

**State of Wisconsin**  
**DEPARTMENT OF NATURAL RESOURCES**  
2300 N Dr Martin L King Jr Dr.  
Milwaukee, WI 53212

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



Attn: Kimberly McCarter  
N 1611 Shadow Lane  
Linn, WI 53147  
[sent electronically]

IP-SE-2021-65-00235

RE: Permit #IP-SE-2021-65-00235 to dredge Geneva Lake in the Town of LINN, Walworth County

Dear Ms. McCarter:

The Department of Natural Resources has completed its review of your application for a permit to dredge Geneva Lake located in the NE 1/4, NW 1/4, Section 18, Township 01, Range 17E, in the Town of LINN, Walworth County. You will be pleased to know your application is approved.

I am attaching a copy of your permit, which lists the many important conditions that must be followed to protect water quality and habitat. A copy of the permit must be posted for reference at the project site. **Please read your permit conditions carefully so that you are fully aware of what is expected of you.**

Please note one of the conditions requires that you submit photographs of the completed project within 7 days after you've finished construction. This helps both of us to document the completion of the project and compliance with the permit conditions.

Your next step will be to notify me of the date on which you plan to start construction and again your project is complete.

If you have any questions about your permit, please call me at (262) 282-4740 or you can reach me by email at [Theresa.Alvarez@wisconsin.gov](mailto:Theresa.Alvarez@wisconsin.gov).

Sincerely,

Theresa Alvarez  
Water Management Specialist

Email CC:  
U.S. Army Corps of Engineers  
Walworth County Zoning Administrator  
WI DNR Conservation Warden  
WI DNR NR Basin Supervisor  
Town of Linn  
Project Consultant  
Geneva Lake Association  
Geneva Lake Conservancy

**STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES**

**DREDGE PERMIT  
IP-SE-2021-65-00235**

Application of Kimberly McCarter is hereby granted under Section 30.20(2), Wisconsin Statutes, a permit to dredge Geneva Lake located in the NE 1/4, NW 1/4, Section 18, Township 01, Range 17E, in the Town of LINN, Walworth County, subject to the following conditions:

**PERMIT**

1. You must notify Theresa Alvarez by phone at (262) 282-4740 or by email at Theresa.Alvarez@wisconsin.gov before starting construction and again not more than 5 days after the project is complete.
2. You must complete the project as described on or before 5/29/2026. If you will not complete the project by this date, you must submit a written request for an extension **prior** to expiration of the initial time limit specified in the permit. Your request must identify the requested extension date. The Department shall extend the time limit for an individual permit or contract for no longer than an additional 5 years if you request the extension before the initial time limit expires. You may not begin or continue construction after the original permit expiration date unless the Department extends the permit in writing or grants a new permit.
3. This permit does not authorize any work other than what you specifically describe in your application and plans, and as modified by the conditions of this permit. If you wish to alter the project or permit conditions, you must first obtain written approval of the Department.
4. Before you start your project, you must first obtain any permit or approval that may be required for your project by local zoning ordinances and/or by the U.S. Army Corps of Engineers. You are responsible for contacting these local and federal authorities to determine if they require permits or approvals for your project. These local and federal authorities are responsible for determining if your project complies with their requirements.
5. Upon reasonable notice, you shall allow access to your project site during reasonable hours to any Department employee who is investigating the project's construction, operation, maintenance or permit compliance.
6. The Department may modify or revoke this permit for good cause, including if the project is not completed according to the terms of the permit or if the Department determines the activity is detrimental to the public interest.
7. **You must post a copy of this permit 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 permit and approved plan available at the project site at all times until the project is complete.
8. Your acceptance of this permit and efforts to begin work on this project signify that you have read, understood and agreed to follow all conditions of this permit.
9. You must **submit a series of photographs** to the Department, within one week of completing work on the site. The photographs must be taken from different vantage points and depict all work authorized by this permit.
10. You, your agent, and any involved contractors or consultants may be considered a party to the violation pursuant to Section 30.292, Wis. Stats., for any violations of Chapter 30, Wisconsin Statutes, or this permit.
11. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters. Erosion control measures (such as silt fence and straw bales) must meet or exceed the technical standards of ch. NR 151, Wis. Adm. Code. The technical standards are found at: [http://dnr.wi.gov/topic/stormwater/standards/const\\_standards.html](http://dnr.wi.gov/topic/stormwater/standards/const_standards.html).
12. All equipment used for the project including but not limited to tracked vehicles, barges, boats, 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 must 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 other non-infested waters.

1. **Inspect and remove** aquatic plants, animals, and mud from your equipment.
2. **Drain all water** from your equipment that comes in contact with infested waters, including but not limited to tracked vehicles, barges, boats, hoses, sheet pile and pumps.
3. **Dispose** of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.
4. **Wash your equipment** with hot (>140° F) and/or high-pressure water,  
- OR -  
Allow your equipment to **dry thoroughly for 5 days.**

#### **DREDGING SPECIFIC CONDITIONS**

13. All of the removed materials must be placed in the location shown on applicant's plan submitted to on 1/22/2021 and approved by the Department.
14. This permit complies with the substantive requirements of s. 23.24, Stats. and NR 109, Adm. Code.
15. Bottom materials must be removed by equipment, which is designed to minimize the amount of sediment that can escape into the water. Equipment must be properly sized so that excavation conforms to the plans submitted and allows the work to be done from the banks rather than in the waterway.
16. During excavation of the trench, earth must be stockpiled in an upland area separated from the stream by a protective, vegetated buffer strip not less than 50 feet in width or a silt screen. If not stockpiled, dredged material must be placed in a sealed, watertight truck.
17. Trucks used to haul contaminated material off-site must be sealed, watertight, and covered, and the tires clean to prevent the spread of contaminants to public roads. Public roads must be kept clean and free of contaminated material, per the Stone Tracking Pad/Tire Washing Technical Standard 1057.
18. Removal must not exceed 321 cubic yards as specified in the application and plans submitted to the Department on 1/22/2021.
19. When the utility installation is complete, the stream bed contours must be the same as the pre-construction contours.
20. You are required to install a turbidity curtain in the waterway around your project as shown on the approved plans submitted on 1/22/2021.
21. You must dredge to the dimensions and elevations shown on your approved plans submitted on 1/22/2021
22. You must not deposit or store any of the removed materials in any wetland or below the ordinary high watermark of any waterway. All removed materials must be placed out of the floodway of any stream.
23. You must place all removed materials in the location shown on the approved plans submitted 1/22/2021. The location approved, Odling Construction must ensure no materials enter any nearby navigable waterway, specifically Southwick Creek. If prevention cannot be guaranteed the applicant shall contact the Department to consider another approvable site in which case this permit will be amended to show the approved change.
24. To protect fish spawning, no in-water work is to be completed between ice-out or March 15th (whichever is earlier) and June 1st on an annual basis, as described in the submitted application materials.
25. This permit is approved and valid if all items are met, completion and signature of the Solid Waste Exemption Letter is submitted to the Department, and verification if WPDES permitting are obtained if required with the Department.
25. A copy of the plans and permit must be provided to every contractor working on the project.

### **FINDINGS OF FACT**

1. Kimberly McCarter, N 1611 Shadow Lane, Linn, WI 53147, filed an application with this Department on 01/22/2021, under sections 30.20(2) and 30.208, Wisconsin Statutes, to dredge Geneva Lake located in the NE 1/4, NW 1/4, Sec. 18, T. 01, R. 17E, Town of LINN, Walworth County.
2. The applicant proposes to dredge 321 cu yd of lakebed and built-up sediment by then removing and relocating dredged materials to an approved off-site disposal site.
3. The Department has completed an investigation of the project site and has evaluated the project as described in the application and plans.
4. Geneva Lake is a navigable water (and no bulkhead exists at the project site).
5. The proposed project, if constructed in accordance with this permit will not adversely affect water quality, will not increase water pollution in surface waters and will not cause environmental pollution as defined in s. 283.01(6m), Wis. Stats.
6. The proposed project will not impact wetlands if constructed in accordance with this permit.
7. The Department of Natural Resources has determined that the agency's review of the proposed project constitutes an equivalent analysis action under s. NR 150.20(2), Wis. Adm. Code. The Department has considered the impacts on the human environment, alternatives to the proposed projects and has provided opportunities for public disclosure and comment. The Department has completed all procedural requirements of s. 1.11(2)(c), Wis. Stats., and NR 150, Wis. Adm. Code for this project.
8. The Department of Natural Resources and the applicant have completed all procedural requirements and the project as permitted will comply with all applicable requirements of Sections 30.20 and 30.208, Wisconsin Statutes and Chapters NR 102, 103, and 345 of the Wisconsin Administrative Code.
9. The structure or deposit will not be detrimental to the public interest because proper BMPs will be in place during construction and properly sealed trucks will transport dredged materials to an approved off-project site that will not be near nor release materials into any navigable waterway.
10. The activity will not cause environmental pollution as defined in s. 299.01(4).
11. No material injury will result to the riparian rights of any riparian owners of real property that abuts any water body that is affected by the activity.

### **CONCLUSIONS OF LAW**

1. The Department has authority under the above indicated Statutes and Administrative Codes, to issue a permit for the construction and maintenance of this project.

### **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 shall 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 shall name the Department of Natural Resources as the respondent.

To request a contested case hearing of any individual permit decision pursuant to section 30.209, 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, P.O. Box 7921, Madison, WI, 53707-7921. The petition shall be in writing, shall be dated and signed by the petitioner, and shall include as an attachment a copy of the decision for which administrative review is sought. If you are not the applicant, you must simultaneously provide a copy of the petition to the applicant. If you wish to request a stay of the project, you must provide information, as outlined below, to show that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment. If you are not the permit applicant, you must provide a copy of the petition to the permit applicant at the same time that you serve the petition on the Department.

**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.**

A request for contested case hearing must meet the requirements of section 30.209, Wis. Stats., and sections NR 2.03, 2.05, and 310.18, Wis. Admin. Code, and if the petitioner is not the applicant the petition must include the following information:

1. A description of the objection that is sufficiently specific to allow the department to determine which provisions of this section may be violated if the proposed permit or contract is allowed to proceed.
2. A description of the facts supporting the petition that is sufficiently specific to determine how the petitioner believes the project, as proposed, may result in a violation of Chapter 30, Wis. Stats.
3. A commitment by the petitioner to appear at the administrative hearing and present information supporting the petitioner's objection.

If the petition contains a request for a stay of the project, the petition must also include information showing that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment.

Dated at the Southeast Region Headquarters, Wisconsin on May 29, 2021.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
For the Secretary



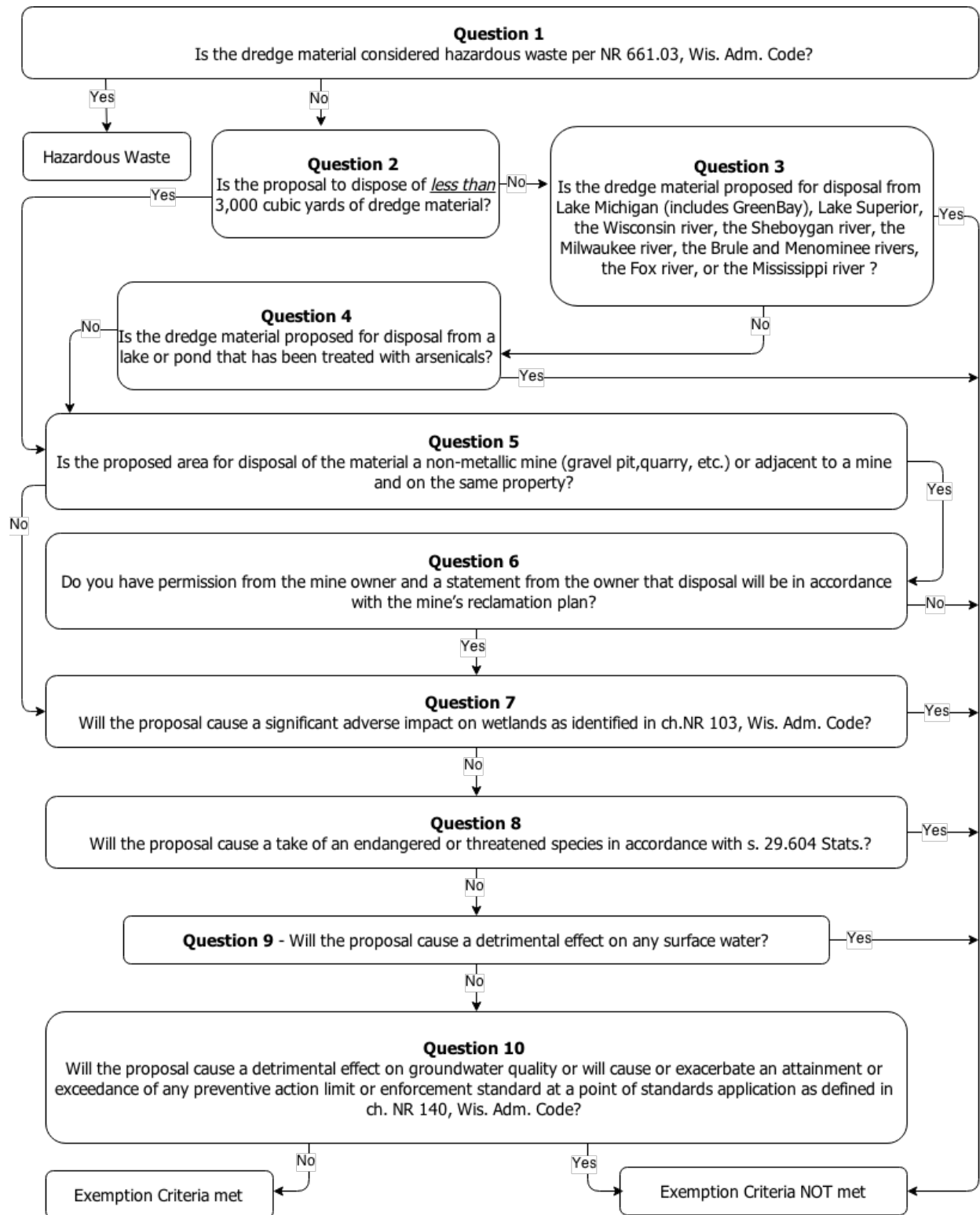
Theresa Alvarez, Water Management Specialist

## Dredge Material Disposal in accordance with s. NR 500.08(3), Wis. Adm. Code

Dredge material is considered solid waste in Wisconsin, thus proper disposal is an important part of a successful dredging project. Dredging permits are issued by the [DNR Waterways Program](#). As explained below, facilities for the disposal of most dredge material are exempt from licensing and plan review requirements by the WDNR's Waste and Materials Management Program.

[S. NR 500.08\(3\), Wis. Adm. Code](#), lists several types of facilities for disposal of dredge material which are exempted by rule. For those facilities that qualify for this exemption, any Department requirements for disposal would be exercised through the dredging permit. To document that your proposed disposal facility meets the exemption criteria, a certification statement is included below that you can provide as part of your dredging application to the Waterways Program. If your proposed facility does not meet the criteria, disposal options are included in "Exemption Criteria Not Met", below.

To determine whether your facility meets the exemption criteria, answer the series of questions below. Most questions have clarifying information following the flow chart.



### Question 1 - Hazardous Waste

Dredge material is considered [hazardous waste](#) if it meets criterion in s. NR 661.03, Wis. Adm. Code. Rarely has dredge material been found that was considered hazardous waste.

However, dredge material from a site that has had a spill or a release from certain activities could be considered hazardous. A facility for disposal of dredge material that is hazardous waste is not eligible for exemption under s. NR 500.08(3), Wis. Adm. Code. The dredge material must be disposed of in accordance with hazardous waste requirements. If you have dredge material that is hazardous waste, or do not know, please contact the [Hazardous Waste Program](#).

### Question 3 – Exempt Water Bodies

The water bodies listed in Question 3 are considered the most likely to contain contaminated sediment. Accumulative disposal of dredged material, at a facility located on single property, of less than 3,000 cubic yards from these waters is exempt if all other exemption criteria are met. A facility where the accumulative disposal of 3,000 cubic yards or more from those waters is not exempt. A facility for disposal of any amount of sediment from waters not listed in Question 3 is exempt if all other exemption criteria are met.

### Question 4 – Arsenic

Facilities for the disposal of dredge material from Lakes and ponds that have been treated with arsenicals are not eligible for exemption under s. NR 500.08(3), Wis. Adm. Code. Arsenic compounds were used in lakes and ponds as herbicide from approximately 1950 to 1970. If you are proposing to dredge material from a lake or pond that has not been recently dredged you should consider the possibility of encountering arsenic contaminated sediment.

### Questions 5 & 6 - Nonmetallic Mines

With few exceptions every mine in Wisconsin has an approved reclamation plan and permit. Any disposal of material in, or on the mine property, must be done in accordance with the mine's reclamation plan. Contact the mine owner for more information.

If the proposed use of the material is for fill in or at a non-metallic mine (gravel pit, quarry, etc.) you must include in your dredging application a statement that the proposed dredge material disposal would be in accordance with the mine's reclamation plan.

### Question 7 - Significant adverse impact on wetlands

If you're not sure if your proposed facility may cause an impact a wetland area, please see our on-line resources - <http://dnr.wi.gov/topic/wetlands/locating.html> If there is a wetland on or near the proposed facility, a 100 feet separation between the facility and a wetland area is considered a good rule of thumb. Conditions such as a steep slope between the facility and the wetland area could require a greater separation to prevent impacts.

### Question 8 - Take of an endangered or threatened species

If you're not sure if your proposed facility may cause an impact of an endangered or threatened species, please use the National Heritage Inventory (NHI) [screening tool](#) to determine if the facility would have the potential to impact endangered resources. The NHI Public portal is an online tool that provides users with an instant response and documented preliminary assessment regarding whether or not a full Endangered Resources Review is necessary to ensure compliance with Wisconsin's Endangered Species Law.



#### Question 9 - Detrimental effect on any surface water

If you're not sure if your proposed facility will cause an impact to a surface water body, please use this online [mapping tool](#) to record any surface water near the facility. 300 feet between the facility and a surface water body is considered a good rule of thumb. However conditions such as a steep slope between the facility and the water body could require a greater separation to prevent impacts.

#### Question 10 - Detrimental effect on groundwater quality

The effect that a facility for disposal of dredge material may have on groundwater quality will depend on several factors, including any contaminants and their concentrations found in the dredged material, the leaching potential of the dredged material, the underlying soil type at the disposal location, the depth to groundwater and the way the material is disposed (e.g. covered with clean soil, pavement or clay).

NOTE – If you had samples of the dredge material analyzed before (or after) dredging, and before disposal, those results can be used to estimate the amount of any contamination that might dewater or be leached from the dredge material after disposal.

To help evaluate if any contaminants in the dredge material would have the potential to impact groundwater the department provides a [calculator](#). On the web page click on the “Soil RCLs” tab, then click on “RCL spreadsheet for use with macro-enabled Excel program” under item 2. The calculator opens as an Excel Spreadsheet. Please make sure the spreadsheet is expanded to full screen and you see the tabs along the bottom, then click the “GW RCLs” tab. Enter the results of the testing under “INPUT NUMERIC SOIL (column K) for each parameter you have test results for. If the calculator indicates potential for groundwater contamination, further evaluation of the proposed site and/or the dredge material will be necessary.

#### Exemption Criteria Not Met

If your proposed facility does not meet the exemption criteria, a few disposal options exist. Most [landfill facilities \(see Landfill Lists\)](#) will accept dredge material. There are also a few facilities in northeast Wisconsin that are approved to accept only dredge material: BayPort in Green Bay operated by Brown County, Kewaunee Confined Disposal Facility operated by the US Army Corps of Engineers, and a site in Sturgeon Bay operated by Sturgeon Bay Utilities.

Another option could be disposal in accordance with a low-hazard waste grant of exemption (LHWGE) issued by the Waste and Materials Management Program. The DNR charges a fee of \$550 to review low-hazard waste grant of exemption requests. Also, the DNR is required to hold a public meeting prior to issuing an approval to dispose of dredged material.

#### Exemption Criteria Met

Your facility for dredge material disposal qualifies for an exemption under s. NR 500.08(3), Wis. Adm. Code. Please sign the statement below and include it with a dredging permit application to the Waterways Program.

I, \_\_\_\_\_ certify that I have read the questions regarding dredge material disposal, answered them appropriately, and my project is considered exempt.