

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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Scott Walker, Governor
Cathy Stepp, Secretary
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July 15, 2015

WP-IP-NE-2015-38-02639

Robert Gehri, Town Chairperson
Town of Beecher
W7971 County Road Z
Pembine, WI 54156

Subject: Dam Plan Approval and drawdown permit for Beecher Lake Dam, Spillway Modifications, Field File #38.44, Dam Key Sequence No. 621, Town of Beecher, and Marinette County.

Dear Mr. Gehri:

We are sending you this Dam Plan Approval and drawdown permit for the spillway modifications and associated work for Beecher Lake Dam. The plans as prepared and stamped by James Brian Hutchison, PE of Foth Infrastructure and Environmental, LLC and dated July 10th, 2015, are hereby approved.

Included in the plan approval is a list of ordered conditions, which must be followed. A copy of the document must be posted for reference at the project site during construction. Please read your plan approval conditions carefully so that you are fully aware of what is expected of you.

Please note that you are required to submit a verified statement to the Department within 10 days after completion of the work stating that it was constructed in accordance with the Plan Approval issued by the Department.

If you have questions about this document, please call me at 920-662-5195.

Sincerely,

Miles A. Winkler, P.E.
Water Management Engineer
Bureau of Watershed Management
miles.winkler@wisconsin.gov

cc. Bill Sturtevant – WI DNR – Madison – WT/3
Robert Rosenberger – WI DNR – Peshtigo
Christopher Long – WI DNR – Peshtigo
Janet Brehm – WI DNR – Peshtigo
Brenda Nordin – WI DNR – Green Bay
James Hutchison – Foth Infrastructure and Environmental, LLC
Chuck Druckrey – Marinette County – Water Resource Specialist
John Lefebvre – Marinette County – Zoning Administrator

BEFORE THE DEPARTMENT OF NATURAL RESOURCES IN THE MATTER of the Permit and Dam Plan Approval for Beecher Lake Dam Spillway Modification, Field File #38.44, Dam Key Sequence No. 621, Town of Beecher, and Marinette County.

FINDINGS OF FACT

1. The project area is located in the NE ¼, of the SE ¼, Section 28, Township 36 North, Range 20 East, Town of Beecher, and Marinette County.
2. The plans and calculations were prepared by James Hutchison, PE of Foth Infrastructure and Environmental, LLC and dated July 10th, 2015.
3. This plan approval includes the authorization for all work associated with the spillway modification and impoundment drawdown.

CONCLUSIONS OF LAW

1. The Department has the authority under Section 31.12, Wisconsin Statutes, and the foregoing Findings of Fact, to issue the plan approval requested, subject to the conditions in the Order which follows.
2. The Department has complied with Section 1.11, Wisconsin Statutes.

PERMIT AND PLAN APPROVAL FOR SPILLWAY MODIFICATIONS

THE DEPARTMENT HEREBY THEREFORE DOES ISSUE AND GRANTS to the applicant, a permit under Section 31.18 (3) and a plan approval under Section 31.12, Wisconsin Statutes, for the Beecher Lake Dam Spillway Modification project located on a portion of an unnamed tributary to the North Branch of the Pike River in the NE ¼ of the SE ¼ of Section 28, Township 36 North, Range 20 East, Town of Beecher, and Marinette County, subject to the Conditions of Approval which hereinafter follow.

CONDITIONS OF APPROVAL

THE DEPARTMENT OF NATURAL RESOURCES THEREFORE ORDERS:

1. You must notify DNR Water Management Engineer Miles Winkler at phone (920) 662-5195 at least 7 days before starting construction and again not more than 5 days after the project is complete.
2. The approved plans are not transferable, and shall become null and void unless the repairs are completed within 2 years from the date the plans were approved.
3. In order to adequately complete the construction as approved, it is necessary that an impoundment drawdown take place. Siphons shall be used for the proposed drawdown as described in the project Narrative and Description dated June 23, 2015. All material and piping used for construction of the siphons must be removed upon completion of the project.

4. This approval permits the drawdown of the impoundment to a maximum drop of 6-feet from normal water levels.
5. The drawdown shall not begin before August 1st and shall be completed by September 25th. The drawdown shall be completed slowly and in phases. No more than 6-inch in any 24 hour period will be allowed for lowering the impoundment. Public Notice of the drawdown shall be provided.
6. The drawdown process shall not cause stranding of aquatic life or lead to the desiccation of any aquatic fish or mussel species.
7. It is required that you monitor the exposed lakebed areas during the drawdown and collect and return immediately to the waterway, any species that may become stranded.
8. The surface water elevation of Beecher Lake shall be returned to normal levels by refilling no earlier than April 15, 2016.
9. The refill rate must allow at least 25% of the natural stream flow to pass downstream.
10. The refill rate must insure a downstream flow of water for the stream bank to bank.
11. The refill rate must not raise Beecher Lake water surface elevation no more than 1 inch in any 8 hour period.
12. The downstream discharge of water at any time during the lake bed work for the low level drain, or after the dredging portion on the project, shall not exceed a daily maximum effluent limitation for suspended solids of 40 mg/L.
13. All equipment used for the project that will enter the water or lake bed shall be decontaminated for invasive and exotic viruses and species prior to use, and again 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 shall not be used on any other waters.
 - a) Inspect and remove aquatic plants, animals, and mud from your equipment.
 - b) Drain all water from your equipment that comes in contact with infested waters, included but not limited to, barges, boats, hoses, sheet steel, and pumps.
 - c) Dispose of aquatic plants, animals, and mud from your equipment.
 - d) Wash your equipment with hot (>104 degree F) and/or high pressure water OR allow your equipment to DRY thoroughly for 5 days.
14. You shall implement and maintain proper soil erosion and sediment control best management practices (BMPs) during and after construction of the project. Erosion and sediment control BMPs shall be accomplished using the guidelines in the Wisconsin Storm Water Technical Standards available via the internet at <http://dnr.wi.gov/topic/stormwater/standards/index.html>. 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.

15. You must not deposit or store any removed materials in any wetland or below the ordinary high watermark of the tributary. All removed or stored materials shall be located outside of any designated floodplain.
16. You are responsible for obtaining any other Local, State, or Federal permit/approvals that may be required.
17. The Department may modify or revoke this 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.
18. You must post a copy of this plan approval at a conspicuous location on the project site, visible from the waterway, for at least five days prior to construction, and remaining at least five days after construction. You must also have a copy of the plan approval and approved plan available at the project site at all times until the project is complete.
19. 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 plan approval and order.
20. Within 30 days after completion of construction, you must submit to the Department photographs taken prior to, during, and after construction to document the work performed. Include on each photo a description and a date that each photo was taken.
21. Record Drawings (as-builds) of the dam submitted under a PE's seal shall be submitted to the Department within two months after completion of the dam work.
22. Site restoration including dormant seeding/erosion matting shall be provided to all disturbed side slope areas. After the site is 80% stabilized, or prior to, at the direction of the Department, all temporary erosion control measures shall be removed and disposed of properly

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.

This decision was mailed on 7/15/2015.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By Miles A. Winkler
Miles A. Winkler, P.E.
Water Management Engineer
Bureau of Watershed Management

