc >ðev: kc ðvP](#)



From: [Kowalkowski, Michael J - DNR](#)
To: [Scherf, Rebecca](#)
Subject: RE: Easement matter
Date: Friday, May 3, 2024 1:57:00 PM
Attachments: [PARFREY'S GLEN AOD.pdf](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[VAN VLIET HEMLOCKS AOD.pdf](#)
[Dedication statute.pdf](#)
[dedication.factsheet.pdf](#)
[Dedication summary 2021.doc](#)

Good afternoon Rebecca,

Thank you for following up. The Department looks forward to working with the City on the State Natural Areas dedication process. I am attaching some information about the dedication process and some recent examples of Articles of Dedication for your reference. The process for DNR's drafting of Articles for a non-DNR-owned site is typically collaborative with the landowner, so I've reached out to our SNA program staff and managers to see what they envision for next steps and which staff will be involved. I expect to have further info within the next few days. Has the City have identified people on your end to work with, or may I assist organizing any City-DNR interaction through you?

Thanks and have a good weekend,

F r o m : S e e r t r t S G r m n r r u : r l b j : r W

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Michael Kowalkowski

(608) 287-8130

michael.kowalkowski@wisconsin.gov



ar5e i Scherf, Rebecca <scherrfr@superiorwi.gov>

dr j ti Friday, May 3, 2024 12:18 PM

sSi Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov>

dvxlr : ti RE: Easement matter

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Hello Attorney Kowalkowski,

Just checking in on next steps of receiving the draft articles of dedication on the Paine easement.

Thank you,

Rebecca Scherf

Chief of Staff to the Mayor
City of Superior
1316 N. 14th Street
Superior, WI 54880
scherfr@ci.superior.wi.us
Phone: 715-395-7480

Rebecca Scherf, Rebecca

Rebecca Scherf Thursday, April 18, 2024 10:27 AM

Rebecca Scherf Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov>

Rebecca Scherf RE: Easement matter

Hello Attorney Kowalkowski,

I apologize for the delay in our response. We are ready to move forward with the process you outlined below. Could you provide us with the draft articles of dedication? We will then proceed with our legal and administrative reviews and move them for proper approvals.

Thank you,

Rebecca Scherf

Chief of Staff to the Mayor
City of Superior
1316 N. 14th Street
Superior, WI 54880
scherfr@ci.superior.wi.us
Phone: 715-395-7480

Michael J. Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov>
Monday, February 12, 2024 4:15 PM
Mayor <Mayor@ci.superior.wi.us>
Rebecca Scherf, Rebecca <scherfr@ci.superior.wi.us>
Easement matter

Hello Mayor Paine,

Thank you for your diligence in pursuing resolution of the encroachment on the Department of Natural Resources' easement encumbering property formerly owned by the City of Superior adjacent to the St. Louis River. I have conferred with my clients and can report that the Department would be prepared to resolve this matter as follows:

The City of Superior would pursue dedication of the Dwight's Point and Pokegema Wetlands State Natural Area.

The property owners would have the sunken barge removed from the bed of the river and properly disposed of at an upland location not encumbered by the Department's easement. The property owner would remove any other structures within the retained easement area, including the pier and shed on the shore. The property owners would be required to comply with the retained easement and refrain from placing structures on or altering vegetation in the easement areas remaining.

Note, this agreement would not prevent the property owners from placing a pier on the property to the south of the easement area.

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In the interest of working with the City should the City opt to pursue dedication of the Natural Area, the Department will conduct a preliminary field evaluation of the existing boundary this winter. This step does not obligate the City to proceed, but does assist with moving the process along expediently by supplying information necessary for the process. The next step, which can begin at the City's convenience, would be to work to draft articles of dedication to be recorded. Once the City has confirmed it is prepared to move forward with dedication, the Department can commit to engaging with the City on the articles of dedication as desired, and further as the proposal moves through the process. When the City is ready I would be happy to connect your staff to the appropriate department staff.

Please let me know if I can provide additional information or if you would like to discuss. I suggest we check in in two weeks to determine whether we have a path forward.

Regards,

From: Secretary of the Wisconsin Department of Natural Resources

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Michael Kowalkowski

Staff Attorney

Wisconsin Department of Natural Resources

Phone: (608) 287-8130

michael.kowalkowski@wisconsin.gov



dnr.wi.gov



From: [Kowalkowski, Michael J - DNR](#)
To: [Scherf, Rebecca](#)
Cc: [Herrick, Sarah K - DNR](#)
Subject: RE: Easement matter
Date: Monday, May 6, 2024 11:34:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

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Thank you,

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Chief of Staff to the Mayor

City of Superior

1316 N. 14th Street

Superior, WI 54880

scherfr@ci.superior.wi.us

Phone: 715-395-7480

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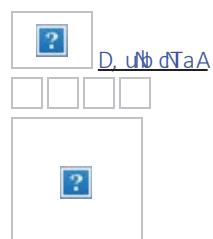
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From: [Kowalkowski, Michael J - DNR](#)
To: [Scherf, Rebecca](#)
Subject: RE: Easement matter
Date: Thursday, September 5, 2024 2:38:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Hello Rebecca,

I have decent availability next week as follows:

M: 10-2, T: 10-12, W: 1-3, Th: 10-12, F: 9-12

Please let me know if a time in one of these windows will work. If not, let me know some preferred times and I will see if I can make arrangements to accommodate.

Thanks and regards,

F r o m : S e r t t r T t S C r m n r r u : r l d j : r W

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Michael Kowalkowski

Phone: (608) 287-8130

michael.kowalkowski@wisconsin.gov

arSe i Scherf, Rebecca <scherr@superiorwi.gov>

drj ti Thursday, September 5, 2024 1:49 PM

sSi Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov>

dvxlr : ti RE: Easement matter

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Hello Attorney Kowalkowski,

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Thank you,

Rebecca Scherf

Chief of Staff to the Mayor
City of Superior
1316 N. 14th Street
Superior, WI 54880
scherfr@ci.superior.wi.us
Phone: 715-395-7480

From: Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov>
Date: Monday, May 6, 2024 11:35 AM
To: Scherf, Rebecca <scherfr@superiorwi.gov>
From: Herrick, Sarah K - DNR <Sarah.Herrick@wisconsin.gov>
Subject: RE: Easement matter

Hello Rebecca,

Following up from my last message, DNR would look to the City to draft the Articles of Dedication with technical support from the Department. As part of the process, the Department would look to revise the boundary of the Natural Area to be consistent with the natural values to be protected by the dedication, as opposed to the existing boundary. Our ecologist visited the site early in the Spring so we are prepared to propose boundaries for the dedication. As the City works on Articles, Sarah Herrick will be the primary point of contact, and you may also be in touch with me if I can be of assistance.

Regards,

From: Secretary of the Wisconsin Department of Natural Resources

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Michael Kowalkowski
(608) 287-8130
michael.kowalkowski@wisconsin.gov



From: Kowalkowski, Michael J - DNR
Date: Friday, May 3, 2024 1:57 PM
To: Scherf, Rebecca <scherfr@superiorwi.gov>
Subject: RE: Easement matter

Good afternoon Rebecca,

Thank you for following up. The Department looks forward to working with the City on the State Natural Areas dedication process. I am attaching some information about the dedication process and some recent examples of Articles of Dedication for your reference. The process for DNR's drafting of Articles for a non-DNR-owned site is typically collaborative with the landowner, so I've reached out to our SNA program staff and managers to see what they envision for next steps and which staff will be involved. I expect to have further info within the next few days. Has the City have identified people on your end to work with, or may I assist organizing any City-DNR interaction through you?

Thanks and have a good weekend,

F r o m : S e e r t t r T t S G r o n r r u : r d r j : r W

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Michael Kowalkowski

(608) 287-8130

michael.kowalkowski@wisconsin.gov



a r f e i Scherf, Rebecca <scherfr@superiorwi.gov>

d r j t i Friday, May 3, 2024 12:18 PM

s S i Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov>

d v x l r : t i RE: Easement matter

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Chief of Staff to the Mayor

City of Superior
1316 N. 14th Street
Superior, WI 54880
scherfr@ci.superior.wi.us
Phone: 715-395-7480

ar5e i Scherf, Rebecca
drj ti Thursday, April 18, 2024 10:27 AM
sSi Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov>
dvxlr : ti RE: Easement matter

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scherfr@ci.superior.wi.us
Phone: 715-395-7480

ar5e i Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov>
drj ti Monday, February 12, 2024 4:15 PM
sSi Mayor <Mayor@ci.superior.wi.us>
. : i Scherf, Rebecca <scherfr@ci.superior.wi.us>
dvxlr : ti Easement matter

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Michael Kowalkowski

Staff Attorney

Wisconsin Department of Natural Resources

Phone: (608) 287-8130

michael.kowalkowski@wisconsin.gov



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Superior, WI 54880

scherfr@ci.superior.wi.us

Phone: 715-395-7480

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From: 3hvd2(, x dmdhho

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Please forward as appropriate, thank you!

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Rebecca Scherf
Chief of Staff to the Mayor
City of Superior
1316 N. 14th Street
Superior, WI 54880
scherfr@ci.superior.wi.us <mailto:scherfr@ci.superior.wi.us>
Phone: 715-395-7480

From: Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov <mailto:Michael.Kowalkowski@wisconsin.gov> >
Sent: Thursday, September 5, 2024 2:39 PM
To: Scherf, Rebecca <scherrfr@superiorwi.gov <mailto:scherfr@superiorwi.gov> >
Subject: RE: Easement matter

Hello Rebecca,

I have decent availability next week as follows:

M: 10-2, T: 10-12, W: 1-3, Th: 10-12, F: 9-12

Please let me know if a time in one of these windows will work. If not, let me know some preferred times and I will see if I can make arrangements to accommodate.

Thanks and regards,

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Michael Kowalkowski
Phone: (608) 287-8130
michael.kowalkowski@wisconsin.gov <<mailto:michael.kowalkowski@wisconsin.gov>>

From: Scherf, Rebecca <scherrfr@superiorwi.gov <mailto:scherfr@superiorwi.gov> >
Sent: Thursday, September 5, 2024 1:49 PM
To: Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov <mailto:Michael.Kowalkowski@wisconsin.gov> >
Subject: RE: Easement matter

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Hello Attorney Kowalkowski,

Do you have time next week for a meeting regarding the below easement with Mayor Paine and potentially Mr. Fred Paine who owns the mentioned property?

Thank you,

Rebecca Scherf
Chief of Staff to the Mayor
City of Superior
1316 N. 14th Street
Superior, WI 54880
scherfr@ci.superior.wi.us <<mailto:scherfr@ci.superior.wi.us>>
Phone: 715-395-7480

From: Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov <mailto:Michael.Kowalkowski@wisconsin.gov> >
Sent: Monday, May 6, 2024 11:35 AM
To: Scherf, Rebecca <scherrfr@superiorwi.gov <mailto:scherfr@superiorwi.gov> >
Cc: Herrick, Sarah K - DNR <Sarah.Herrick@wisconsin.gov <mailto:Sarah.Herrick@wisconsin.gov> >
Subject: RE: Easement matter

Hello Rebecca,

Following up from my last message, DNR would look to the City to draft the Articles of Dedication with technical support from the Department. As part of the process, the Department would look to revise the boundary of the Natural Area to be consistent with the natural values to be protected by the dedication, as opposed to the existing boundary. Our ecologist visited the site early in the Spring so we are prepared to propose boundaries for the dedication. As the City works on Articles, Sarah Herrick will be the primary point of contact, and you may also be in touch with me if I can be of assistance.

Regards,

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Michael Kowalkowski
(608) 287-8130
michael.kowalkowski@wisconsin.gov <<mailto:michael.kowalkowski@wisconsin.gov>>

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From: Kowalkowski, Michael J - DNR
Sent: Friday, May 3, 2024 1:57 PM
To: Scherf, Rebecca <scherfr@superiorwi.gov <<mailto:scherfr@superiorwi.gov>> >
Subject: RE: Easement matter

Good afternoon Rebecca,

Thank you for following up. The Department looks forward to working with the City on the State Natural Areas dedication process. I am attaching some information about the dedication process and some recent examples of Articles of Dedication for your reference. The process for DNR's drafting of Articles for a non-DNR-owned site is typically collaborative with the landowner, so I've reached out to our SNA program staff and managers to see what they envision for next steps and which staff will be involved. I expect to have further info within the next few days. Has the City have identified people on your end to work with, or may I assist organizing any City-DNR interaction through you?

Thanks and have a good weekend,

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Michael Kowalkowski
(608) 287-8130
michael.kowalkowski@wisconsin.gov <<mailto:michael.kowalkowski@wisconsin.gov>>

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From: Scherf, Rebecca <scherfr@superiorwi.gov <<mailto:scherfr@superiorwi.gov>> >
Sent: Friday, May 3, 2024 12:18 PM
To: Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov <<mailto:Michael.Kowalkowski@wisconsin.gov>> >
Subject: RE: Easement matter

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Hello Attorney Kowalkowski,

Just checking in on next steps of receiving the draft articles of dedication on the Paine easement.

Thank you,

Rebecca Scherf

Chief of Staff to the Mayor

City of Superior

1316 N. 14th Street

Superior, WI 54880

scherfr@ci.superior.wi.us <<mailto:scherfr@ci.superior.wi.us>>

Phone: 715-395-7480

From: Scherf, Rebecca

Sent: Thursday, April 18, 2024 10:27 AM

To: Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov> <<mailto:Michael.Kowalkowski@wisconsin.gov>> >

Subject: RE: Easement matter

Hello Attorney Kowalkowski,

I apologize for the delay in our response. We are ready to move forward with the process you outlined below. Could you provide us with the draft articles of dedication? We will then proceed with our legal and administrative reviews and move them for proper approvals.

Thank you,

Rebecca Scherf

Chief of Staff to the Mayor

City of Superior

1316 N. 14th Street

Superior, WI 54880

scherfr@ci.superior.wi.us <<mailto:scherfr@ci.superior.wi.us>>

Phone: 715-395-7480

From: Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov> <<mailto:Michael.Kowalkowski@wisconsin.gov>> >

Sent: Monday, February 12, 2024 4:15 PM

To: Mayor <Mayor@ci.superior.wi.us> <<mailto:Mayor@ci.superior.wi.us>> >

Cc: Scherf, Rebecca <scherfr@ci.superior.wi.us> <<mailto:scherfr@ci.superior.wi.us>> >

Subject: Easement matter

Hello Mayor Paine,

Thank you for your diligence in pursuing resolution of the encroachment on the Department of Natural Resources' easement encumbering property formerly owned by the City of Superior adjacent to the St. Louis River. I have conferred with my clients and can report that the Department would be prepared to resolve this matter as follows:

The City of Superior would pursue dedication of the Dwight's Point and Pokegema Wetlands State Natural Area.

The property owners would have the sunken barge removed from the bed of the river and properly disposed of at an upland location not encumbered by the Department's easement. The property owner would remove any other structures within the retained easement area, including the pier and shed on the shore. The property owners would be required to comply with the retained easement and refrain from placing structures on or altering vegetation in the easement areas remaining. Note, this agreement would not prevent the property owners from placing a pier on the property to the south of the easement area.

Upon completion of the dedication and completion of the property owner's obligations, the Department would agree to release a portion of the easement encompassing the developed homes, lawn areas, and driveways, as well as the hay field on the eastern side of the property. The Department would retain the easement for 35 ft. width of the shoreline portion adjacent to the homes as well as the easement area north of the homes and hayfield. I have attached a visual representation for reference.

In the interest of working with the City should the City opt to pursue dedication of the Natural Area, the Department will conduct a preliminary field evaluation of the existing boundary this winter. This step does not obligate the City to proceed, but does assist with moving the process along expediently by supplying information necessary for the process. The next step, which can begin at the City's convenience, would be to work to draft articles of dedication to be recorded. Once the City has confirmed it is prepared to move forward with dedication, the Department can commit to engaging with the City on the articles of dedication as desired, and further as the proposal moves through the process. When the City is ready I would be happy to connect your staff to the appropriate department staff.

Please let me know if I can provide additional information or if you would like to discuss. I suggest we check in in two weeks to determine whether we have a path forward.

Regards,

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Michael Kowalkowski
Staff Attorney
Wisconsin Department of Natural Resources
Phone: (608) 287-8130
michael.kowalkowski@wisconsin.gov <<mailto:michael.kowalkowski@wisconsin.gov>>

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