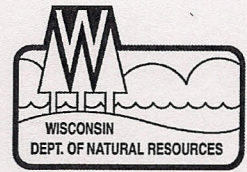


State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
Peshtigo Service Center  
101 N Ogden Road  
Suite A  
Peshtigo, WI 54157

Scott Walker, Governor  
Cathy Stepp, Secretary  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



April 7, 2014

IP-NE-2013-38-03089

BEECHER LAKE DISTRICT  
NANCY MCKENY  
801 S KENSINGTON DR  
APPLETON, WI 54915

Dear Ms. McKenny:

The Department of Natural Resources has completed its review of your application for a permit to remove materials from the bed of Beecher Lake, in the Town of Beecher, Marinette County. You will be pleased to know your application is approved with a few limitations.

I am attaching a copy of your permit, which lists the conditions that must be followed. A copy of the permit must be posted for reference at the project site. Please read your permit conditions carefully so that you are fully aware of what is expected of you.

Please note you are required to submit photographs of the completed project within 7 days after you've finished construction. This helps both of us to document the completion of the project and compliance with the permit conditions.

Your next step will be to notify me of the date on which you plan to start construction and again after your project is complete.

If you have any questions about your permit, please call me at (715) 582-5041 or email [Robert.Rosenberger@wisconsin.gov](mailto:Robert.Rosenberger@wisconsin.gov).

Sincerely,

Robert Rosenberger

Water Management Specialist

cc: Nick Domer, U.S. Army Corps of Engineers  
Marinette County Zoning Administrator  
Contractor  
Consultant

*Quality Customer Service is Important to Us. Tell Us How We Are Doing.*



**STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES**

**Dredging PERMIT  
IP-NE-2013-38-03089**

The Beecher Lake District, c/o Nancy McKenny, is hereby granted under Section 30.20(2), Wisconsin Statutes, a permit to remove materials from the bed of Beecher Lake. The project is to dredge an area at the outlet of the lake to improve flow conditions for invasive species management. The project is to temporarily lower the water level on the lake, dredge a 1350 foot long channel approximately 45-50 feet wide. The work is to be performed during frozen ground conditions. All of the dredge spoils will be deposited in an upland area. The project is more fully described in the permit application. The project is located in the Town of Beecher, Marinette County, also described as in the NE1/4 of the SE1/4 of Section 28, Township 36 North, Range 20 East, subject to the following conditions:

**PERMIT**

1. You must notify Robert Rosenberger at phone (715) 582-5041 or email Robert.Rosenberger@wisconsin.gov before starting construction and again not more than 5 days after the project is complete.
2. You must complete the project as described on or before April 8, 2016. If you will not complete the project by this date, you must submit a written request for an extension prior to expiration of the initial time limit specified in the permit. Your request must identify the requested extension date. The Department shall extend the time limit for an individual permit or contract for no longer than 5 years if you request the extension before the initial time limit expires. You may not begin or continue construction after the original permit expiration date unless the Department extends the permit in writing or grants a new permit.
3. This permit does not authorize any work other than what you specifically describe in your application and plans, and as modified by the conditions of this permit. If you wish to alter the project or permit conditions, you must first obtain written approval of the Department.
4. Before you start your project, you must first obtain any permit or approval that may be required for your project by local zoning ordinances and by the U.S. Army Corps of Engineers. You are responsible for contacting these local and federal authorities to determine if they require permits or approvals for your project. These local and federal authorities are responsible for determining if your project complies with their requirements.
5. Upon reasonable notice, you shall allow access to your project site during reasonable hours to any Department employee who is investigating the project's construction, operation, maintenance or permit compliance.



6. The Department may modify or revoke this permit for good cause, including if the project is not completed according to the terms of the permit or if the Department determines the activity is detrimental to the public interest.
7. You must post a copy of this permit at a conspicuous location on the project site, visible from the waterway, for at least five days prior to construction, and remaining at least five days after construction. You must also have a copy of the permit and approved plan available at the project site at all times until the project is complete.
8. Your acceptance of this permit and efforts to begin work on this project signify that you have read, understood and agreed to follow all conditions of this permit.
9. You must submit a series of photographs to the Department, within one week of completing work on the site. The photographs must be taken from different vantage points and depict all work authorized by this permit.
10. You, your agent, and any involved contractors or consultants may be considered a party to the violation pursuant to Section 30.292, Wis. Stats., for any violations of Chapter 30, Wisconsin Statutes, or this permit.
11. All of the dredge spoils must be immediately removed from the waterway. This permit does not authorize the stockpiling of dredge spoil materials on the bed of the waterway.
12. This permit only authorizes mechanical dredging during a water level drawdown. This permit only authorizes dredging in a "dry" condition.
13. All dredge spoils must be deposited in an upland area. This project must not result in the filling of any wetland areas.
14. Turbidity and or silt fencing barriers must be placed and maintained between the dredge area and the open water of Beecher Lake to protect the open water of Beecher Lake from erosion and runoff.
15. The dredging project must not result in turbidity or erosion impacting the waterway. If turbidity enters the waterway the dredging project must cease and corrective steps taken to correct the turbidity before dredging continues.
16. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters. Erosion control measures (such as silt fence and straw bales) must meet or exceed the technical standards of ch. NR 151, Wis. Adm. Code. The technical standards are found at:  
[http://dnr.wi.gov/topic/stormwater/standards/const\\_standards.html](http://dnr.wi.gov/topic/stormwater/standards/const_standards.html) .



17. All equipment used for the project including but not limited to tracked vehicles, barges, boats, hoses, sheet pile and pumps shall be de-contaminated for invasive and exotic viruses and species prior to use and after use.

The following steps must be taken every time you move your equipment to avoid transporting invasive and exotic viruses and species. To the extent practicable, equipment and gear used on infested waters shall not be used on other non-infested waters.

1. **Inspect and remove** aquatic plants, animals, and mud from your equipment.
2. **Drain all water** from your equipment that comes in contact with infested waters, including but not limited to tracked vehicles, barges, boats, hoses, sheet pile and pumps.
3. **Dispose** of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.
4. **Wash your equipment** with hot (>104° F) and/or high pressure water,

- OR -

Allow your equipment to **dry thoroughly for 5 days**.

#### FINDINGS OF FACT

1. The Beecher Lake District/Nancy McKenny has filed an application for a permit to remove materials from the bed of Beecher Lake, in the Town of Beecher, Marinette County, also described as NE1/4-SE1/4 S28, T36N, R20E.
2. The project is to dredge an area at the outlet of the lake to improve flow conditions for invasive species management. The project is to temporarily lower the water level on the lake, dredge a 1350 foot long channel approximately 45-50 feet wide. The work is to be performed during frozen ground conditions. All of the dredge spoils will be deposited in an upland area. The project is more fully described in the permit application.
3. The Department has completed an investigation of the project site and has evaluated the project as described in the application and plans.
4. Beecher Lake is a navigable water (and no bulkhead exists at the project site.)
5. The proposed project, if constructed in accordance with this permit will not adversely affect water quality, will not increase water pollution in surface waters and will not cause environmental pollution as defined in s. 283.01(6m), Wis. Stats.



6. The proposed project will not impact wetlands if constructed in accordance with this permit.
7. The Department of Natural Resources has completed all procedural requirements and the project as permitted will comply with all applicable requirements of 33 U.S.C.S. §1341 (CWA §401); Sections 30.20 Wisconsin Statutes and Chapters NR 102, 103, 150, 299, of the Wisconsin Administrative Code.

The applicant was responsible for fulfilling the procedural requirements for publication of notices under s. 30.208(5)(c)1m., Stats., and was responsible for publication of the notice of pending application under s.30.208(3)(a), Stats. or the notice of public informational hearing under s.30.208(3)(c), Stats., or both. S. 30.208(3)(e), Stats., provides that if no public hearing is held, the Department must issue its decision within 30 days of the 30-day public comment period, and if a public hearing is held, the Department must issue its decision within 20 days after the 10-day period for public comment after the public hearing. S. 30.208(5)(bm), Stats., requires the Department to consider the date on which the department publishes a notice on its web site as the date of notice.

8. The dredging will not be detrimental to the public interest because wildlife habitat, fisheries habitat, water quality, and similar interests will not be impacted by this project.
9. The activity will not cause environmental pollution as defined in s. 299.01(4).
10. No material injury will result to the riparian rights of any riparian owners of real property that abuts any water body that is affected by the activity.

#### CONCLUSIONS OF LAW

1. The Department has authority under the above indicated Statutes and Administrative Codes, to issue a permit for the construction and maintenance of this project.

#### NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions shall be filed. For judicial review of a decision pursuant to sections 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.



To request a contested case hearing of any individual permit decision pursuant to section 30.209, Wis. Stats., 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, P.O. Box 7921, Madison, WI, 53707-7921. The petition shall be in writing, shall be dated and signed by the petitioner, and shall include as an attachment a copy of the decision for which administrative review is sought. If you are not the applicant, you must simultaneously provide a copy of the petition to the applicant. If you wish to request a stay of the project, you must provide information, as outlined below, to show that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment. If you are not the permit applicant, you must provide a copy of the petition to the permit applicant at the same time that you serve the petition on the Department.

**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.**

A request for contested case hearing must meet the requirements of section 30.209, Wis. Stats., and sections NR 2.03, 2.05, and 310.18, Wis. Admin. Code, and if the petitioner is not the applicant the petition must include the following information:

1. A description of the objection that is sufficiently specific to allow the department to determine which provisions of this section may be violated if the proposed permit or contract is allowed to proceed.
2. A description of the facts supporting the petition that is sufficiently specific to determine how the petitioner believes the project, as proposed, may result in a violation of Chapter 30, Wis. Stats.;
3. A commitment by the petitioner to appear at the administrative hearing and present information supporting the petitioner's objection.

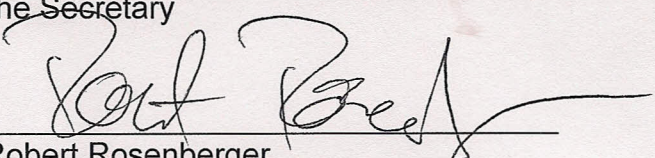
If the petition contains a request for a stay of the project, the petition must also include information showing that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment.

Dated at Peshtigo Service Center, Wisconsin on 04/07/2014.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

For the Secretary

By

  
Robert Rosenberger  
Water Management Specialist