

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Waukesha Service Center
141 NW Barstow Street Room 180
Waukesha WI 53188

Scott Walker, Governor
Daniel L. Meyer, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



June 1, 2018

Mr. Mark Frye
Director of Public Works
City of Oconomowoc
174 East Wisconsin Avenue
Oconomowoc, WI 53066

Subject: 2018 – 2022 Five Year Harvesting Permit
SE-2018-68-0085M

Dear Mark:

We have received your application for a multiple year Mechanical / Manual Aquatic Plant Control permit to mechanically harvest aquatic plants in a maximum of 44 acres of Fowler Lake, Waukesha County. We have found your application to be complete and you are being issued a five year permit with conditions. Please read your permit carefully and contact us if you have any questions.

This permit is being issued in accordance with the 2018 Aquatic Plant Management Plan Update for Fowler Lake prepared by SEWRPC.

Attached is a copy of your permit with the conditions that must be followed. In addition, I have included a copy of our findings of fact and conclusions of law and your right to appeal our action. A copy of the permit must be kept on the harvester at all times during operation. Please read your permit conditions carefully so that you are fully aware of what is expected of you.

Your next step will be to me by e-mail (Heidi.Bunk@Wisconsin.gov) when you plan to begin harvesting. If you have any questions or concerns, please feel free to contact me either by e-mail or by phone at 262-574-2130.

Sincerely,

A handwritten signature in blue ink that reads 'Heidi Bunk'.

Heidi Bunk
DNR Lakes Biologist

Cc: Mr. Brian Steinke, Superintendent of Public Works

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

Permit for Mechanical Harvesting of Aquatic Plants

The City of Oconomowoc is hereby granted under Section 23.24, Wisconsin Statutes and Administrative Code NR 109, a permit to conduct mechanical harvesting of aquatic plants in up to 44 acres of Fowler Lake, in Section 33, Township 8 North, Range 17 East, in the City of Oconomowoc, Waukesha County. This permit is issued for a five-year term and will expire on December 31, 2022. This permit is subject to the following conditions:

PERMIT CONDITIONS

1. City of Oconomowoc representatives or harvester operators must notify Lakes Biologist Heidi Bunk by e-mail (Heidi.Bunk@Wisconsin.gov) **four** working days prior to the anticipated start of the harvesting operation each year. Department staff may schedule and conduct an onsite supervision of harvesting.
2. The quantity and species of plants to be mechanically harvested must be in accordance with the permit application.
3. The District may harvest up to 44 acres within the City of Oconomowoc. Specific dimension of channels, location of channels and depth of cut should follow the Aquatic Plant Management Plan for Fowler Lake compiled by the Southeast Regional Planning Commission, dated April 27th, 2018 and the 2018 permit application.
4. A copy of the permit and maps shall be maintained on board the harvester(s) at all times while harvesting operations are being conducted.
5. Mechanical harvesting in the “Recreational Boating Area” (i.e. designated water ski lane) will follow the locations denoted on Figure 4 submitted with the permit application. Aquatic plants can be cut to a maximum depth of 6 feet below the surface in the designated water ski lane, allowing for a minimum of 12 inches of aquatic plant growth to remain at the bottom of the lake. Cutting will occur between the 10 foot and 20 foot contour lines.
6. Figure 4 submitted with the permit application denotes “Angling Area and General Water Based Recreation” and “Eurasian Water Milfoil Control” areas. Mechanical harvesting in these two areas must use the “top-cut” method to target the non native aquatic plant growth present near the surface, while allowing for native aquatic plant communities to remain for habitat and sediment stabilization purposes. Aquatic plants can be cut to a maximum depth of 3 feet below the surface, allowing for a minimum of 2 feet of aquatic plant growth to remain at the bottom of the lake.
7. Prior to using a “top-cut” harvesting method in the “Angling Area and General Water Based Recreation” and “Eurasian Water Milfoil Control” areas as denoted in Figure 4 of the permit application, the area(s) to be cut should be surveyed (and documented) for the presence of Eurasian Water Milfoil or Curly Leaf Pondweed, both of which are non-native aquatic plant species. The presence of Eurasian Water Milfoil and/or Curly Leaf Pondweed as the dominate plant(s) would then indicate the need for cutting in that area. Harvester operators should avoid cutting plant communities dominated by native aquatic plants.
8. The cutting bar and paddle wheels on the harvester shall not be set to disturb the bottom sediment in the lake. At no time shall harvesting remove all plant material down to the sediments.

9. Harvesting may not take place in less than three feet of water in any area of Fowler Lake.
10. Harvesting may not be conducted in such a manner that a “clear cut” of the aquatic vegetation results.
11. All aquatic plant cuttings must be removed immediately from the water. Disposal of the harvested aquatic plants must be located in the areas specified in the permit application (Map 1) and must be in accordance with any applicable county and local regulations. Disposal may not take place in any mapped floodplains or wetlands.
12. Figure 4 submitted with the permit amendment request denotes the “Recreational Boating Access Lanes”. Access channels are limited to a 30 foot width. Aquatic plants can be cut to a maximum depth of 5 feet below the surface, allowing for a minimum of 2 feet of aquatic plant growth to remain at the bottom of the lake.
13. Figure 4 submitted with the permit amendment request denotes two “Environmentally-Valuable Areas”. No harvesting may take place in the “Environmentally-Valuable Area” located east of Walnut Street. No harvesting may take place in the “Environmentally-Valuable Area” located south of Lisbon Road prior to June 24th of each year.
14. All mechanical harvesting records must be maintained and made available to the Department upon request. Annual reports summarizing harvesting activities shall be given to the Department by November 1st of each year. The annual report includes a map showing the areas harvested, the number of acres harvested, the total **cubic yards** of plant material removed from each area of the lake harvested and the number of times each area was harvested.

FINDINGS OF FACT

1. The City of Oconomowoc has filed an application for a permit to conduct a mechanical harvesting operation in Fowler Lake, in Section 33, Township 8 North, Range 17 East, in the City of Oconomowoc, Waukesha County.
2. The specific areas to be harvested are shown on the map submitted with the permit application dated May 29th, 2018 and are incorporated into this permit.
3. The City of Oconomowoc indicated in the harvesting application that one of the reasons to remove aquatic plant growth is to reduce the Eurasian watermilfoil and curly-leaf pondweed infestations. Eurasian watermilfoil and curly-leaf pondweed are non-native, invasive aquatic plant species that can grow along the surface of the lake, forming dense mats or canopies of vegetation. Plants growing in this manner can reduce the ability of native plants to grow, as well as create many boating and recreational problems for lake users.
4. The Department has determined the proposed mechanical harvesting will provide boat navigation and recreational opportunities, and will target non-native aquatic plants, including curly-leaf pondweed and Eurasian watermilfoil plants in permitted areas of the lake. The harvesting will also allow native aquatic plants to grow in areas previously dominated by nonnative aquatic plant and provide predatory fish cruising lanes. Native aquatic plants will be cut in the “Recreational Boating Area”.
5. The Department has determined that there will be no significant adverse impacts resulting from the mechanical harvesting of Fowler Lake if harvesting takes place in accordance with permit conditions.

6. The maximum harvesting area is 44 acres in the areas shown on the maps submitted with the permit application.
7. The Department has determined that the proposed harvesting operations will not take place in a Department-designated sensitive area.

CONCLUSIONS OF LAW

The Department has authority under the above indicated Statutes and Administrative Codes, to issue a permit for mechanical harvesting of aquatic plants.

NOTICE OF APPEAL RIGHTS

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

For judicial review of a decision pursuant to Ss. 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed or otherwise served by the Department, to serve a petition within 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.

To request a contested case hearing pursuant to Section 227.42, Wisconsin Statutes, you have 30 days after the decision is mailed or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review. This notice is provided pursuant to Section 227.48(2), Wisconsin Statutes.

Dated at Waukesha, WI June 1st, 2018

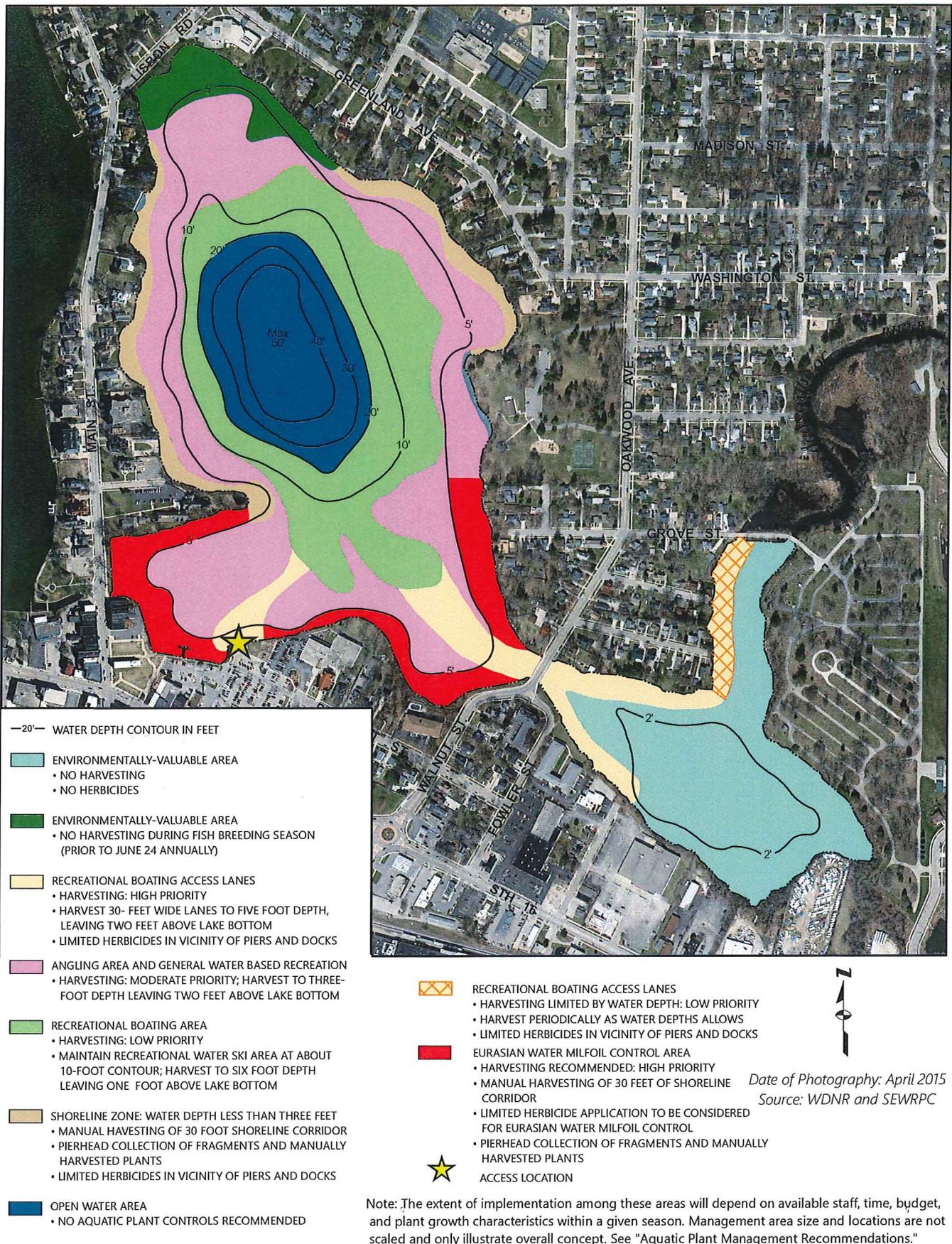
STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

For the Secretary

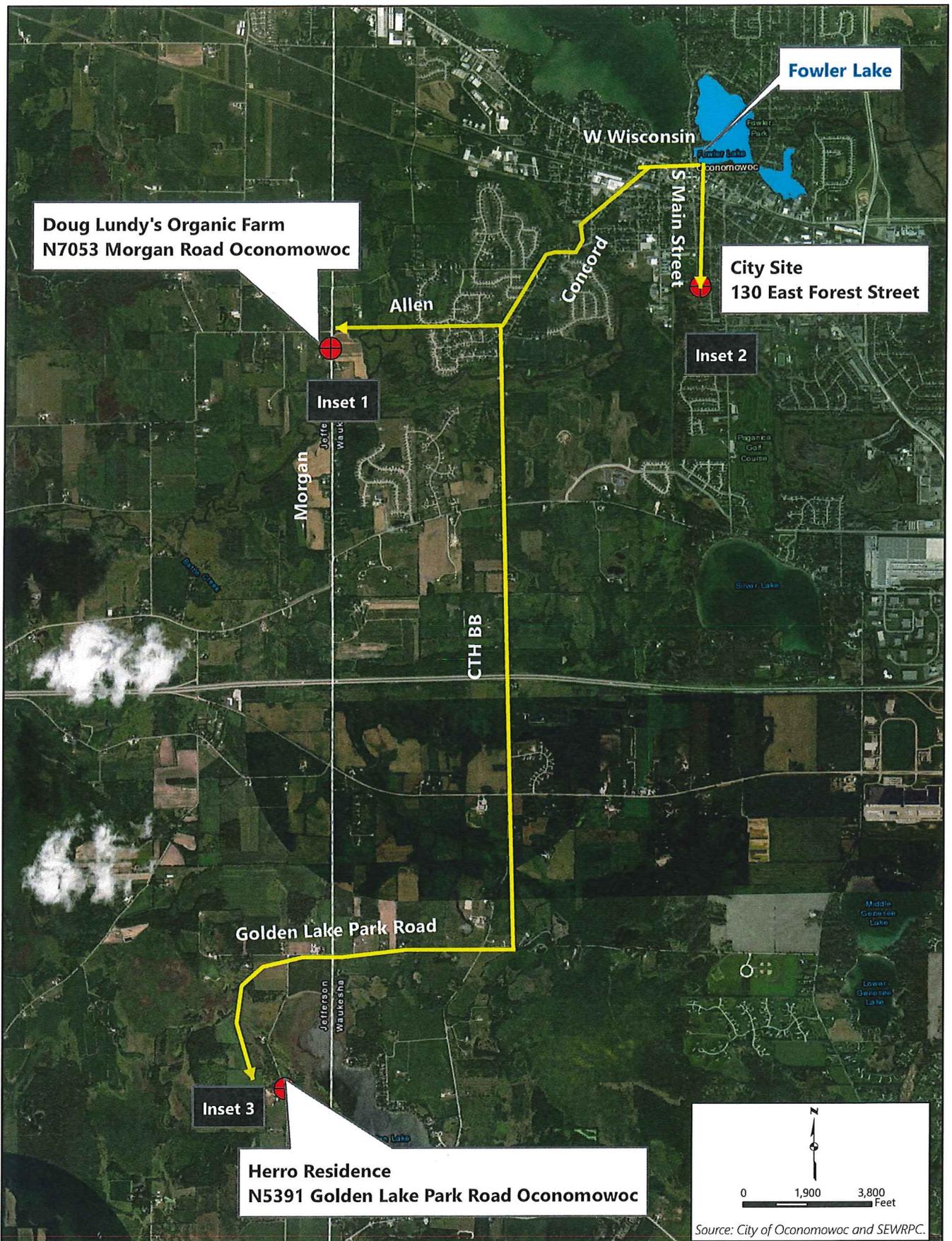
By Heidi Bunk

Heidi Bunk
Lakes Biologist

Figure 4
Recommended Aquatic Plant Management Plan Elements for Fowler Lake: 2018



Map 1
Fowler Lake Harvesting Disposal Sites and Route



Date Received 5/31/18	ID Number SE-2018-68-0085M
Fee Received \$300	County Code 68
Exp. Date 12/31/2022	WBIC 849400

State of Wisconsin
Department of Natural Resources
PO Box 7921, Madison WI 53707-7921
dnr.wi.gov

Aquatic Plant Control Mechanical / Manual Permit Application

Form 3200-113 (R 10/16)

Notice: Pursuant to s. 23.24, Wis. Stats., the information requested on this form is required by the Department of Natural Resources (DNR) to permit aquatic plant control mechanical and/or manual application. Failure to complete and submit this form will result in no permit being issued. Personally identifiable information collected will be used for program administration and may be made available to requesters to the extent required under Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

Section I: Applicant Data

Permit Applicant Name City of Oconomowoc			Applicant is: <input type="checkbox"/> Private Individual <input type="checkbox"/> Contractor <input checked="" type="checkbox"/> Lake Organization (Specify) Municipality		
Applicant Mailing Address 174 E Wisconsin Avenue					
City Oconomowoc	State WI	Zip 53066	Lake Property Address (if different)	City	State
Phone Number xxx-xxx-xxxx 262-569-2184	Email Address Mfreye@Oconomowoc-wi.gov	Phone Number xxx-xxx-xxxx	Email Address		

Individuals and organizations (e.g. Lake District, Lake Association, Property Owners Association, County Department of Recreation), sponsoring removal.

Name	Address	Phone	Email Address
Mark Frye	174 E Wisconsin Avenue	262-569-2184	Mfreye@Oconomowoc-wi.gov

Has a Lake Management plan been provided to the DNR? <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Don't Know	If Yes, date approved of most current copy 5/29/2018	Location of Applicant file copy City of Oconomowoc
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Does the proposed plant removal agree with the approved plan? Yes No
If NO, explain, Attach additional sheets if necessary.

Is this area within or adjacent to a Sensitive Area designated by the Wisconsin Department of Natural Resources?
 Yes No Don't Know If yes, list sites:

Waterbody of proposed plant removal Fowler Lake	Lake Surface Area (acres): 99	County Waukesha	Section 33	Township 08 N	Range 17	<input checked="" type="radio"/> E <input type="radio"/> W
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Name of Firm (if sub-contracted) City of Oconomowoc	Phone Number xxx-xxx-xxxx 262-569-2184	Extension
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Street Address 174 E Wisconsin Avenue	City Oconomowoc	State WI	Zip 53066
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Name of 1st Plant Disposal Site (if applicable) Doug Lundy's Organic Farm	1/4 1/4 NE	1/4 SE	Section 01	Township 07 N	Range 16	<input checked="" type="radio"/> E <input type="radio"/> W	County Jefferson
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Name of 2nd Plant Disposal Site (if applicable) City Site	1/4 1/4 SW	1/4 NE	Section 04	Township 07 N	Range 17	<input checked="" type="radio"/> E <input type="radio"/> W	County Waukesha
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Length from shore 500 ft. x Shoreline or area width 3,833 ft. /43,560= 43.997 Estimated Acreage Avg. Depth 15 ft.

Offshore Control Site Length 0 ft. x Shoreline or area width 0 ft. /43,560= 0.000 Estimated Acreage Avg. Depth 0 ft.

TOTAL ESTIMATED ACREAGE

Section II: Location of Aquatic Plant Removal (cont.)

What type of aquatic plants below the Ordinary High Water Mark are proposed to be removed? (check all that apply)

- Emergent (above water level)
 Submergent (below water level)
 Floating Leaf (at the surface i.e. lily pads)

Section III: Map & Property Ownership

In the attachment section, attach a copy of a lake map that includes the property(s) to be harvested. On the map identify the following required information.

- Area and dimensions of each proposed plant removal area.
- Location of all riparian neighbors (property owners riparian to and adjacent to the proposed removal area) including project participants and non-participants. Consecutively number each riparian neighbor (both project participants and non-participants). In the space below:
- Name all riparian owners, including project participants & non-participants. The number should correspond with the numbered properties on the map. Attach additional sheets if necessary.
- Check Yes box to indicate project participants and No box for non-participants.

Name of Riparian Neighbor	Project Participant	Control Dimensions (calculated acreage)
City of Oconomowoc	<input checked="" type="radio"/> Yes <input type="radio"/> No	44.00

Section IV: Methods

What mechanical or manual methods to remove plants are proposed? (check all that apply)

- Mechanical harvesting
 Raking
 Other (specify) _____
 Hand Pulling
 Cutting
 Alum

If alum is proposed, has a plan been developed? Yes No If yes, please include the plan with this application.

Please explain why you selected the proposed cutting method(s).

Section VI: Reasons for Aquatic Plant Removal

Purpose of Aquatic Plant Removal:

- Maintain navigational channel for common use
 Maintain private boat access
 Maintain private access for fishing
 Improve Swimming
 Other _____

Nuisance Caused By:

- Emergent water plants
 Submergent water plants
 Floating water plants
 Other _____

Name of plants, if known

Section VII: Integrated Pest Management (Alternatives Considered)

1. Chemical

A. Previously Done?

Yes No

B. Presently Proposed?

Yes No

2. Dredging

Yes No

Yes No

3. Drawdown

Yes No

Yes No

4. Nutrient controls in watershed

Yes No

Yes No

5. Nutrient controls on property

Yes No

Yes No

6. Other

Yes No

Yes No

Note: Consider feasibility of alternatives for **each** control site. This information not only helps the department make a decision on this application but also helps you evaluate your investment in aquatic plant management.

Describe the level of success for alternative methods previously used:

1. Chemical

Was effective

2. Dredging

3. Drawdown

4. Nutrient controls in watershed

5. Nutrient controls on property

6. Other

Section VIII: Applicants Responsibilities

1. The applicant has prepared a detailed map, which shows the length, width and average depth of each area proposed for the control of rooted vegetation.
2. The applicant understands that the Department of Natural Resources may require supervision of any aquatic plant management project involving removal. Supervision may include inspection of the proposed treatment area and/or equipment, before, during, or after removal. The applicant is required to notify the regional office 4 working days in advance of each anticipated date of plant removal with the date, time location and size of plant removal unless the Department waives this requirement. The advance notification may be specified in your permit
3. The applicant agrees to inform all operators of harvesting equipment of the conditions and terms of this permit and to insure that all operators understand and abide by those terms and conditions.
4. The applicant agrees to comply with all terms and conditions of this permit, if used, as well as applicable Wisconsin Administrative Rules. The required fee is attached.
5. Conditions related to invasive species movement. The applicant and operator agree to the following methods required under s. NR 109.05(2), Wis. Adm. Code for controlling, transporting and disposing of aquatic plants and animals, and moving water:
 - Aquatic plants and animals shall be removed and water drained from all equipment as required by s. 30.07, Wis. Stats., and ss. NR 19.055 and 40.07, Wis. Adm. Code.
 - Operator shall comply with the most recent Department-approved 'Boat, Gear, and Equipment Decontamination and Disinfection Protocol Manual Code # 9183.1, available at <http://dnr.wi.gov/topic/invasives/disinfection.html>

I hereby certify that the above information is true and correct and that copies of the application have been provided to the appropriate parties name in Section II and that the conditions of the permit will be adhered to. All portions of this permit, map and accompanying cover letter must be in possession of the applicant or their agent at time of plant removal. During plant removal activities, all provisions of applicable Wisconsin Administrative Rules must be complied with, as well as the specific conditions contained in the permit cover letter.

Electronically Signed

Applicant's Signature

DNR Use Only

Review Notes:

National Heritage Inventory Review

Section IX: Permit to Carry Out Mechanical or Manual Removal of Aquatic Plants

The foregoing application is approved. Permission is hereby granted to the applicant to mechanically or manually remove aquatic plants described in the application during the season. The approval of an aquatic plant management permit may not represent an endorsement of the permitted activity, but represents that the applicant has complied with Wisconsin Administrative Rules.

Season Year(s)
2018-2022

Application fee if received?

Yes No

State of Wisconsin
Department of Natural Resources For the Secretary

By Neida Bunch

Regional Director or Designee

6/01/2018

Date Signed

6/01/2018

Date Mailed

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

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

Attachments and Checklists

Main Permit Application

Mechanical - Manual Plant Control Application (3200-113) :

Completion Status: Complete

Upload Required Attachments (15 MB per file limit) - [Help reduce file size and trouble shoot file uploads](#)

* indicates completion of this item is required

Note: To add additional attachments using the down arrow icon. To replace an existing file, use the 'Click here to attach file ' link. To remove additional items, select the item and press CNTRL Delete.

Riparian Owners

 File Attachment

[RiparianOwners.pdf](#)

Site Map

 File Attachment

[Map1fromFowlerLake2017APMUpdate.pdf](#)

Site Map

 File Attachment

[Figure4fromFowlerLake2017APMUpdate.pdf](#)

Online Payment

Wisconsin Department of Natural Resources Invoice Number: WP-00013628

Total Due: \$300.00

Payment Confirmation # WS2WT1002542871

Please note that payment is considered successful when your financial institution renders payment for this transaction. Failure of US Bank to collect and transfer funds from the permit applicant to the DNR, does not release the applicant of financial responsibility and the DNR reserves the right to collect unpaid fees.

All payments are collected by US Bank which is an external website contracted by the Wisconsin Department of Natural Resources for the sole purpose of collecting payments over the web.

Sign and Submit Permit

Applicant Responsibilities and Certification

1. The applicant has prepared a detailed map which shows the length, width and average depth of each area proposed for the control of rooted vegetation and the surface area in acres or square feet for each proposed algae treatment.
2. The applicant understands that the Department of Natural Resources may require supervision of any aquatic plant management project involving chemicals. Under s. NR 107.07, Wis. Adm. Code, supervision may include inspection of the proposed treatment area, chemicals and application equipment before, during or after treatment. The applicant is required to notify the regional office 4 working days in advance of each anticipated treatment with the date, time, location and size of treatment unless the Department waives this requirement. The advance notification may be specified in your permit.
3. The applicant agrees to comply with all terms or conditions of this permit, if issued, as well as all provisions of Chapter NR 107, Wis. Adm. Code. The required application fee is attached.
4. The applicant has provided a copy of the current application to any affected property owners' association, inland lake district and, in the case of chemical applications for rooted aquatic plants, to all owners of property riparian or adjacent to the treatment area. The applicant has also provided a copy of the current chemical fact sheet for the chemicals proposed for use to any affected property owner's association or inland lake district.
5. Conditions related to invasive species movement. The applicant and operator agree to the following methods required under s. NR 109.05(2), Wis. Adm. Code for controlling, transporting and disposing of aquatic plants and animals, and moving water:
 - Aquatic plants and animals shall be removed and water drained from all equipment as required by s. 30.07, Wis. Stats., and ss. NR 19.055 and 40.07, Wis. Adm. Code.
 - Operator shall comply with the most recent Department-approved 'Boat, Gear, and Equipment Decontamination and Disinfection Protocol', Manual Code # 9183.1, available at <http://dnr.wi.gov/topic/invasives/disinfection.html>

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Check if you are signing as Agent for Applicant.

i:0#.f|wamsmembership|mfrye signed on 2018-05-31T16...

I hereby certify that the above information is true and correct and that copies of this application have been provided to the appropriate parties named in Section II and that the conditions of the permit and pesticide use will be adhered to.