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



July 24, 2019

Madison Smith Bay-Lake Regional Planning Commission 425 S. Adams Street, Suite 201 Green Bay WI 54301

Permit Number: NE-2019-31-5262 Permit Fee: \$1270.00

Subject: 2019 Permit to Treat Invasive Emergent Plants

Dear Bay-Lake Regional Planning Commission:

The Department has received and reviewed your application to chemically treat up to 676 acres of *Phragmites australis, Fallopia japonica. Polygonum cuspidatum,* and *Pastinaca sativa* in Kewaunee County. Your permit application meets the minimum requirements by law and a permit is being issued with the following conditions.

Permit Conditions

- 1. The chemical treatment shall be performed in compliance with Wisconsin Administrative Code Chapter NR 107. Chemical treatment shall be performed in accordance with label directions and existing pesticide laws.
- 2. The permit holder shall be responsible for posting signs within the treatment area as specified in NR 107.08(7).
- 3. The permit holder, per NR 107.08(8), shall submit an Aquatic Plant Management Treatment record after treatment.

A WPDES permit will be issued to Bay-Lake Regional Planning Commission under separate cover.

If you have any questions, please feel free to contact me by phone at (920)-662-5489 or by email at Mary.Gansberg@wisconsin.gov.

Sincerely,

May Lansberg

Mary Gansberg Water Resource Management Specialist

CC: James Moore, Conservation Warden, Kewaunee County



State of Wisconsin DNR DNR Department of Natural Resources Water Permit Central Intake – attn. APM PO Box 7185 Madison, WI 53707-7185

Chemical Aquatic Plant Control Application and Permit Wisconsin Pollutant Discharge Elimination System (WPDES) Pesticide Pollutant Permit Application

Form 3200-004 (R 05/16)

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Notice: Use of th o s. 281.17(2), V	nis form	is re	quired by the D	epar	tmen	t for any appl	ication	n file	ed pursuant		1.000	O Number			nit Expiration (
permit application	n is requ	uired	to request cov	erage	e for	pollutant disc	harge i	into	waters of			NE-2019-31	-520			2/1/19
he state. Persor the extent req	uired by	Wise	consin's Open	Reco	rds L	aw [ss. 19.31.	-19.39	9, V	Vis. Stats.].			Vaterbody # 20		\$	Received 51270	
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Bay-Lake Re	egional	Plan	ning Commis	sion				ss								
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Bay-Lake Ro Street Addres 425 S. Adam City				Sta	ate	ZIP Code		Lak	City					State	ZIP Code	
Green Bay				1	WI	54301										
Phone Number ((include	area	code)					-0	Ema	ail Ado	dres	S				
Primary:	(920)	448	-2820 Se	cond	ary:				msr	nith@	i)bay	lakerpc.org				
Section II – Ac Waterbody to be	quatic Treated	Plani (wat	t Control Loc erbody where tr	atio eatm	n ent a	rea is located)		La	ke Surface	Area					rea that is 10	Feet
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djacent Riparia		-										(307)	247-35	72	
1. See attache								Er	nail Addres	S						
2. updated spi	readshe	et wi	ill be submitte	d pri	or to	beginning v	vork					wetlandssolutio				
3								1.1	33			Number for Categ				
4					-			31	6934, 473	710, 4	4737	711, 324267 (R	ecipi	cal co	mmercial a	applica
5								В	usiness Loc	ation	Lice	nse Number (if a	oplica	uble)		
6		_						93	8-022931-0	2149	1					
Name of Lake P District Represe	roperty ntative	Own (if noi	ers' Association ne, please indi	n Rep cate)	orese	ntative or La	ke	-				e License Numb	er (if a	applicab	ole)	0.1
None							1									
Area(s) Propos									Estimated			Average			lculated	
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									676.01	ac		Grand T	otal	6	576.01	ac-ft

	Form 3200-004 (R 05/16)	Page 2 of 5				
Section II – Aquatic Plant Control Location (continued)						
If the estimated acreage is greater than 10 acres, or is great complete and attach Form 3200-004A, Large-Scale Treatment	ter than 10 percent of the estimated area 10 feet or l ent Worksheet. Private pond treatments are exempte	ess in depth in Section II, ed from this requirement.				
Is this area within or adjacent to a sensitive area designated by the Department of Natural Resources? Yes \bigotimes No MG	NHI Review? O Yes O No Desribe:					
Section III – Fees						
1. s. NR 107.11(1), Wis. Adm. Code, lists the conditions unc	ler which the permit fee is limited to the \$20 minimur	n charge.				
2. s. NR 107.11(4), Wis. Adm. Code, lists the uses that are e	exempt from permit requirements.					
3. s. NR 107.04(2), Wis. Adm. Code, provides for a refund o	f acreage fees if the permit is denied or if no treatme	ent occurs.				
4. Fee calculations: If proposed treatment is over 0.25 (round up to nearest whole acre, to						
50 acres X \$25 per If proposed treatment is \leq 0.25 acr	acre = \$ <u>1,250</u> e, acreage fee is \$0.					
Enter Acreage Fee (from above) .	\$					
Basic Permit Fee (non-refundable)	\$ 20.00					
Total Fee Enclosed	\$ <u>1,270.00</u>					
Site Map: Attach a sketch or a printed map of lake indicatin and flow of surface water outside treatment area. Also show Attach a separate list of owners and corresponding treatme	Iocation of property owners riparian to and adjacen	e plant control is desired t to the treatment area.				
Section IV – Reasons for Aquatic Plant Control						
Is this permit being requested in accordance with an approved Aquatic Plant Management Plan? O Yes	● No Treatment Type: MG ● Lake ◯ Pond ⊘ Wetlan	nd ⊖ Marina ⊘ Other				
Goal of Aquatic Plant Control:	Nuisance Caused By:					
1. Maintain navigational channel	Algae					
2. Maintain boat landing and carry in access	Emergent water plants (majority of leaves above water surface, e.g. cattails, bulrush	and stems growing nes)				
3. Improve fish habitat	Floating water plants (majority of leaves floating on water surface,					

an approved Aquatic Plant Management Plan?	○ Yes	No	Lake	O Pond	Ø Wetland	🔿 Marina	Ø Other
 Goal of Aquatic Plant Control: 1. Maintain navigational channel 2. Maintain boat landing and carry in access 3. Improve fish habitat 4. Maintain swimming area 			ce Caused By: Algae Emergent water p above water surfa Floating water pla	ants (majorit			
 5. Control of invasive exotics 6. Other:		- □f	e.g., waterlilies, d Submerged water lowering parts ma	r plants (lea ay be expos	ed, e.g., milfoi	l, coontail)	
List Target Plants		Note: I	Other: Emerged riverine w Different plants treatment. Do no	vetlands, and require diff	d adjacent upla	and als for effect	ive

Non-native Phragmites (Phragmites australis), Japanese knotweed (Fallopia japonica or Polygonum cuspidatum), and Wild parsnip (Pastinaca sativa)

Section V – Chemical Control	the Relation	Sala and	
Alternatives to Chemical Control:	Feas	sible?	If No, Why Not?
1. Mechanical harvesting	O Yes	No No	Phragmites populations with the Green Bay and Upper Lake
2. Manual removal	O Yes	No No	Michigan basins are too expansive for non-chemical treatment
3. Sediment screens/covers	O Yes	No No	methods. In addition, Phragmites is not well contained by non
4. Dredging	O Yes	No No	chemical means due to the longevity of its rhizome and stolon
5. Lake drawdown	O Yes	No No	systems. Finally, the expansive treatment area poses financial and
6. Nutrient controls in watershed	O Yes	No No	socio-economic constraints for other options such as burning.
7. Other:	Yes	◯ No	

Note: If proposed treatment involves multiple properties, consider feasibility of EACH alternative for EACH property owner.

Form 3200-004 (R 05/16)

Page 3 of 5

If you checked yes to any of the alternatives listed above, please explain your	decision to use chemical controls:
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Section V – Chemical Control (continued)

Ha me	abitat or another similar aquatic use approved preparation of an isopropylamine salt of Imazapyr (2-[4,5-dihydro-4-methyl-(1- ethylethyl)-5-oxo-1H-imidazol-2-yl]-3-pridinecarboxylic acid). quaNeat or another similar aquatic use approved formulation of a glyphosate-based herbicide.
0 /	AquaNeat (All three target species) Active ingredient: Glyphosate EPA Registration #228-365
0 /	Habitat (phragmites) Active ingredient: Imazapyr EPA Registration # 241-426-67690
Me	ethod of Application: Backpack sprayers; boom sprayers mounted to amphibious vehicle, ATV, or boat
Wi	ill surface water outflow and/or overflow be controlled to prevent chemical loss? O Yes 💿 No
Ha	ave the proposed chemicals been permitted in a prior year on the proposed site? O All O Some I None
W	hat were the results of the treatment?
ls ⁻	treatment area greater than 5% of surface area? O Yes O No If yes, calculate whole lake concentration (in ppm). Refer to DNR Lake pages <u>dnr.wi.gov/Lakes</u> to answer the following: Does the lake stratify? O Yes O No If yes, calculate whole lake concentration using volume above thermocline.
	If no, calculate whole lake concentration using total lake volume.
	Whole Lake Concentration: ppm
No	te: Chemical fact sheets for aquatic pesticides used in Wisconsin are available from the Department of Natural Resources at the following link: <u>dnr.wi.gov/Lakes/plants/factsheets/</u> .
Contraction of the	ection VI – Applicant Responsibilities and Certification 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. Do you request the Department to waive the advance notification requirement?
	Yes VNo
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.

	Form 3200-004	(R 05/16)	F	Page 4 of 5
ection VI – Applicant Responsibili	ties and Certification (continued)			
Check if you are signing as	Agent for Applicant.			
I hereby certify that the above the appropriate parties named	information is true and correct and in Section II and that the condition	that copies of this application have be s of the permit and pesticide use will be	en provided to e adhered to.	
Morri	N	7/10/19 Date Signed	<	SIGN H
Signature of Applicant		Date Signed		
eatment all provisions of Chapter NR e specific conditions contained in the	107, specifically ss. NR 107.07 and permit cover letter.	oossession of the chemical applicator a I NR 107.08, Wis. Adm. Code, must be	t time of treatm complied with,	ent. During as well as
ection VII - WPDES Permit Requested?	St Refer to http://dpr.wi.gov/topic/wa	astewater/aquaticpesticides.html for mo	ore information.	
ON		Yes – complete section VII with si		
O Already have VVPDES				
O WPDES coverage not	needed			
elect which permit you are requesting	WI-0064556-1 Aquatic Plant	ts, Algae & Bacteria		
	WI-0064564-1 Aquatic Anim			
	INH OOGAERA A Monguitoon	Alber Ching Incode		
	WI-0064581-1 Mosquitoes &	x other Flying insects		
idicate WPDES permitee responsible	-	pplicator Sponsor		
ndicate WPDES permitee responsible to you expect the pest control activity on the treatment area boundary or a pollut	for the pollutant discharge: O A		7 • Yes	O No
o you expect the pest control activity	for the pollutant discharge: O A vill result in a detectable pollutant o ant residual in waters of the state a	pplicator Sponsor lischarge to waters of the state beyond	7 • Yes	O No
to you expect the pest control activity the treatment area boundary or a pollut	for the pollutant discharge: A will result in a detectable pollutant of ant residual in waters of the state a apyr, Glyphosate ted pest management principles, as	pplicator Sponsor lischarge to waters of the state beyond fter the treatment project is completed s specified in the WPDES permit, into	7 Yes	() No
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	Form 3200-004 (R 05/16)	Page 5 of 5
Section VIII – Permit to Carr	y Out Chemical Treatment (Leave Blank – DNR Use Only)	
The foregoing application is a application during the season	approved. Permission is hereby granted to the applicant to chemically treat the war a of 20 <u>19</u> .	ters described in the
Application fee received?	State of Wisconsin Department of Natural Resources For the Secretary	
Advance notification of treatment required?	By Mary Gansberg Regional Director or Designee	
🗹 Yes 🔿 No	07/24/2019 07/24/2019 email Date Signed Date Mailed	
Please Note:		
	a right to challenge this decision, you should know that Wisconsin statutes and adr which requests to review Department decisions must be filed.	ninistrative rules
otherwise served by the Depa	on pursuant to ss. 227.52 and 227.53, Wis. Stats., you have 30 days after the dec artment, to file your petition with the appropriate circuit court and serve the petition view shall name the Department of Natural Resources as the respondent.	ision is mailed or 1 on the Department.
This notice is provided pursua	ant to s. 227.48(2), Wis. Stats.	
served by the Department, to	hearing pursuant to s. 227.42, Wis. Stats., you have 30 days after the decision is serve a petition for hearing on the Secretary of the Department of Natural Resour hearing is not a prerequisite for judicial review and does not extend the 30-day pe	rces. The filing of a

WORKSHEET FOR LARGE-SCALE CHEMICAL AQUATIC PLANT TREATMENT Form 3200-4A 3-89

NOTE: Completion of this form is required by the Department, pursuant to s. 144.025(2)(i), Wis. Stats., and Chapter NR 107, Wis. Adm. Code, once every five years for proposed treatments that would cover more than 10 acres on one lake, or more than 10 percent of that portion of the lake that is 10 feet or less in depth.

The purpose of this form is to identify the: (1) recreational needs of the property owners and visitors;

- (2) value of the proposed treatment area to fish and wildlife;
- (3) cause(s) of the excess plant growth problem; and
- (4) short and long-term solutions to the problem.

Please furnish a detailed map(s) of the lake and its watershed. Indicate the watershed boundaries on the map. If you do not have a watershed map for the lake you wish to treat, your DNR lake management coordinator can help you locate or prepare one.

SECTION I. BACKGROUND
Name of Applicant Date Completed Madison Smith, Bay-Lake Regional Planning Commission 7/1/2019
Name of Lake Kewaunee, Ahnapee, Red, East Twin, and West Twin rivers; Stony Creek; East Alaska, West Alaska, Heidmann, Krohns
SECTION II. RECREATIONAL USES
Check those uses that apply and complete the information requested:
1. SWIMMING: Indicate on your lake map the portions of the proposed treatment area that are used for swimming. What distance from shore is needed to provide adequate swimming space? Varies What is the average depth at this distance? Varies feet
2. <u>FISHING</u> : Indicate on your lake map any fishing areas that are within the proposed treatment area.
3. <u>HUNTING</u> : Indicate on your lake map any hunting areas that are within or adjacent to the proposed treatment area.
4. <u>BOATING/NAVIGATION:</u> Indicate on your lake map where the following boating activities take place within the proposed treatment area: Sailing Water skiing Fishing Pleasure boating Jet skiing Other
5. <u>AESTHETIC:</u> Indicate on your lake map any wildlife or nature observation areas within the proposed treatment area.
Do you object to the aesthetic quality (appearance, odor) of the proposed treatment area? 🗌 Yes 🗌 No
6. <u>OTHER:</u> What other activities occur in the proposed treatment area? All of the above; bird watching, wildlife viewing;
see attached for more details
SECTION III. FISH AND WILDLIFE VALUE
1. <u>Fisheries:</u> To maintain a quality fishery, a lake must provide good spawning, rearing and feeding habitat. Please indicate on your lake map the location of any quality fisheries habitat. (Contact your local DNR fish manager or your local fishing club for information about your lake's fishery.)
2. Wildlife: Indicate on your lake map any portions of the proposed treatment area or adjacent shoreline that are considered to be good
wildlife habitat. (Constact your local DNR wildlife manager or your local wildlife or hunting club for additional information about the wildlife around (and in) your lake.)
3. Which organization(s) or individual(s) did you contact for your information? See attached
SECTION IV. CAUSES OF THE PROBLEM
What are perceived to be the local or regional causes of the problem? (Check all those that apply.)
A. Agricultural runoff (from barnyards or croplands) that contributes sediment, nutrients and/or bacteria to the lake.
B. Urban runoff (from stormwater) that contributes sediment, nutrients and other pollutants to the lake.
C. Sewage treatment or industrial discharges upstream of the lake.
D. Possible faulty septic systems in the area around the lake.
E. Runoff from fertilized lawns near the lake.
F. Sediments contaminated with nutrients from past pollution activities.
G. Naturally fertile - no known human sources of excessive sediment, nutrients or other pollutants.
H. Other: Unintentional and intentional transport by vehicles and equipment; release of landscaping plants
Please identify on your watershed map the locations of any land use practices that are perceived to be contributing to excess plant growth problems in the lake.

and of aquate plane policers can be temporarily accompliable with abort term measures, but no strategy will be successful without generic motified is address the source of the problem. A sound plant management program should combine both short-term and long- irm control strategies. What level of short-term control do you wish to achieve?	ECTION V. SOLUTIONS	
What level of short-term control do you wish to achieve? What level of short-term control do you wish to achieve? Remove 10.09% of the plants in the treatment area. Remove 70.09% of the plants in the treatment area. Remove less than 70% of the plants in the treatment area. Which plants do you wish to remove in the short-term? Remove specific plant species. Remove specific plant species only. (Name(s) of species: Phragmites, Japanese knotweed, Wild parsnip A. Chemically treat? O A. Chemically treat? O times per year for other plants B. Mechanically harvest? O Developed a lake plant management plan. Developed a lake plant management plan. Developed a lake plant management plan. Contacted the Soll Conservation Service or Land Conservation Commission to identify land use controls that are needed in the watershed. Contacted a septic survey with the county santiarian. Other: Working with Kewaunee County Land & Water Conservation Dept to establish long-term managements and sustance. Our years attach evidence (a_n.newspaper clipping) that such notice and sustance of the planted interturnet (N RI 107.04(3), Wis. Adm. Code). Planse attach evidence (a_n.newspaper clipping) Notice (a. NR 107.04(3), Wis. Adm. Code). Planse attach evidence (a_n.newspaper clipping) Notice (a. NR 107.04(3), Wis. Adm. Code). Planse attach evidence (a_n.newspaper clipping) that such notice (a. NR 107.04(3), Wis. Adm. Code). Planse attach evidence (a_n.newspaper clipping). Notice (a. NR 107.04(3), Wis. Adm. Code). Planse attach evidence (a_n.newspaper clipping). Notice (a. NR 107.04(3), Wis. Adm. Code). Planse attac	ontrol of aquatic plant problems can be temporarily accomplished with	short-term measures, but no strategy will be successful without
What level of short-term control do you wish to achieve?		management program should combine both short-term and long-
Remove 100% of the plants in the treatment area. Remove 70-99% of the plants in the treatment area. Remove less than 70% of the plants in the treatment area. Which plants do you with to remove in the short-tern? Remove all plant species. Remove specific plant species only. (Name(a) of species: Phragmittes, Japanese knot/weed, Wild parsnip Now often will the necessary to: A. Chemically iners? Developed a lake plant management plan. Developed a lake plant management plan. Pormed a Lake District, Lake Association or other organization. (Name:) Contacted the Soil Conservation Service or Land Conservation Commission to identify land use controls that are needed in the waterfield. Conducted a specie survey with the county sanitarian. Other: Working with Kewaunee County Land & Water Conservation Dept to establish long-term management watersheed. Conducted a specie survey with the county sanitarian. Other: Working with Kewaunee County Land & Water Conservation Dept to establish long-term management conductance, county extension agent, or regional planning commission can provide the public with formation and sistance. EXECTION VIE PUBLIC INVOLVEMENT Define you conduct a laguate plant treatment, you are required to provide the public with formal notice of the planned treatment is normoride specific technical suite agoversion agent, or regional planning commissi		
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Please attach with map(s) to Form 3200-4, Application for Permit for Chemical Aquatic Plant Control.

Great Lakes Funding Targets Kewaunee County Invasive Species

In 2018 the U.S. Environmental Protection Agency awarded Bay-Lake Regional Planning Commission nearly \$600,000 in Great Lakes Restoration Initiative (GLRI) funding to manage at least 1,000 acres of invasive phragmites, wild parsnip and Japanese knotweed in Kewaunee County. Madison Smith, manager of the program for Bay-Lake RPC will be helping spearhead this project during the 2019 season alongside the County staff and Wildlife & Wetland Solutions, the company that will be treating the invasive species. Wild parsnip will be treated beginning in July 2019, with phragmites and Japanese knotweed being treated mid-August to early September.

For more information regarding sites being treated or to potentially have your land treated, please visit the Bay-Lake Regional Planning Commission website where you will find an interactive map and permission form to have your property treated, if funds are still available. <u>https://baylakerpc.org/services/environmental/invasive-species-management</u>

For more information or questions, please contact Madison Smith at 920-448-2820, or by email at <u>msmith@baylakerpc.org</u>

Any request for a public meeting must be made within five days after this notice is published. The request must address the topics to be discussed at the meeting, including problems and alternatives and must be sent in writing to the Wisconsin Department of Natural Resources, 2984 Shawano Avenue, Green Bay, WI, 54313 with attention to Mary Gansberg. This public notice is required by Chapter 107, Wisconsin Administrative Code.

