



April 15, 2014

Dennis Johnson  
Okauchee Lake Management District  
N65W34608 Whittaker Rd  
Oconomowoc, WI 53066

Subject: 2014 – 2018 Mechanical Harvesting Permit  
SE-2014-68-09M

Dear Mr. Johnson:

The Department of Natural Resources (Department) has received your application for a permit for harvesting aquatic plants by mechanical means in up to 570 acres of Okauchee Lake, in the Towns of Oconomowoc and Merton, Waukesha County. We have found your application to be complete and you are being issued a **5-year permit** with conditions. Your permit will expire on December 31<sup>st</sup>, 2018. Please read your permit carefully and contact us if you have questions.

The OLMD should plan on hiring a firm to conduct a new point intercept plant survey during the summer of 2018. This will allow the OLMD to apply for another multiple year permit in 2019.

The permit is being issued in accordance with the 2014 Okauchee Lake Aquatic Plant Management Plan.

**Harvesting shall not be permitted within chemically treated areas until at least two weeks after an aquatic plant chemical application.**

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 and 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.

Your next step will be to notify me of the date on which you plan to begin harvesting and to schedule a harvesting training date with Department staff. If you have any questions or concerns, please contact me at 262-574-2130.

Sincerely,

Heidi Bunk  
Lakes Biologist

Cc: Ben Heussner, Fisheries Biologist

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

Permit for Mechanical Harvesting of Aquatic Plants

Okauchee Lake Management 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 570 acres of Okauchee Lake, in the Towns of Oconomowoc and Merton, Waukesha County, subject to the following conditions. **This permit is issued for a 5-year term and will expire December 31<sup>st</sup>, 2018.**

PERMIT CONDITIONS

1. Okauchee Lake Management District representatives or harvester operators must notify Lakes Biologist Heidi Bunk (262-574-2130) four (4) working days prior to the anticipated start of the first harvesting operation of the season. 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 2014 Okauchee Lake Aquatic Plant Management Plan submitted to the Department and as further defined by the conditions below. **A copy of the permit and maps shall be maintained onboard the harvesters at all times harvesting operations are conducted. Seasonal employees operating the harvesters shall read this permit thoroughly as a part of their training. Any violations of the permit are subject to enforcement under Wisconsin Statutes s.23.24.**
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 Okauchee Lake 2014 mechanical 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 2014 Okauchee Lake Aquatic Plant Management Plan 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 submitted to the Department by **November 1<sup>st</sup> each year**. The annual report shall include information such as a map showing the areas harvested, the total acres harvested and the type of species and total amount of plant material removed from the body of water.
6. The removal of water celery (*Vallisneria americana*) shall be limited to areas that reach "nuisance" conditions. "Nuisance" conditions are when the water celery is closer than two feet from the water's surface. While the Department recognizes that the growth of water celery can and has reached nuisance conditions on Okauchee Lake, this plant is an important part of the aquatic community. Water celery cutting to depth greater than 2-3 feet or clear-cutting can open up areas for Eurasian watermilfoil invasion.
7. The cutting bar and paddle wheels 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 shallow areas. The upset of the sediments can increase the potential for Eurasian watermilfoil colonization and also damages the aquatic community.
8. As much as possible, fish and turtles harvested with the plants shall be returned to the lake.

9. Natural or undeveloped shorelines shall not be harvested. These are areas where homes or cottages do not exist. If the areas are part of a direct navigational channel, they are exempt from this permit condition.
10. At no time shall harvesting remove all plant material down to the sediments. A minimum of 1 foot of plant material shall be left to hold lake sediments in place.
11. Harvesting stands of native plants including pondweeds and *Chara* (muskgrass) is prohibited. These plants provide benefits to the lake through habitat for young fish, reptiles, amphibians and insects.
12. 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 water celery, Eurasian watermilfoil from native milfoils, and curly-leaf pondweed from native pondweeds.
13. Mechanical harvesting will not be utilized in chemically treated areas of the lake for a minimum of fourteen (14) days after treatment has occurred.
14. Harvesting in shallow water (defined as less than six [6] feet deep) shall be restricted to areas of dominant Eurasian watermilfoil in order to avoid the disturbance of plants that are valuable to the ecosystem such as *Chara* and native pondweeds.
15. Tierney Bay shall be harvested per the specified navigational lanes in the 2014 Okauchee Lake Aquatic Plant Management Plan (Figure 8, page 49). There shall be no clear-cutting in this bay. The channel running perpendicular to the piers shall not exceed 75 feet in width. The center channels shall not exceed 15 feet in width.
16. Crane's Nest and Inlet: Do not clear cut. Provide 10 to 12 foot wide navigational channels along the piers in Crane's Nest. Only harvest the existing navigational channel in the inlet. These areas shall only be harvested between June 15 and August 15 each year. This provides boat access while protecting important fish spawning habitat.
17. Whittagers Bay: Harvesting shall be limited to the pier zone to provide access. This area shall only be harvested between June 15 and August 15 each year.
18. Stumpy Bay and Bay Five: Harvesting shall be limited to the pier zone to provide access. The harvesting depth shall be restricted to three feet.
19. East Shore Area: Harvesting shall be limited to the developed shoreline (or along individual piers) avoiding natural shoreline areas (without homes).

**FINDINGS OF FACT** (Facts which were considered in making this decision.)

1. Okauchee Lake Management District has filed an application for a permit to conduct a mechanical harvesting operation in the Towns of Oconomowoc and Merton, Waukesha County. The specific areas to be harvested are in accordance with the 2014 Okauchee Lake Aquatic Plant Management Plan and according to the permit conditions above.
2. The Department has determined the proposed mechanical harvesting will provide aquatic plant nuisance relief in the designated areas. The mechanical harvesting will allow for increased navigation and recreational opportunities.



3. The total harvesting area is 570 acres in the areas shown on the map in the 2014 Okauchee Lake Management Plan (Figure 7, page 48) or referenced in the plan as approved in the conditions above.

**CONCLUSIONS OF LAW** (These are the legal reasons why the Department can make these decisions)

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 a 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 Ss. 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, Wisconsin Statutes, 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 April 15, 2014

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

For the Secretary

By Heidi Bunk

Heidi Bunk  
Lakes Biologist

Notice: Information requested on this form is required to permit mechanical and/or manual aquatic plant control application, per s. 23.24, Wis. Stats. The Department will not issue a permit unless you complete and submit this application. Personally identifiable information collected will be used for program administration and will be available to requesters under Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

FOR DNR USE ONLY	
Date Received 4/1/2014	ID Number 95-204-68-09M
Fee Received \$300.00	County Code 08
Exp. Date 12/31/2018	WBIG 850300

### Section I: Applicant Data

Permit Applicant Name <u>OKAUCHEE LAKE MGMT DIST TOWN</u>			Applicant is <input type="checkbox"/> Private Individual <input type="checkbox"/> Contractor <input checked="" type="checkbox"/> Lake Organization (Specify) <u>OKAUCHEE LAKE MGMT DIST</u>	
Applicant Mailing Address <u>UG 5 W34608 WHITTAKER RD</u>			Lake Property Address, City, State, ZIP (if different)	
City <u>OKAUCHEE</u>	State <u>WI</u>	ZIP Code <u>53066</u>		
Telephone Number <u>414 528 5461</u>	E-Mail Address <u>MEJ2548@ymail.com</u>	Telephone Number	E-Mail Address	

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	E-mail Address
A. <u>OKAUCHEE LAKE MANAGEMENT DISTRICT</u>			
B.			
C.			
D.			

Has a Lake Management plan been provided to the DNR? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, date approved of most current copy <u>2014</u>	Location of Applicant file copy <u>WDOE 024D</u>
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Does the proposed plant removal agree with the approved plan? ☒ Yes ☐ 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 \_\_\_\_\_

### Section II: Location of Aquatic Plant Removal and Disposal

Waterbody of proposed plant removal <u>OKAUCHEE</u>	Lake Surface Area (acres) <u>1198</u>	County <u>WAUKESHA</u>	Town <u>T8</u>	Range <u>17E</u>	Section <u>525</u>	
Name of Firm (if sub-contracted)			Telephone Number			
Street Address			City, State and ZIP <u>SEE ATTACHED SHEETS</u>			
Name of 1st Plant Disposal Site (if applicable) <u>W1740 HWY MM TOWN OF ASPHIPPON</u>	1/4 1/4	1/4	Section	Township <u>N</u>	Range E/W <u></u>	County
Name of 2nd Plant Disposal Site (if applicable) <u>UG 5 W30212 BRAUER LAKE RD HARTLAND</u>	1/4 1/4	1/4	Section	Township <u>N</u>	Range E/W <u></u>	County

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 ft. = _____ Estimated Acreage	Avg. Depth _____ ft.
2. Length from shore _____ ft. x Shoreline or area width _____ ft. / 43,560 ft. = _____ Estimated Acreage	Avg. Depth _____ ft.
3. Length from shore _____ ft. x Shoreline or area width _____ ft. / 43,560 ft. = _____ Estimated Acreage	Avg. Depth _____ ft.
4. Offshore Control Site Length _____ ft. x Shoreline or area width _____ ft. / 43,560 ft. = _____ Estimated Acreage	Avg. Depth _____ ft.
5. Offshore Control Site Length _____ ft. x Shoreline or area width _____ ft. / 43,560 ft. = _____ Estimated Acreage	Avg. Depth _____ ft.
TOTAL ESTIMATED ACREAGE <u>570 ACRES PERMIT</u>	



# Mechanical / Manual Aquatic Plant Control Application

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## 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. lilly 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.	SEE ATTACHED MAPS	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2.	AND LIST OF OWNERS	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3.		<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.		<input type="checkbox"/> Yes <input type="checkbox"/> No	
5.		<input type="checkbox"/> Yes <input type="checkbox"/> No	
6.		<input type="checkbox"/> Yes <input type="checkbox"/> 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

**Section IV: Methods**

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

- ☒ Mechanical harvesting    ☐ Raking    Other \_\_\_\_\_  
☐ Hand Pulling    ☐ Cutting    \_\_\_\_\_

Please explain why you selected the proposed method(s).

**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

710 acres x \$30.00 per acre = \$ 300.00

Total non-refundable fee enclosed (max \$300.00) ..... \$ \_\_\_\_\_

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

Purpose of Aquatic Plant Removal

Nuisance Caused By

- ☒ Maintain navigational channel for common use  
☒ Maintain private access for boating  
☒ Maintain private access for fishing  
☒ Improve swimming  
☐ Other \_\_\_\_\_

- ☒ Emergent water plants  
☒ Submergent water plants  
☒ Floating water plants  
☐ Other \_\_\_\_\_

Name of plants, if known

**Section VII: Alternatives Considered**

A. Previously Done?

B. Presently Proposed?

- |                                   |   |  |   |  |
|-----------------------------------|---|--|---|--|
| 1. Chemical                       | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| 2. Sediment screens               | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 3. Dredging                       | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 4. Drawdown                       | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 5. Nutrient controls in watershed | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| 6. Nutrient controls on property  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 7. Other                          | <input type="checkbox"/> Yes            | <input type="checkbox"/> No            | <input type="checkbox"/> Yes            | <input type="checkbox"/> 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 EFFECTIVE IN REMOVING MILFOIL  
2. Sediment screens \_\_\_\_\_  
3. Dredging \_\_\_\_\_  
4. Drawdown \_\_\_\_\_  
5. Nutrient controls in watershed CURRENTLY WORKING WITH TOWN BOARD ON PROJECT  
6. Nutrient controls on property USING OHMD WEBSITE FOR RIPARIAN INFO  
7. Other \_\_\_\_\_



# Mechanical / Manual Aquatic Plant Control Application

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## 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.

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.

Dennis W. Johnson OHAD  
Applicant's Signature

3-22-2014  
Date Signed

## DNR Use Only

### Review Notes:

☐ Natural 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

2014-18

Application fee if received?

☒ Yes ☐ No

State of Wisconsin  
Department of Natural Resources For the Secretary

By Adelich Bunch  
Regional Director or Designee

4/15/14

Date Signed

4/15/14 (email)

Date Mailed

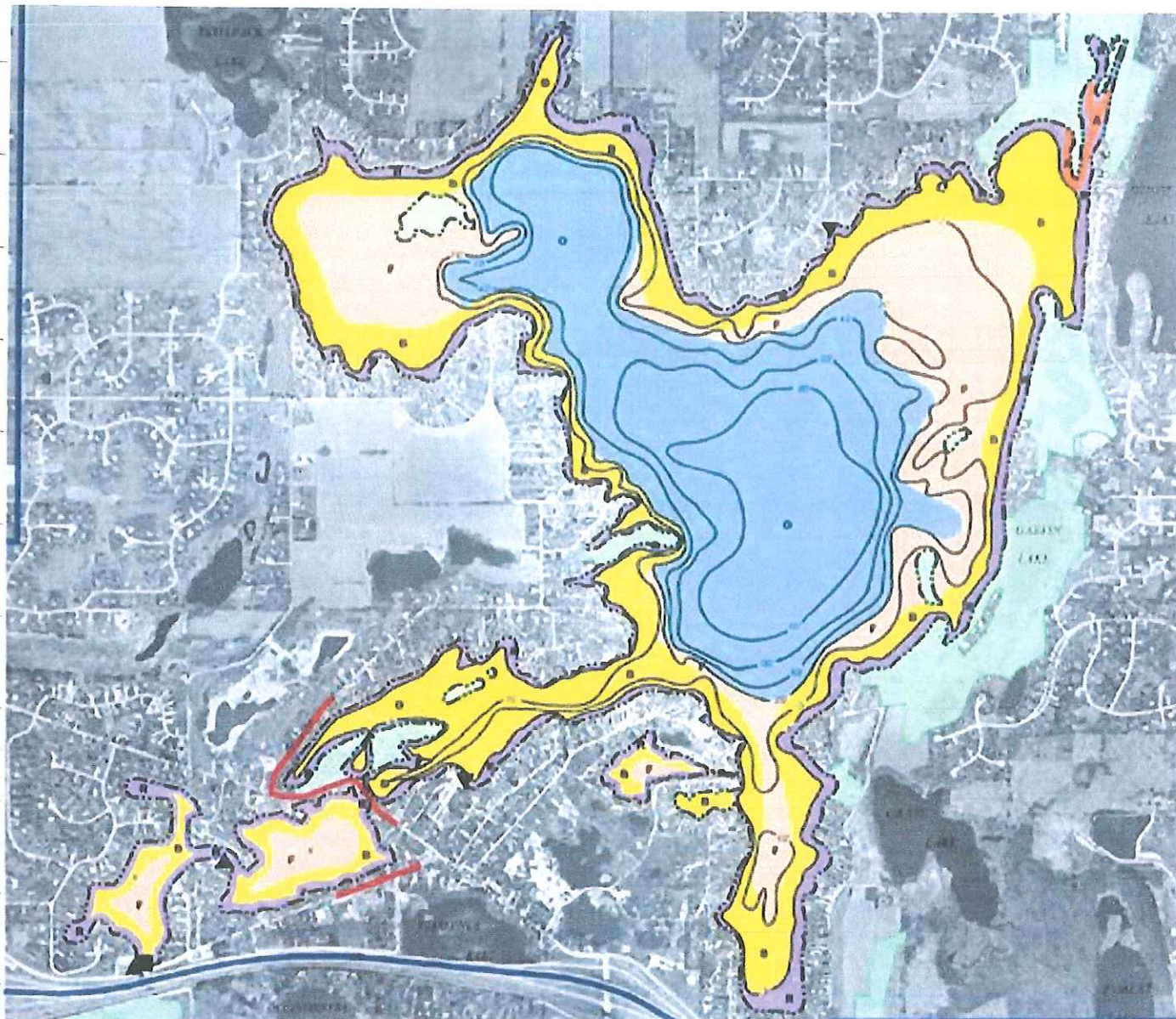
If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

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This notice is provided pursuant to s. 227.48(2), Wis. Stats.





**Map Legend**

Area	Management Actions
R (purple) = Riparian/Pier Zone	Hand control of vegetation by riparians Chemical treatment of Eurasian watermilfoil or curly-leaf pondweed. Shoreline/pier pickups of plant debris.
B (yellow) = Boating Access	Control floaters in open water. Harvest Eurasian watermilfoil and maintain open water conditions above native understory. Chemical treatment of Eurasian watermilfoil or curly-leaf pondweed.
F (peach) = Fisheries Areas	No active management during fish breeding season prior to June 15. Control floaters in open water. Chemical treatment of Eurasian watermilfoil or curly-leaf pondweed.
A (orange) = Inlet Areas	Harvest recreational boating access. Chemical treatment of Eurasian watermilfoil or curly-leaf pondweed.
O (blue) = Open Water Areas	No aquatic plant mangement needed - beyond the maximum depth of plants.
	Maintain public informational newsletters and website. Monitor water quality and fisheries.

**Figure 7 Okauchee Lake Plant Management Plan, 2014**



## Site Specific Recommendations

Area	Management Actions
Cranes Nest and Inlet	Do not clear cut. Provide 10 to 12 foot wide navigational channels alongside individual piers. In the inlet, harvest navigational channels. Harvest these areas after June 15. Chemical treatment of EWM allowed.
Whittegers Bay	Harvest the pier zone. Chemical treatment of EWM allowed.
Stumpy Bay and Bay Five	Harvest the pier zone. Chemical treatment of EWM allowed.
East Shore Area	Harvest navigational channels in to individual piers. Avoid natural shorelines.
Tierney Bay	Follow guidelines in Figure 8. Pier zone channels not to exceed 75 feet wide, Center channels not to exceed 15 feet wide. Chemical treatment of EWM allowed.

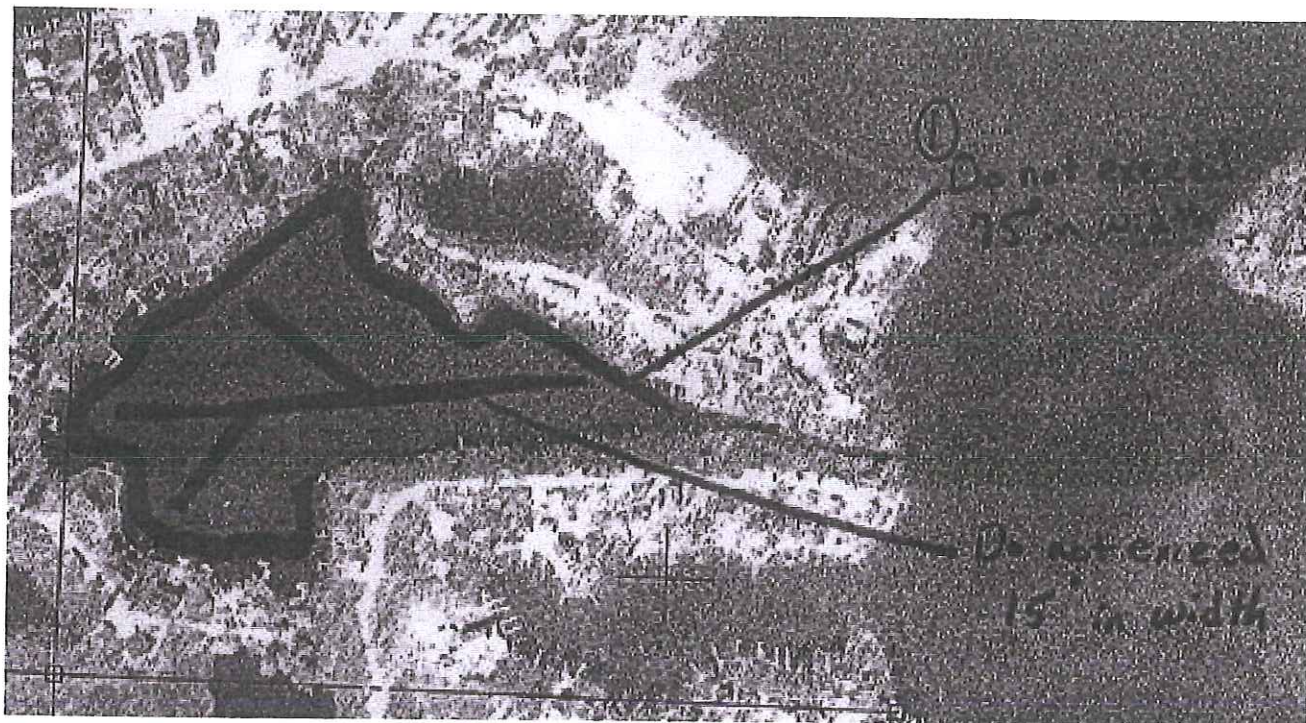


Figure 8 Tierney Bay Harvesting Restrictions



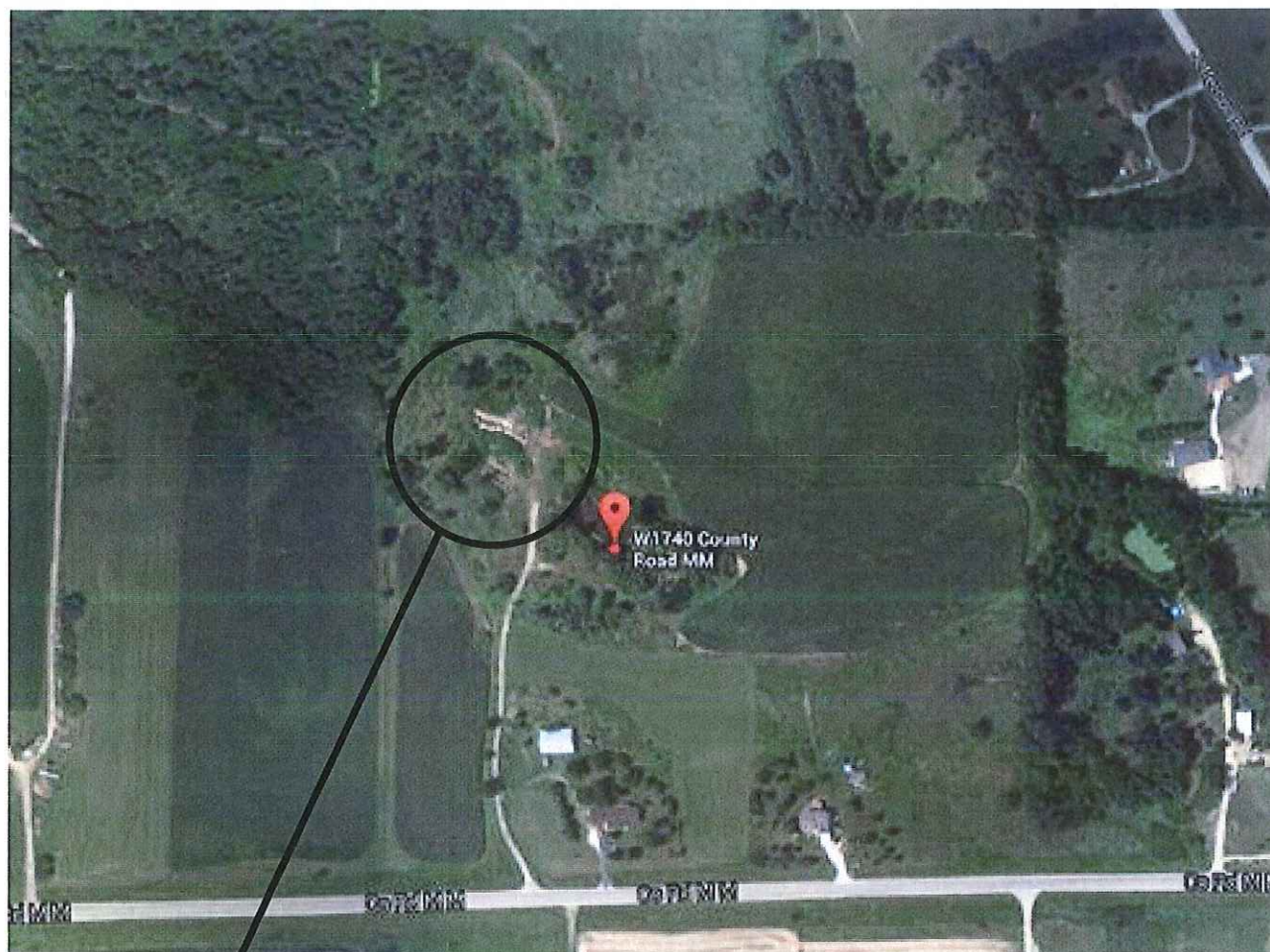
- If that does not help, then reduce cutting depth and see if problem is resolved.
- If fish are still being harvested, refrain from cutting area and consult with WDNR or private consultant for further recommendations.

### Off-Loading and Disposal Sites

Current disposal practices should continue. 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 District currently has two disposal sites. There are no wetlands or floodplains on these sites.

W1740 Hwy MM, Town of Ashippun is the primary site (Figure 11). The haul route is Road L North to Hwy K west to Cty P, North to MM, west to the site.



Map data ©2014 Google 200 ft

Primary Disposal Site - Okauchee Lake

Figure 11 Primary Disposal Site

Not Floodplain or Wetland  
SAP 4/2/12



The second site is N64W30212 Beaver Lake Road, Town of Hartland (Figure 12). This site is only used for small loads from the small truck. The haul route is Road L North to Hwy K, East to Beaver Lake Rd, then East to the site.



Secondary (small load/truck only)  
Disposal Site - Okauchee Lake

Figure 12 Secondary Disposal Site

Not Floodplain or Wetland  
SAP 4/2/14

### Operator Training

The District should continue its practice of attempting to hire experienced operators, as well as conducting comprehensive training in equipment operation, maintenance and safety. All employees should be trained in the identification of the plants in Okauchee Lake. This will help protect beneficial plant beds and will ensure accurate documentation of changes that may occur in the aquatic plant community as part of their daily program. The district should continue training new employees so they can understand the Districts' approach to harvesting and get experience while under the direction of the long-term employees.

### Maintenance Program & Downtime

Maintenance should continue as is currently done. The focus should continue to be on preventive methods, rather than reactive. The use of synthetic, biodegradable hydraulic fluids in the harvester will reduce the adverse impacts to the lake from spills. A small spill kit should be kept on board to immediately and efficiently deal with any spills that may occur.