



03/08/2013

IP-WC-2012-18-05605
IP-WC-2012-18-05609
IP-WC-2012-18-05610

Lake Eau Claire Association
Fred Poss
PO Box 229
Augusta, WI 54722

Dear Mr. Poss:

The Department of Natural Resources has completed its review of your application for a permit to remove materials from the bed of Eau Claire River, in the Town of Bridge Creek, Eau Claire 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. Please note conditions #6 and #7 regarding construction of access roads to the sediment traps and unauthorized wetland impacts, and condition #12 regarding the dredging activity.

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) 839-1600.

Sincerely,

Chris Willger

Water Management Specialist

cc: Nathan Campbell, U.S. Army Corps of Engineers
Doug Clary Eau Claire County Zoning Administrator
Kelly Jacobs Eau Claire County Land Conservation
Consultant
Lake Eau Claire Association

**STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

**Dredging PERMITS
IP-WC-2012-18-05605
IP-WC-2012-18-05609
IP-WC-2012-18-05610**

Fred Poss and the Lake Eau Claire Association is hereby granted under Section 30.20(2), Wisconsin Statutes, a permit to remove materials from the bed of the Eau Claire River, in the Town of Bridge Creek, Eau Claire County, also described as in the (Troubled Waters Bridge Trap) SW1/4 of the SE1/4 of Section 12, Township 26 North, Range 6 West; (Gravel Pit Trap) in the SE1/4 of the NE1/4 of Section 11, Township 26 North, Range 6 West; (Skid Row Trap) Section 2, and Section 11, Township 26 North, Range 6 West, subject to the following conditions:

PERMIT

1. You must notify Chris Willger at phone (715) 839-1600 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 03/08/2023. 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 the individual permit, once, up to the original permit time period, 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 authorizes maintenance dredging of the proposed sediment traps throughout the time period of this permit, and is subject to the conditions of this permit. When future maintenance is proposed the Department must be informed, and the contractor shall be provided a copy of this permit.
4. 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.
5. 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.

6. Any access roads constructed must comply with state and federal wetland laws and local zoning and floodplain requirements.
7. This permit does not cover any unauthorized impacts to wetlands.
8. You must comply with Ch. 283, Wis. Stats, and NR 200, Wis. Adm. Code, and obtain approval, or an appropriate WPDES permit for any discharges to ground and surface waters.
9. This permit complies with the substantive requirements of s. 23.24, Stats. and NR 109, Adm. Code.
10. Bottom materials must be removed by equipment, which is designed to minimize the amount of sediment that can escape into the water.
11. You are required to install a silt curtain in the waterway around your project, before you begin dredging.
12. You must dredge to the dimensions and elevations shown on your approved plans dated 12/05/2012.
13. You must not deposit or store any of the removed materials in any wetland, below the ordinary high watermark of any waterway, or in the floodway of the river. This includes any temporary disposal of material.
14. You must place all of the removed materials in the location shown on the approved plans dated 12/05/2012.
15. To protect spawning fishes and nursery habitat, no dredging shall occur between March 15 and July 1 of any year. Dredging must be done in low water periods.
16. 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.
17. 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.
18. 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.
19. 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.

20. 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.
21. 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.
22. 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 .
23. Spoils disposal sites must have the appropriate erosion control measures, and must meet or exceed the technical standards of ch. NR 151, Wis. Adm. Code.
24. 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. Fred Poss and the Lake Eau Claire Association have filed an application for a permit to remove materials from the bed of Eau Claire River. The dredging is planned in

three locations along the Eau Claire River, in the Town of Bridge Creek, Eau Claire County, also described as in the (Troubled Waters Bridge Trap) SW1/4 of the SE1/4 of Section 12, Township 26 North, Range 6 West; (Gravel Pit Trap) in the SE1/4 of the NE1/4 of Section 11, Township 26 North, Range 6 West; (Skid Row Trap) Section 2, and Section 11, Township 26 North, Range 6 West.

2. The purpose of the project is to prevent the continual sedimentation of the Eastern end of the Lake Eau Claire impoundment.
3. The Department has completed an investigation of the project site and has evaluated the project as described in the application and plans.
4. The applicant proposes to remove up to 15,000 cubic yards of material from the bed of Eau Claire River in an area measuring 2,700 square yards along the river channel at the Troubled Waters Bridge Trap. The applicant proposes to remove up to 10,000 cubic yards of material from the bed of Eau Claire River in an area measuring 3,214 square yards along the river channel at the Gravel Pit Trap. The applicant proposes to remove up to 40,000 cubic yards of material from the bed of Eau Claire River in an area measuring 32,393 square yards along the river channel at the Skid Row Trap.
5. The applicant proposes to use hydraulic dredging at the Skid Row Trap, and mechanical dredging at the Troubled Waters Bridge Trap, and the Gravel Pit Trap to complete the project.
6. The applicant proposes to contain all dredged material in an upland site as shown on drawings submitted with the application. The sites are not in the hydraulic floodway of a stream.
7. The spoil disposal site locations have been approved by Department Solid Waste staff under NR 500.08(3), and, NR 504.04(4), Wis. Adm. Code. The spoil disposal site locations are not regulated by Chapter 30, or 281.36, Wis. Stats.
8. Maintenance dredging of the three traps is proposed throughout the period of the permit.
9. Eau Claire River is a navigable water.
10. 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.
11. The proposed project will not impact wetlands if constructed in accordance with this permit.
12. The Department of Natural Resources and the applicant have completed all procedural requirements and the project as permitted will comply with all applicable

requirements of Sections 1.11, 30.20(2), Wisconsin Statutes and Chapters NR 102, 103, 115, 116, 117, 150, 180, 299, 347, and 500 of the Wisconsin Administrative Code.

13. Dredging: The structure or deposit will not be detrimental to the public interest because the intent of the project is to prevent the filling of the Lake Eau Claire, and its associated backwaters.
14. Dredging: The activity will not cause environmental pollution as defined in s. 299.01(4).
15. Dredging: 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 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 West Central Region Headquarters, Wisconsin on 03/08/2013.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By  _____

Chris Willger
Water Management Specialist