



August 21, 2019

Don Maes
Silver Lake Sanitary District
N1702 19th Avenue
Wautoma, WI 54982

Subject: Plan Approval for Reconstruction of Lake Irogami Water Control Structure
Dam Key Sequence Number (DKSN) 6266

Dear Mr. Maes:

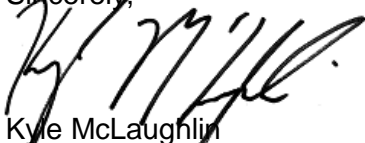
The Department of Natural Resources (Department) has reviewed Silver Lake Sanitary District's plans for proposed alterations to the water control structure located at the outlet of Irogami Lake and in Government Lot 1, Section 5, Township 18, Range 11 E in the Town of Marion, Waushara County. You will be pleased to know your application is hereby conditionally approved.

In addition to the Plan Approval enclosed with this letter, the following points should be noted:

1. Agreement D1 of the Limited Term Drainage Easement (Document Number 520136) signed on July 29, 2019 states that Permit 3-LM-95-224 was issued by the Wisconsin Department of Natural Resources; in fact, the permit was issued by Mark J. Kaiser, Administrative Law Judge.
2. Agreement D1 states that the weir must be operated according to the 12/18/2003 letter signed by Richard Petri. This letter provides different information than what is contained in the Irogami Lake Outlet Operating and Monitoring Plan dated 2019-8-12. The Department considers both the 2003 letter and 2019 plan as documents that outline operation of the weir. Operating plans are documents that may need to be reviewed and updated periodically; any changes must remain in conformance with the conditions of Permit 3-LM-95-224.
3. Exhibit A of the Limited Term Drainage Easement (Document Number 520136) signed on July 29, 2019 shows that the approximate location of portions of underground culvert are outside of the defined easement.

If you have any questions, please contact me at (715) 360-6148 or kyle.mclaughlin@wisconsin.gov. We appreciate your patience and willingness to work with the Department throughout this project.

Sincerely,



Kyle McLaughlin
Water Management Specialist

Enclosure: Sketch titled "Weir on Lake Irogami (Proposed)" and dated 8/13/2019

CC: Kay Lutze, DNR Compliance Team Supervisor (kay.lutze@wisconsin.gov)
Jennifer Jefferson, DNR Water Management Engineer (jennifer.jefferson@wisconsin.gov)
Tanya Lourigan, DNR State Dam Safety Engineer (tanya.lourigan@wisconsin.gov)
Mark Lemke, Property Owner (mlemke21@gmail.com)
Silver Lake Sanitary District (slsdistrict@outlook.com)

Silver Lake Sanitary District (SLSD) submitted an application to alter the Lake Irogami water control structure (Lake Irogami Weir; weir; outlet structure) located at the outlet of Irogami Lake in the Town of Marion, Waushara County, also described as being located in the Government Lot 1 of Section 5, Township 18 North, Range 11 East. Plan approval conditionally granted and order issued.

FINDINGS OF FACT

THE DEPARTMENT OF NATURAL RESOURCES (DEPARTMENT) FINDS THAT:

1. Irogami Lake was formerly called Fish Lake and is now spelled both Irogamie and Irogami.
2. Irogami Lake is a navigable waterway.
3. Case No. 3-LM-95-224 dated November 29, 1995 authorizes the water control structure, subject to several conditions.
4. SLSD owns the water control structure which is located on parcel 016-00551-0101 owned by Lemke Revocable Trust.
5. A Limited Term Drainage Easement (Document Number 520136) was executed on July 29, 2019 and expires on December 28, 2027.
6. A statement of acceptance authorizing maintenance and operation of water control structure and accepting conditions of Permit 3-LM-95-224 was signed by Mark N. Lemke on August 7, 2019.
7. The existing water control structure is a 24-inch diameter (vertical) drop inlet connected to approximately 131 feet of 18-inch (horizontal) corrugated metal pipe (CMP).
8. The proposed water control structure is a 24-inch diameter (vertical) drop inlet with a slide gate connected to approximately 131 feet of 24-inch (horizontal) high density polyethylene pipe (HDPE). Additional construction details and elevations are shown in sketch titled "Weir on Lake Irogami (Proposed)" and dated 8/13/2019.
9. The top of the proposed metal grate/frame is proposed to be set at elevation 867.66 feet NGVD29 as required by condition 5 of Permit 3-LM-95-224.
10. SLSD submitted memos including hydraulic calculations dated July 11, 2019 and August 9, 2019 (revised), completed by Stantec under the professional seal of Aaron Volkening, P.E.
11. The proposed structure is capable of passing flows in excess of 10 cubic feet per second (condition 4 of Permit 3-LM-95-224).
12. The proposed slide gate is operable in order to meet condition 4 of Permit 3-LM-95-224.
13. The Department accepts the historic Mean Sea Level datum as being equivalent to the NGVD 29 datum.

14. The Department has completed an investigation of the project site and has evaluated the project as described in the application, plans, and specifications.
15. The proposed project, if constructed in accordance with the conditions in the Order will not adversely affect water quality, will not increase water pollution in surface waters and will not cause environmental pollution as defined in Section 283.01 (6m), Wisconsin Statutes.

CONCLUSIONS OF LAW

1. The application review has been conducted in accordance with Chapter 31, Wisconsin Statutes.
2. The Department has complied with the requirements of Section 1.11, Wisconsin Statutes, and Sections NR 1.95 and NR 150, Wisconsin Administrative Code.

CONDITIONAL PLAN APPROVAL

AND HEREBY THERE DOES ISSUE AND IS GRANTED to the applicant, a plan approval under Section 31.12, Wisconsin Statutes to alter the water control structure on the outlet of Lake Irogami, located in the Town of Marion, Waushara County, also described as being located in the Government Lot 1 of Section 5, Township 18 North, Range 11 East, subject to the conditions of the Order which hereinafter follows.

ORDER

THE DEPARTMENT OF NATURAL RESOURCES, THEREFORE, ORDERS:

I. PRIOR TO CONSTRUCTION

1. Notify Kyle McLaughlin at (715) 360-6148 before starting construction and again not more than five days after the project is complete.
2. A copy of this plan approval and any referenced documents must be provided to any contractor prior to construction
3. SLSD is responsible for obtaining any permits or approvals that may be required for the project by local zoning ordinances and by the U.S. Army Corps of Engineers before starting the project.
4. Validate elevation of benchmark (60D nail) located on the north side of the power pole located north of the gravel drive to the water control structure and west of 20th Lane.
5. Install a new permanent benchmark within the easement area.

II. DURING CONSTRUCTION

6. Storage of construction materials shall be outside of any wetland, mapped floodplain, or above the ordinary high water mark of Lake Irogami.
7. Upon reasonable notice, property owners shall allow access to project site during reasonable hours to any Department employee who is investigating the project's construction, operation, maintenance or plan approval compliance.

8. Keep a copy of the plan approval, plans and specifications, and referenced documents available at the project site at all times until the project is complete.
9. On-site inspection by a professional engineer registered in Wisconsin shall be performed periodically and during the critical stages of construction. Critical stages are considered anytime that the work performed will be covered and cannot be inspected at a later time.
10. Implement and maintain proper soil erosion and sediment control best management (BMPs) practices during construction of the project. Erosion and sediment control BMPs shall be accomplished using the guidelines in the Wisconsin Stormwater Technical Standards available via the internet at <http://dnr.wi.gov/topic/stormwater/>. BMPs shall be properly installed, inspected, and maintained to function as intended until the project site is stabilized. All temporary erosion and sediment control practices (e.g. silt fence, etc.) shall be removed once the construction site has undergone final stabilization.
11. Erosion control measures shall be inspected daily and corrective measures be taken to ensure the control measures are in place and functioning. Maintain documentation of the erosion control inspections, including repairs made and precipitation events. This must be available to Department personnel upon request and must remain on the project site at all times work is being performed.
12. All equipment used for the project including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, 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 should 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 should not be used on other non-infested waters.
 - **Inspect and remove** aquatic plants, animals, and mud from your equipment.
 - **Drain all water** from your equipment that comes in contact with infested waters, including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps.
 - **Dispose** of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one water body to another.
 - **Wash your equipment** with hot (>104° F) and/or high pressure water OR allow your equipment to **Dry thoroughly for 5 days**.

III. AFTER COMPLETION OF CONSTRUCTION

13. SLSD shall operate structure in compliance with Permit 3-LM-95-224.
14. Submit a series of photographs to the Department, within 10 business days of completion of work on the site. The photographs must be taken from different vantage points and depict all work authorized by this plan approval.
15. Section 31.12(4), Statutes, requires a verified statement to be filed by SLSD to the Department within 10 days after completion of the repairs to the dam, stating that it was constructed in accordance with the plans and specifications approved by the Department.
16. A record drawing (as-built plan) signed and sealed by a licensed surveyor, including the existing and new benchmarks, shall be submitted to the Department within 30 business days after the completion of work on the site.

17. When uniform perennial vegetative cover has been established with a density of at least 80%, or at the direction of the Department, all temporary erosion control measures must be removed and disposed of properly. Any remaining temporary erosion control devices after this point constitute litter and may be enforced as determined necessary by the Department.

IV. GENERAL CONDITIONS

18. Your acceptance of this plan approval and efforts to begin work on this project signify that you have read, understood and agreed to follow all conditions of this approval.

19. This plan approval does not authorize any work other than what you specifically describe in your application and plans, and as modified by the conditions of this plan approval. If you wish to alter the project or conditions, you must first obtain written approval of the Department.

20. The Department may modify or revoke this plan approval if the project is not completed according to the terms of the plan approval, or if the Department determines the activity is detrimental to the public interest.

21. The approved plans are not transferable and shall become null and void unless the construction is completed within 2 years from the date of this approval. If the project will not be completed by this date, you must submit a written request for an extension prior to the expiration date of the plan approval. Your request must identify the requested extension date and the reason for the extension. An extension may be granted, for good cause, by the Department. You may not begin or continue construction after the original expiration date unless the Department grants a new plan approval or an extension in writing.

22. The Department shall retain jurisdiction during construction for the purpose of monitoring water quality and shall cause the applicant to install such devices or make such modifications to the dam and flowage as may be reasonably necessary to protect water quality and prevent violation of the water quality standards enumerated in Wisconsin Administrative Code, Chapter NR 102. If water quality standards are violated during construction and no feasible method is available to prevent such violation from continuing, the Department shall initiate proceedings for the revocation of the plan approval herein issued.

23. You, your agent, and any involved contractors or consultants may be considered a party to the violation pursuant to Section 31.99, Wisconsin Statutes, for any violation of Chapter 31, Wisconsin Statutes or this permit.

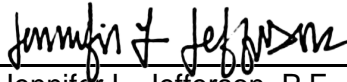
NOTICE OF APPEAL RIGHTS

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 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 file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must 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. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with

section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By  August 21, 2019
Jennifer L. Jefferson, P.E. Dated
Water Management Engineer

8/13/2019

WEIR ON LAKE IROGAMI (PROPOSED)

Located at 44° 04' 04.21" N, 89° 13' 27.62" W

Order 3-LM-95-224 decision by administrative law judge states:

- Top (crest) elevation of **867.66 feet** mean sea level
- maximum discharge of 10 cubic feet per second

per ADS standards, 1 foot minimum cover over 24" HDPE pipe required

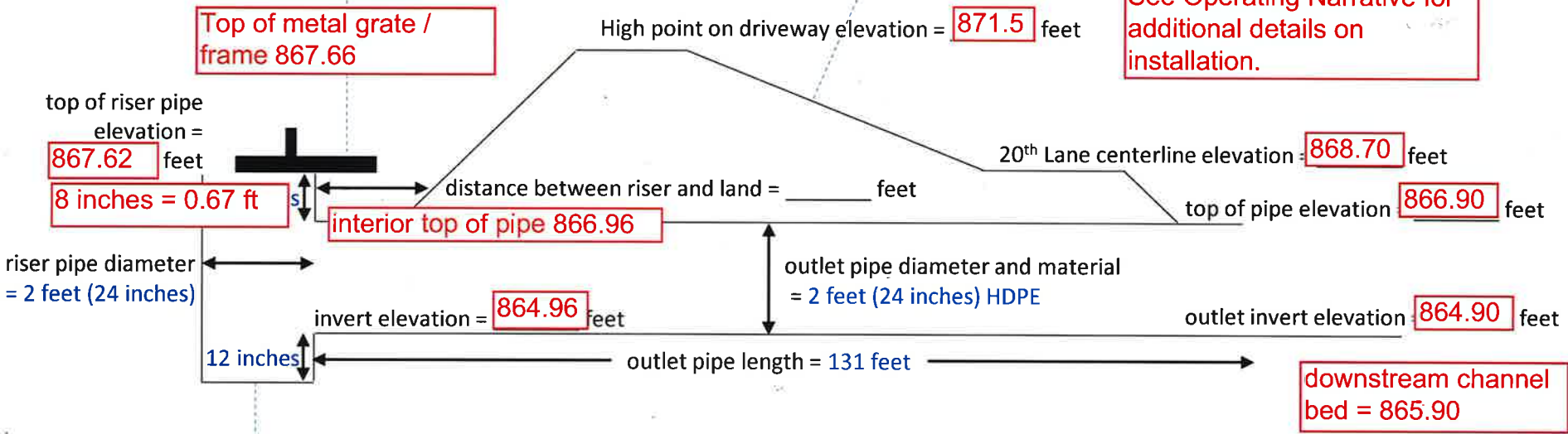
Install minimum two bentonite anti-seep collars ("seals") on horizontal pipe. Bentonite to be formed into circular plug with 18" minimum thickness and extending out 2 feet from outer edge of pipe. One collar shall be located 7 to 10 ft from weir intake, the other one 20 ft downstream of that point.

- Sandbags to be placed across ≈ 5.5 foot wide opening to lake
- Riser area to be dewatered using pump prior to removal

- Attach slide gate and barrier dimensions, describe how gate attached to riser, locking device, etc.
- Attach description of when and how gate is operated
- Describe how flow meter to be used (e.g., model, where measurement taken and recorded, frequency, etc.)

- Describe how driveway will be restored
- Describe which, if any, trees will need to be removed as part of the project

See Operating Narrative for additional details on installation.



Describe connection and base: Fill 12 inches with rock and concrete so that bottom of riser ≈ invert elevation

Note: Drawing NOT to scale