

03/04/2013

IP-WC-2012-18-05603

Lake Eau Claire Association
Al Hendricks
E19610 Cty Rd ND
Augusta, WI 54722

Dear Mr. Hendricks:

The Department of Natural Resources has completed its review of your application for a permit to place a structure on the bed of Eau Claire Lake, in the Town of Ludington, Eau Claire County. You will be pleased to know your application is approved with a few limitations.

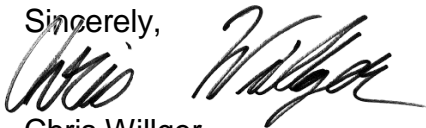
I am attaching a copy of your permit, which lists the conditions that must be followed. Please note conditions #5, and #6 for the construction of the aerator pump house, and aerator lines from the pump house to the lake bed.

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.

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
Rod Eslinger Eau Claire County Zoning Administrator
Kelly Jacobs Eau Claire County Land Conservation
Consultant
Conservation Warden Ken Thomson
Lake Eau Claire Association

**STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

**Miscellaneous structure PERMIT
IP-WC-2012-18-05603**

Al Hendricks and the Lake Eau Claire Association are hereby granted under Section 30.12(3m), Wisconsin Statutes, a permit to place aeration lines on the bed of Eau Claire Lake, in the Town of Ludington, Eau Claire County, also described as in the NW1/4 of the SE1/4 of Section 5, 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 03/04/2016. 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. Any building or structure constructed to house the aerator pump and compressor must comply with applicable local zoning requirements.
6. Any building or structure constructed to house the aerator pump and compressor must comply with applicable state and federal wetland laws.
7. A sign should be posted at all public boats landings indicating the location of the aeration lines, to help prevent damage to the line from anchoring.

8. If the aerator is to be operated in the winter months, any opening in the ice created by the aerator must be fenced in accordance with Section 167.26, Wisconsin Statutes.
9. The authority herein granted can be amended or rescinded if the structure becomes an obstruction to navigation or otherwise becomes detrimental to the public interest.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
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 .
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. Al Hendricks and the Lake Eau Claire Association have filed an application for a permit to place a structure (aeration lines) on the bed of Eau Claire Lake, in the Town of Ludington, Eau Claire County, also described as NW1/4-SE1/4 S5, T26N, R6W.
2. The project proposal is to lay 970 feet of supply line from the shoreline along the lake bed, to 950 feet of the diffuser line which are positioned to follow the deepest part of the submerged river channel.
3. The Department has completed an investigation of the project site and has evaluated the project as described in the application and plans.
4. Eau Claire 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 and the applicant have completed all procedural requirements and the project as permitted will comply with all applicable requirements of Sections 1.11, 30.12(3m), Wisconsin Statutes and Chapters NR 102, 103, 115, 116, 117, 150, 299 of the Wisconsin Administrative Code.
8. The structure or deposit will not materially obstruct navigation because the aeration lines will be anchored to the bottom of the lake.

9. The structure or deposit will not be detrimental to the public interest because the intent of the project is to prevent stratification of the lake during the growing season, which will help reduce algal blooms, by reducing the amount of nutrient release from the sediment.

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 West Central Region Headquarters, Wisconsin on 03/04/13.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By 
Chris Willger
Water Management Specialist