

**State of Wisconsin**  
**DEPARTMENT OF NATURAL RESOURCES**  
225051 Rib Mountain Drive  
Wausau, WI, 54401

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



May 27, 2022

Lake Geneva Highlands Association  
Attn: Doug Gullang  
PO Box 408  
Geneva, IL 60134  
[sent electronically]

**IP-SE-2022-65-01173**

Dear Mr. Gullang:

The Department of Natural Resources has completed its review of your application for a permit to replace an existing seawall on Geneva Lake located in the NE 1/4 of SE 1/4, Section 08, Township 01 North, Range 17 East, 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 you are required to 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 after your project is complete.

If you have any questions about your permit, please call me at (715) 596-0110 or email [lane.loveland@wisconsin.gov](mailto:lane.loveland@wisconsin.gov).

Sincerely,

Lane Loveland  
Water Management Specialist

Email cc:

U.S. Army Corps of Engineers/Project Manager  
Geneva Lake Association, INC  
Geneva Lake Conservancy  
Geneva Lakes Environmental Agency  
Lake Geneva Highlands Association – Bill Lynch  
Walworth County LURM  
Reeds Construction, LLC – Jeff Reed.

**STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES**

**SHORE PROTECTION PERMIT  
IP-SE-2022-65-01173**

Doug Gullang is hereby granted under Section 30.12(3m), Wisconsin Statutes, a permit to replace an existing seawall on Geneva Lake located in the NE 1/4 of SE 1/4, Section 08, Township 01 North, Range 17 East, in the Town of Linn, Walworth County, subject to the following conditions:

**PERMIT**

1. You must notify Lane Loveland at phone (715) 596-0110 or email 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 May 27, 2025**. 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 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**.

### **SPECIFIC SHORELINE PROTECTION CONDITIONS**

13. To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, construction may not occur from March 1st through June 15th for all waters.

14. A synthetic filter cloth or gravel filter layer must be installed behind the wall and a layer of clean fieldstone rock must be installed on the waterward side of the wall to protect the toe from scour. The toe protection rock layer must be anchored or keyed into the bed of the waterway and must extend at least 1 ft up the wall and 1.5 ft waterward. In addition, please note that all grading and excavation must be confined to the square feet allowed by local ordinance.

15. Banks and other erodible areas must be riprapped, seeded, mulched or sodded to prevent erosion. Temporary and final erosion control measures are to be installed immediately and must be kept in place until site stabilization is completed. Temporary erosion control measures such as straw bales and silt fences must be put in place prior to any precipitation or if work ceases for longer than 24 consecutive hours.

16. Disturbance of bank vegetation must be kept to a minimum during construction. Any vegetative removal must comply with local zoning regulations.

17. The seawall must be constructed to conform as nearly as possible to the existing shoreline contours. The ends of the seawall must be protected with a layer of rock tied into the bank to prevent flanking of the wall. No extension of uplands into the lake is permitted as part of this activity.

18. A copy of plans and the permit are to be provided to each contractor working on the project.

19. You must place a turbidity curtain around the perimeter of the project area prior to beginning demolition. The turbidity curtain shall be in place through the completion of construction.

### **FINDINGS OF FACT**

1. Doug Gullang has filed an application with this Department under sections 30.12(1) and 30.208 Wisconsin Statutes, to install and replace a previously existing seawall located in the NE 1/4 of SE 1/4, Section 08, Township 01 North, Range 17 East, in the Town of Linn, in Walworth County.

2. The Department has evaluated the project as described in the application and plans and it appears the site has had an existing seawall for an extended period of time.

4. Geneva Lake is a navigable waterbody.

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 integrated 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 has completed all procedural requirements and the project as permitted will comply with all applicable requirements of Sections 30.12(1) and 30.208, Wisconsin Statutes and Chapters NR 102, 103, and of the Wisconsin Administrative Code.

The applicant was responsible for fulfilling the procedural requirements for publication of notices under s. 30.208(5)(c)1m., Stats., and was responsible for publication of the notice of pending application under s.30.208(3)(a), Stats. or the notice of public informational hearing under s.30.208(3)(c), Stats., or both. S. 30.208(3)(e), Stats., provides that if no public hearing is held, the Department must issue its decision within 30 days of the 30-day public comment period, and if a public hearing is held, the Department must issue its decision within 20 days after the 10-day period for public comment after the public hearing. S. 30.208(5)(bm), Stats., requires the Department to consider the date on which the department publishes a notice on its web site as the date of notice.

9. The structure or deposit will not materially obstruct navigation because it located along the shoreline and is shallower than the line of navigation.

10. The structure or deposit will not be detrimental to the public interest because it is a direct replacement of an existing seawall that is already in place and appears to have been in place for an extended period of time.

11. The structure or deposit will not materially reduce the flood flow capacity of the navigable waterbody because it will be replaced within the existing footprint of the existing structure.

#### 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 Wausau Service Center, Wisconsin on May 27, 2022.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
For the Secretary

By:



Lane Loveland  
Water Management Specialist