

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

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



June 9th, 2019

Daniel W. Carroll
Operations Manager/Chief of Water Safety Patrol
Big Cedar Lake P.R.D.
4480 Gonring Dr
West Bend, WI 53095

Subject: 2019-2023 Mechanical Harvesting Permit
SE-2019-67-1609M

Dear Mr. Carroll:

The Department of Natural Resources has received your application for a permit for harvesting aquatic plants by mechanical means in up to 19.71 acres on Big Cedar and Gilbert's Lake in the Townships of Polk and West Bend, Washington County. We have found your application to be complete and you are being issued a **5-year permit** with conditions. Please read your permit carefully and contact us if you have questions.

It is recommended that a new plant survey be completed during the summer of 2023. This survey will prepare you to update your aquatic plant management plan and will allow you to apply for another multiple year permit in 2024.

The permit is being issued in accordance with the 2018 Aquatic Plant Survey and Management Plan Update for Big Cedar Lake.

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, 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.

Permit conditions 10 through 13 reflect the updated Aquatic Plant Management Plan.

Your next step will be to notify me of the date on which you plan to begin harvesting. If you have any questions or concerns, please contact me at Heidi.bunk@wisconsin.gov.

Sincerely,

Heidi Bunk
Lakes Biologist

**STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

Permit for Mechanical Harvesting of Aquatic Plants

Big Cedar Lake Protection and Rehabilitation District is hereby granted under Section 23.24, Wisconsin Statutes and Administrative Code NR 109, a permit to conduct mechanical harvesting of aquatic plants in 19.71 acres of Big Cedar Lake, Washington County, Township 11 North, Range 19 East, Sections 17, 20, 29, 30, 31, 32, and Township 10 North Range 19 East Sections 4 and 5, subject to the following conditions. **This permit is issued for a 5-year term and will expire on December 31, 2023.**

PERMIT CONDITIONS

1. Big Cedar Lake Protection and Rehabilitation District representatives or harvester operators must notify Lakes Biologist Heidi Bunk (Heidi.bunk@wisconsin.gov), four (4) working days prior to anticipated start of the harvesting operation. A schedule of harvesting operations should be submitted upon request. Department staff may schedule and conduct an onsite supervision of harvesting activities.
2. Mechanical harvesting will only be allowed in the areas specified in the 2018 Aquatic Plant Survey and Management Plan Update for Big Cedar Lake submitted to the Department and as further defined by the conditions below. A copy of the permit and maps shall be maintained onboard the harvester(s) at all times harvesting operations are conducted.
3. All aquatic plants cut must be removed immediately from the water. Disposal of the harvested aquatic plants must be located in the areas specified in the Big Cedar Lake 2019 harvesting application and must be in accordance with any applicable county and local regulations. **Disposal shall not occur in a wetland, below the ordinary high water mark of any waterway, or in a floodplain or floodway.**
4. The quantity and species of plants to be mechanically harvested must be in accordance with the 2018 Aquatic Plant Survey and Management Plan Update for Big Cedar Lake and as described in the permit application.
5. 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 each year.** The annual report shall include a map showing the areas harvested, the total acres harvested, and the total amount of plant material removed from the body of water.
6. Basic aquatic plant identification skills shall be a part of the harvesting employee's training. At a minimum, the employees shall be able to differentiate between invasive and native plant stands and how to recognize Eurasian watermilfoil from native milfoils and curly-leaf pondweed from native pondweeds.
7. The cutting bar on the harvester shall not be set to hit or upset the bottom sediment in the lake. Harvesting personnel shall take the precaution to avoid harvesting in shallow areas where no Eurasian watermilfoil is present. The upset of the sediments can increase the potential for Eurasian watermilfoil colonization and also damages the aquatic community.
8. As much as possible, game fish and turtles harvested with the plants shall be returned to the lake
9. Off-loading sites must be cleaned of plant debris following each off-load to assist in the prevention of Eurasian watermilfoil colonization along the neighboring shoreline.

10. Harvesting in Sensitive Area #1 in the Northern Bay shall be restricted to providing riparian access only. A single, 50-foot wide navigational channel shall be cut parallel to the pier line and to the Gilbert Lake inlet. This area shall be cut no deeper than three feet. Please reference the harvesting pattern described in the Big Cedar Lake Aquatic Plant Management Plan (Figure 11, page 48).
11. The Gilbert's Lake area may only be harvested once per year, beginning July 15th and ending the third week of August, to protect the sensitive nature of this area and fish spawning. The navigational channel shall be maintained no wider than six (6) feet or the width of the harvester. The cutting bar shall be set to harvest no deeper than three (3) feet. At no time should the harvesting machinery directly touch the bottom sediment.
12. No cutting shall occur in Sensitive Area #2. The harvester may skim within Sensitive Area #2 to remove floating mats of vegetation.
13. Harvesting in the "Moderate Harvest Area" and "Frequent Harvest Area" should conform to the legend notes as described in the 2018 Aquatic Plant Survey and Management Plan Update for Big Cedar Lake (Figure 18, pages 29-31). Harvesting may not be conducted in such a manner that a "clear cut" of the native aquatic vegetation results. Harvesting through dense stands of native plants is limited to a 20 foot wide navigational access.

FINDING OF FACTS

1. Big Cedar Lake Protection and Rehabilitation District has filed an application for a permit to conduct a mechanical harvesting operation in the Townships of Polk and West Bend, Washington County. The specific area to be harvested is in accordance with the 2018 Aquatic Plant Survey and Management Plan Update for Big Cedar Lake.
2. The department has determined the proposed mechanical harvesting will provide nuisance aquatic plant relief in the designated areas. The mechanical harvesting will allow for increased navigation and recreational opportunities.
3. The department has determined that there will be no significant adverse impacts resulting from the mechanical harvesting of Big Cedar Lake and Gilbert's Lake.
4. The total harvesting area is 19.71 acres shown on the maps submitted with the application and as approved in the conditions above.

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 the 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 Sections 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, 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. 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 9th, 2019

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By Heidi Bunk

Heidi Bunk
Lakes Biologist

Aquatic Plant Control Mechanical / Manual Permit Application
Form 3200-113 (R 10/16)

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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.].

For DNR Use Only	
Date Received	ID Number
5/25/19	SE-2019-67-1609M
Fee Received	County Code
\$300	67
Exp. Date	WBIC
12/31/23	25300

Section I: Applicant Data

Permit Applicant Name			Applicant is:		
Big Cedar Lake Protection and Rehabilitation District			<input type="checkbox"/> Private individual <input type="checkbox"/> Contractor		
Applicant Mailing Address			<input checked="" type="checkbox"/> Lake Organization (Specify) Inland Lake Protection		
4480 Gonring Dr					
City	State	ZIP Code	Lake Property Address, City, State, Zip (if different)		
West Bend	WI	53095			
Phone Number (include area code)	Email Address	Phone Number (include area code)	Email Address		
(262) 629-9322	bigcedarlake@nconnect.net				

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

Name	Address	Phone	Email Address
A.			
B.			
C.			
D.			

Has a Lake Management plan been provided to the DNR?	If Yes, date approved of most current copy	Location of Applicant file copy
<input checked="" type="radio"/> Yes <input type="radio"/> No	04/01/2019	District Office
Does the proposed plant removal agree with the approved plan? <input checked="" type="radio"/> Yes <input type="radio"/> 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: See PMP

Section II: Location of Aquatic Plant Removal and Disposal

Waterbody of proposed plant removal	Lake Surface Area (acres)	County	Town	Range	Section
Big Cedar Lake	932	Washington	11 N	19 OW	20
Name of Firm (if sub-contracted)	Phone Number (include area code)				
Street Address	City	State	ZIP Code		
Name of 1st Plant Disposal Site (if applicable)	1/4 1/4	Section	Township	Range	County
4540 Hill Crest Dr, West Bend WI.	18	11 N	19 OW	Washington	
Name of 2nd Plant Disposal Site (if applicable)	1/4 1/4	Section	Township	Range	County
Fritsche Property HWY 33&144	17	11 N	19 OW	Washington	

Area(s) Proposed for Plant Removal (Note details in permit cover letter for final permitted sizes). Please see attached sample drawing for guidance.

1. Length from shore _____ ft. x Shoreline or area width _____ ft. / 43,560 = _____ Estimated Acreage Avg. Depth _____ ft.
2. Length from shore _____ ft. x Shoreline or area width _____ ft. / 43,560 = _____ Estimated Acreage Avg. Depth _____ ft.
3. Length from shore _____ ft. x Shoreline or area width _____ ft. / 43,560 = _____ Estimated Acreage Avg. Depth _____ ft.
4. Offshore Control Site Length _____ ft. x Shoreline or area width _____ ft. / 43,560 = _____ Estimated Acreage Avg. Depth _____ ft.
5. Offshore Control Site Length _____ ft. x Shoreline or area width _____ ft. / 43,560 = _____ Estimated Acreage Avg. Depth _____ ft.

TOTAL ESTIMATED ACREAGE Refer to Pmp

Aquatic Plant Control Mechanical / Manual Permit Application

Form 3200-113 (R 10/16)

Page 2 of 4

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

Attach a copy of a lake map that includes the property(s) to be harvested. If no printed map is available, provide a sketch of the site at the bottom of this page. 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.

No.	Name of Riparian Neighbor	Project Participant	Control dimensions (calculated acreage)
1.	_____	<input type="radio"/> Yes <input type="radio"/> No	_____
2.	_____	<input type="radio"/> Yes <input type="radio"/> No	_____
3.	_____	<input type="radio"/> Yes <input type="radio"/> No	_____
4.	_____	<input type="radio"/> Yes <input type="radio"/> No	_____
5.	_____	<input type="radio"/> Yes <input type="radio"/> No	_____
6.	_____	<input type="radio"/> Yes <input type="radio"/> No	_____

☐ Check here if separate sheets are attached identifying additional neighbor riparian owners. Indicate project participants and/or non-participants.

☒ Check here if printed map attached. If no printed map, use this space to sketch the site and provide required information.

Map

Aquatic Plant Control Mechanical / Manual Permit Application
Form 3200-113 (R 10/16)**Section IV: Methods**

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

- ☒ Mechanical harvesting ☐ Raking ☐ Other Specify Other:
☐ Hand Pulling ☐ Cutting ☐ Alum

If alum treatment 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).
This method has been used in the past and seems to work well. We harvest to maintain navigation and remove invasive plants from the water.

Note: Other control methods (i.e. bottom barriers, weed rollers, herbicides) also need DNR permits. Contact this office for more details.

Section V: Fees

Fees are not refundable and are calculated as follows:

Check box for type of project:

1. ☐ Single riparian area, one property owner, less than one acre \$30.00
2. ☒ Multiple riparian areas, offshore control areas, multiple riparian properties, one acre or greater \$30.00/acre (round up to the nearest whole acre)
If proposed removal is greater than 10 acres fee caps at \$300.00

20 acres x \$30.00 per acre = 300.00
Total non-refundable fee enclosed (max \$300.00)

300.00**Section VI: Reasons for Aquatic Plant Removal**

Purpose of Aquatic Plant Removal

- ☒ Maintain navigational channel for common use
☐ Maintain private access for boating
☐ 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

See attached PMP

Section VII: Integrated Pest Management (Alternatives Considered)

- | | A. Previously Done? | B. Presently Proposed? |
|-----------------------------------|---|---|
| 1. Chemical | <input checked="" type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input checked="" type="radio"/> No |
| 2. Dredging | <input checked="" type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input checked="" type="radio"/> No |
| 3. Drawdown | <input type="radio"/> Yes <input checked="" type="radio"/> No | <input type="radio"/> Yes <input checked="" type="radio"/> No |
| 4. Nutrient controls in watershed | <input checked="" type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input checked="" type="radio"/> No |
| 5. Nutrient controls on property | <input checked="" type="radio"/> Yes <input type="radio"/> No | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| 6. Other | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> 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 Poor
2. Dredging Average
3. Drawdown NA
4. Nutrient controls in watershed Good
5. Nutrient controls on property Good
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.


Applicant's Signature

05-27-2019
Date Signed

Review Notes:

DNR Use Only

☐ 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)

2019-2023

Application fee if received?

☒ Yes ☐ No

State of Wisconsin

Department of Natural Resources For the Secretary

By

Regional Director or Designee

Date Signed

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.

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 file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to s. 227.42, 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. 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 s. 227.48(2), Wis. Stats.

Figure 18

Original 2014 Aquatic Plant Harvesting Plan Map by Aron & Associates (left)
and August, 2018 Aquatic Plant Distribution within Big Cedar Lake (right)

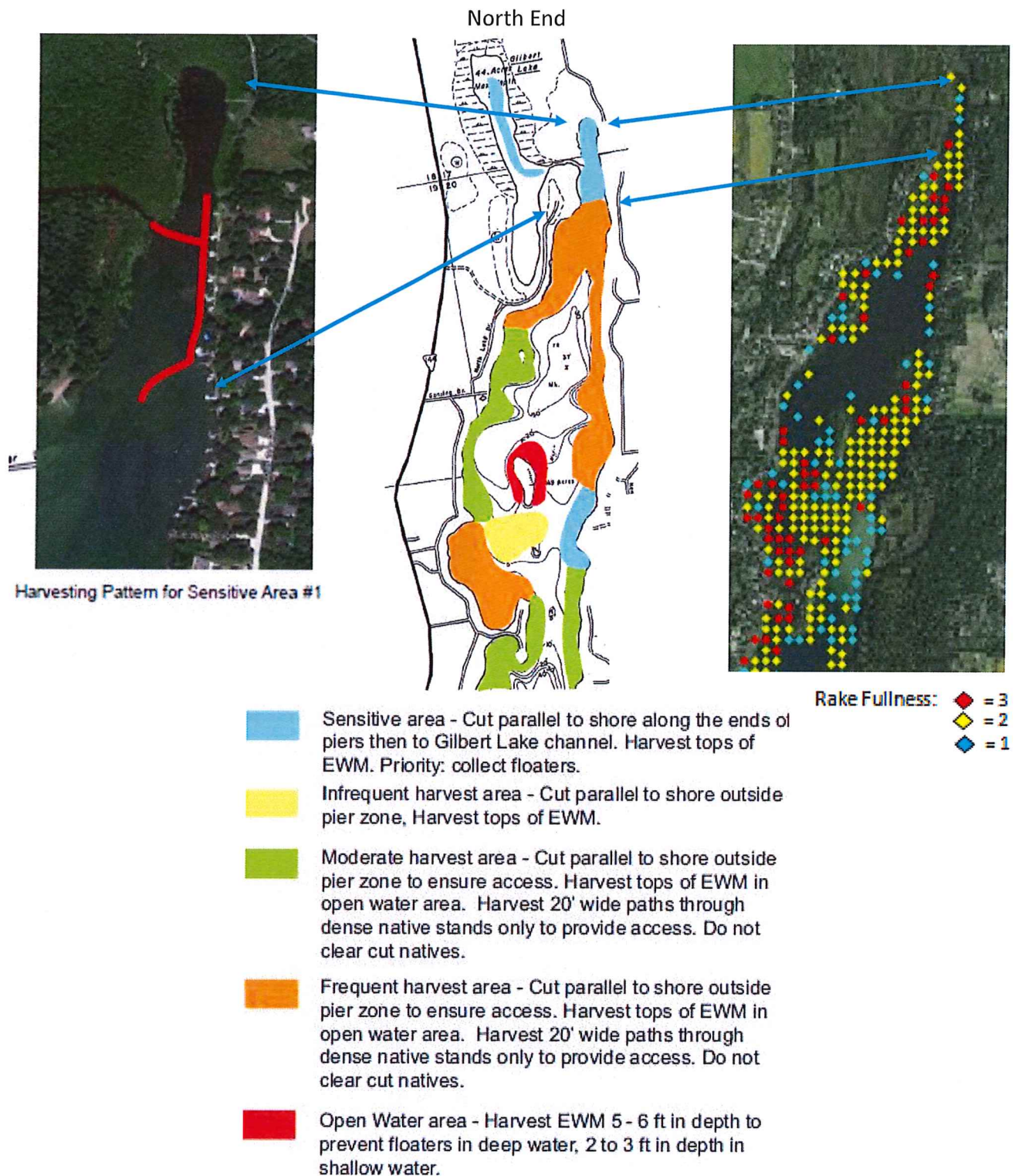
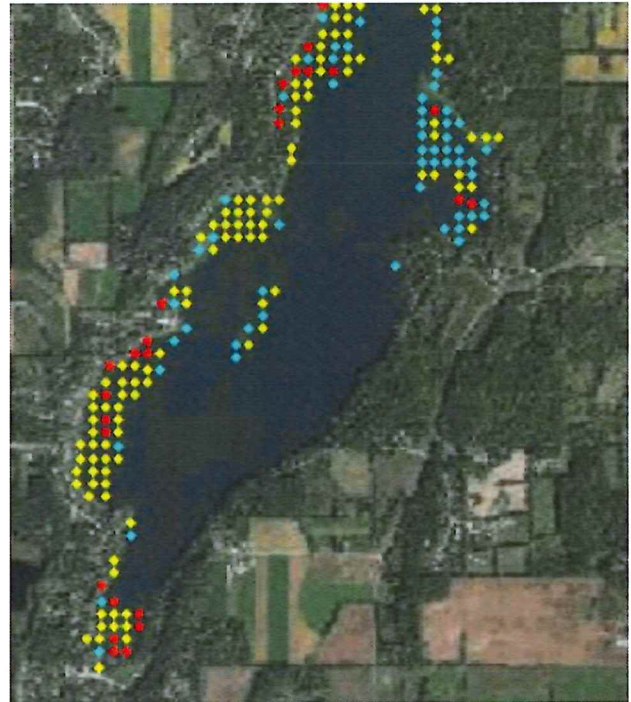
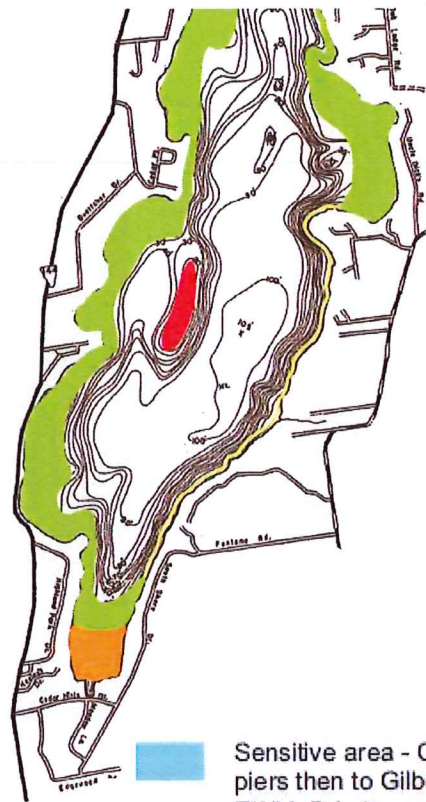


Figure 18 (continued)

Original 2014 Aquatic Plant Harvesting Plan Map by Aron & Associates (left)
and August, 2018 Aquatic Plant Distribution within Big Cedar Lake (right)

South End



- Sensitive area - Cut parallel to shore along the ends of piers then to Gilbert Lake channel. Harvest tops of EWM. Priority: collect floaters.
- Infrequent harvest area - Cut parallel to shore outside pier zone, Harvest tops of EWM.
- Moderate harvest area - Cut parallel to shore outside pier zone to ensure access. Harvest tops of EWM in open water area. Harvest 20' wide paths through dense native stands only to provide access. Do not clear cut natives.
- Frequent harvest area - Cut parallel to shore outside pier zone to ensure access. Harvest tops of EWM in open water area. Harvest 20' wide paths through dense native stands only to provide access. Do not clear cut natives.
- Open Water area - Harvest EWM 5 - 6 ft in depth to prevent floaters in deep water, 2 to 3 ft in depth in shallow water.

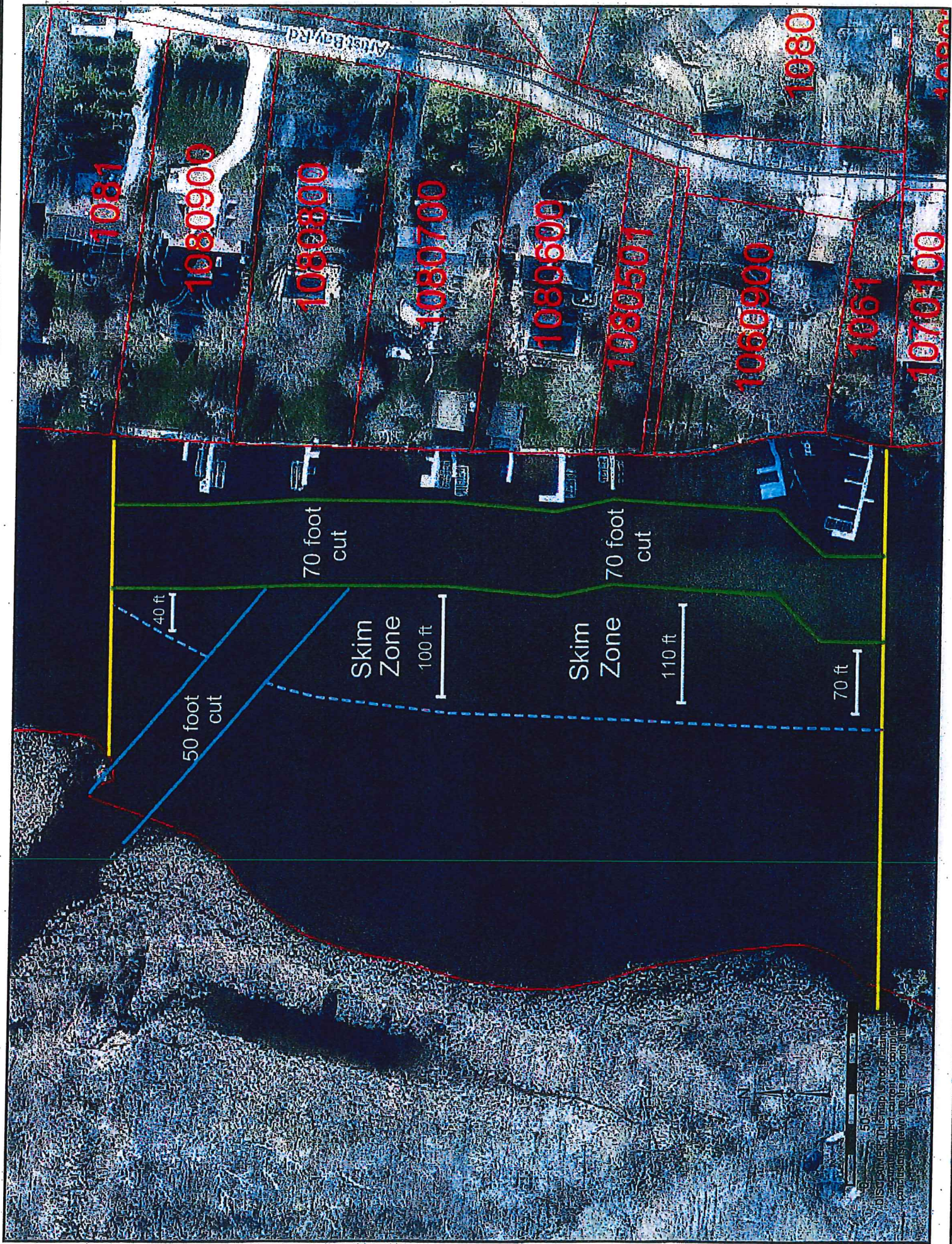
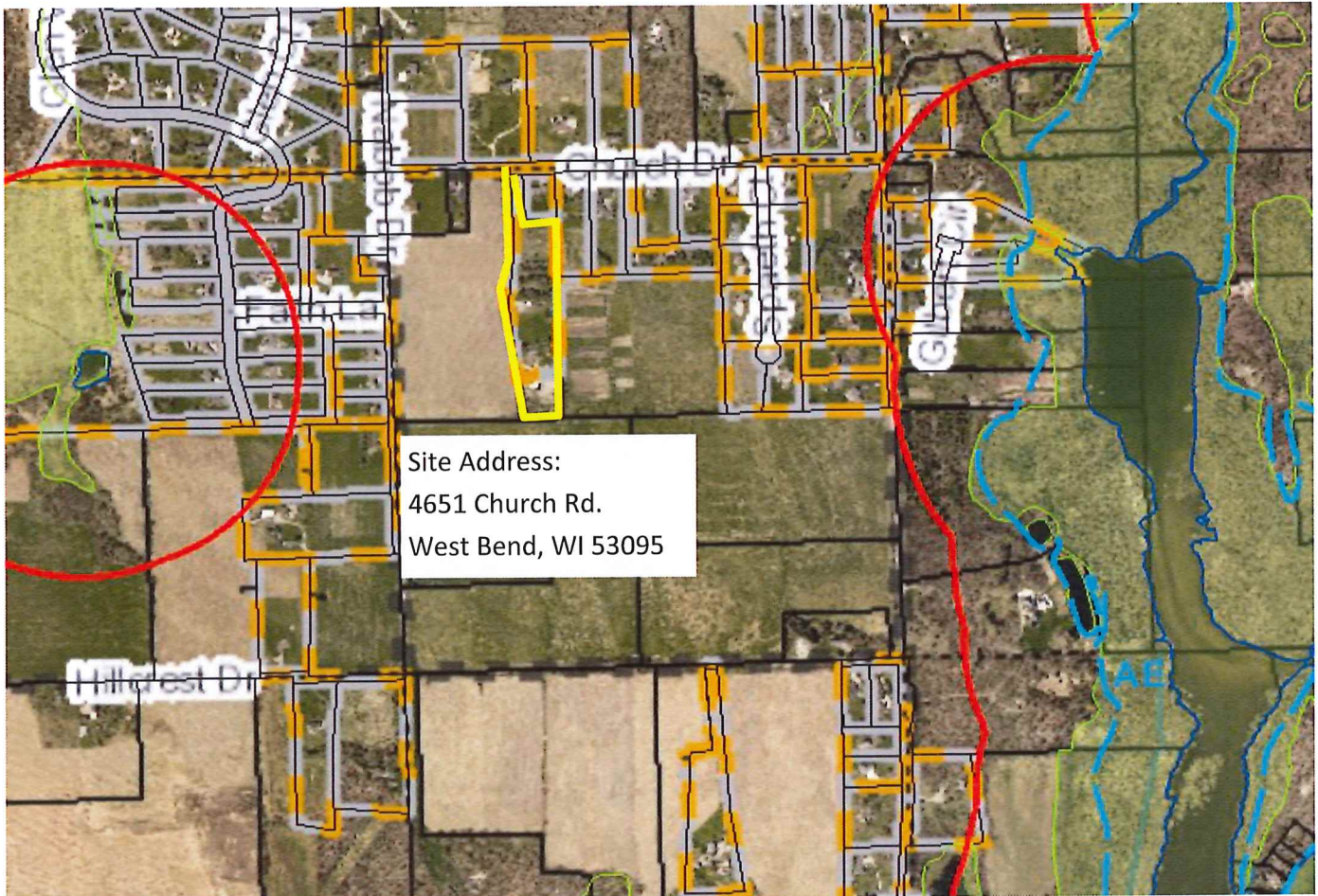


Figure 19
Big Cedar Lake P & R District Harvesting Plan
Location of Aquatic Plant Disposal Site and Haul Route (Yellow)



Site Address:
4651 Church Rd.
West Bend, WI 53095

Figure 20
Detail of Big Cedar Lake P & R District Harvesting Operations
Plant Disposal Site with Shoreland Wetland Floodplain Zoning Boundaries*



Legend

Red: Shoreland Zoning District Boundary	Light Yellow: DNR Army Corps. Of Engineers Regulated Wetland
Blue: 100 Year Floodplain Zoning District	Light Green Shade: County Regulated Shoreland Wetland

*Source: Washington County, Wisconsin Public GIS Viewer

Real Estate Tax Parcel

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Fritsche Property

Washington County

Owner (s):

BIG CEDAR LAKE PROTECTION

Location:

NE-NW,Sect. 17, T11N, R19E

NW-NW,Sect. 17, T11N, R19E

SW-NW,Sect. 17, T11N, R19E

Mailing Address:

BIG CEDAR LAKE PROTECTION

REHABILITATION DISTRICT

9215 WILSON BLVD

WAUWATOSA, WI 53226

School District:

5390 - SLINGER SCHOOL

Tax Parcel ID Number:Tax District:

0090908

T13-TOWN OF WEST BEND

Status:

Active

Alternate Tax Parcel Number:Acres:

41.2900

Description - Comments (Please see Documents tab below for related documents. For a complete legal description, see recorded document.):

PT OF N1/2 NW+W1/2 NW CSM 5411 LOT 1 DOC 936125

Site Address (es): *(Site address may not be verified and could be incorrect. DO NOT use the site address in lieu of legal description.)*

STATE HWY 144

Sauve Terre Farm
4540 Hillcrest Dr
West Bend WI 53090

Harvested Fish & Wildlife

Care should be given to returning any captured game fish and turtles to the lake. If game fish are caught in quantities of more than a few per area, the harvesting crew should take the following actions:

- Reduce the operating speed of the harvester to give fish a chance to flee
- If that does not help, then reduce cutting depth and see if problem is resolved.
- If fish are still being harvested, refrain from cutting area and consult with WDNR or private consultant for further recommendations.

Off-Loading and Disposal Sites

Current disposal practices should continue. The District has a disposal site for use when chemical treatments are not conducted. There are no wetlands or floodplains on or near the site. Care should be taken to keep lake areas adjacent to off-load sites clean of cut vegetation. Staff should be instructed to remove any vegetation debris immediately upon off-loading the harvester.

The haul route is Goring Dr West to Hwy 144, north to the disposal site.



Figure 4 Disposal Site, Big Cedar Lake Harvesting

The District should continue efforts to locate one or two more off-load sites. This would reduce the amount of time spent in transport, and would increase the efficiency of the program. That in turn would allow for lower staff hours, or more time spent on other activities to benefit Big Cedar.

The District may purchase a transport barge for improve the efficiency of the harvesting program.