State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Waukesha Service Center
141 Barstow Street, Room 180
Waukesha WI 53188

Scott Walker, Governor
Dan Meyer, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

Permit #: SE-2018-65-0385 Waterbody Name: Delavan Lake

Date: 4/04/18 Contact Person: Charlie Handel

Subject: Aquatic Plant Management Permit Application

Dear Charlie

Enclosed is your approved permit for the chemical treatment of aquatic plants in Delavan Lake. The proposed treatment is a maximum of 58.09 acres.

This permit has been issued in accordance with Wisconsin Administrative code NR 107. Aspects of this permit may not be changed without prior approval of the Department of Natural Resources. Issuance of this permit is not an endorsement for the action authorized. Notification by email is required. Please note the permit conditions below.

Lake Specific Permit Conditions: (**All checked conditions apply to this permit**)

☒ The use of some product's specific formulations have been denied due to the potential effects on special concern, threatened or endangered species that may be present at the treatment area, or in proximity that migration to the treatment area is possible. These species may have been recently found in the area or research has shown impacts to these species from a product. Please consult product label for specific formulations.

☒ Herbicide applications may be limited in areas where high value native aquatic plants (such as native pondweeds, native milfoils, water shield, water lilies, bulrush, water celery, bladderwort, naiads, crowfoot, etc) are more abundant than Eurasian watermilfoil, curly-leaf pondweed, or coontail.

☐ Treatment may not occur in the DNR designated sensitive area.

☐ Herbicide applications to treat aquatic exotic species may be allowed in Sensitive Areas if there is no potential damage to native species present. These areas can be seen on the attached Sensitive Area map for _____.

☐ The herbicides _____ may not be used.

☐ Treatment must occur in the spring when Eurasian watermilfoil is actively growing (2 to 4 inches of green tips).

☐ Results of the pretreatment aquatic plant survey and proposed treatment areas must be submitted to Lakes Biologist Heidi Bunk (Heidi.Bunk@wi.gov) a minimum of _____ working days prior to anticipated treatment.

☒ You must notify Lakes Biologist Heidi Bunk by e-mail (Heidi.Bunk@wi.gov) a minimum of 4 working days prior to anticipated treatment to schedule supervision.

☒ Hydrothol 191 may only be applied at a concentration of 0.3 ppm or less.

☐ Reward may only be applied at a concentration of 0.37 mg/L or less.

☐ The herbicide _____ may only be applied at a concentration of _____ or less.

☐ The herbicide _____ may only be applied at a concentration of _____ or less.

☒ The herbicide(s) Depthcharge _____ may not be applied until the registration process with DATCP is complete.

General Permit Conditions: (**All conditions apply to this permit**)

☒ The permit holder, per NR107.08(8), shall submit the Aquatic Plant Management Treatment record for treatment as follows:

A. Immediately, if any unusual circumstances occur during treatment.
B. Within 30 days, if treatment occurs.
C. By October 1 of this year if no treatment occurred.

☒ A copy of the permit application must be provided to riparian property owners in and adjacent to the treatment area before the treatment may occur. The application may be provided by US mail, e-mail, or a US mail postcard directing the property owner to a public website that has posted the permit application.

☒ Treatment concentration cannot exceed maximum recommended dosage for target species, as listed on the product label.

☒ All equipment used in the lake must be sanitized before entering waters of the state and must abide by all provisions of NR 40.

☒ Posting signs shall be placed on each individual property in and adjacent to the treatment area. These posting signs shall clearly indicate which properties have and have not had treatment in front of their riparian property. A posting sign shall also be provided at the public boat launch, which will include a map of the treatment area.

☒ Application is restricted to the permitted area as shown on the map included in the permit application.

Any chemical treatments or locations not described in this application will require an additional permit from the Department. Future permit applications will be evaluated based on the information at that time.

Please feel free to contact me by email at Heidi.Bunk@wi.gov if you have any questions.

Sincerely,

Heidi Bunk

Heidi Bunk
Lakes Biologist

State of Wisconsin DNR
DNR Department of Natural Resources
Water Permit Central Intake – attn. APM
PO Box 7185
Madison, WI 53707-7185

Chemical Aquatic Plant Control Application and Permit
Wisconsin Pollutant Discharge Elimination System (WPDES)
Pesticide Pollutant Permit Application

Form 3200-004 (R 02/17)

Notice: Use of this form is required by the Department for any application filed pursuant to s. 281.17(2), Wis. Stats., and Chapters NR 107, 200 and 205, Wis. Adm. Code. This permit application is required to request coverage for pollutant discharge into waters of the state. Personally identifiable information on this form may be provided to requesters to the extent required by Wisconsin's Open Records Law [ss. 19.31-19.39, Wis. Stats.].

DNR Use Only	
ID Number: SE-2018-05-03 85	Permit Expiration Date: 11/01/2018
Waterbody #: 793600	Fee Received: $127.00

Section I – Applicant Information – Name of Permit Applicant. Also indicate names and addresses of all individuals, associations, communities or town sanitary districts sponsoring treatment. Attach additional sheets if necessary.

Home Address

Name: Delavan Lake Sanitary District
Street Address: 2990 County Road F South
City: Delavan | State: WI | Zip: 53115

Waterbody Address

Name: Delavan Lake Sanitary District
Street Address: 2990 County Road F South
City: Delavan | State: WI | Zip: 53115

Phone Number (include area code)
Primary: 262-728-4100 x | Secondary: 262-749-6303

Email Address: charlie@dlsd.org

Section II – Aquatic Plant Control Location

Water body to be Treated (water body where treatment area is located): Delavan Lake

Lake Surface Area: 2,072.00 acres

Estimated Surface Area that is 10 Feet or Less in Depth: 700.0 acres

County: Walworth | Section: 28 | Township: 02 | Range: 16 (◉ E ○ W)

Name of Applicator or Firm: Lake and Pond Solutions

Latitude: 42.6045 | Longitude: -88.609

Street or Route: W4950 County Road A

City: Elkhorn | State: WI | Zip: 53121

Is there more than one property owner? ◉ Yes ○ No
Is there surface water discharge? ◉ Yes ○ No
Does the water body have public access? ◉ Yes ○ No
If all are no the it is considered to be a private pond

Adjacent Riparian Owner Names
1. Type Name Here
2. See Attached

County: Walworth | Phone Number (include area code): 262-742-2600 x

Email Address: roy@lakeandpondsolutions.com

Applicator Certification Number for Category 5 Aquatic Pesticide Application: 46548,65667,m87910,92331,47905,75983

Business Location License Number (if applicable): 93-011101-014739

Name of Lake Property Owners' Association Representative or Lake District Representative (if none, please indicate):

Restricted Use Pesticide License Number (if applicable):

Area(s) Proposed for Control: (Note details in permit cover letter for final permitted sizes of treatment areas.)

Treatment Length		Treatment Width			Estimated Acreage		Average Depth		Calculated Volume	
1,400	ft. x	60	ft. ÷ 43,560 ft² =		1.93	ac	4	ft =	7.71	ac-ft
1,660	ft. x	50	ft. ÷ 43,560 ft² =		1.91	ac	4	ft =	7.62	ac-ft
1,025	ft. x	50	ft. ÷ 43,560 ft² =		1.18	ac	3	ft =	3.53	ac-ft
4,076	ft. x	150	ft. ÷ 43,560 ft² =		14.04	ac	4	ft =	56.14	ac-ft
3,180	ft. x	100	ft. ÷ 43,560 ft² =		7.30	ac	3	ft =	21.90	ac-ft
7,500	ft. x	150	ft. ÷ 43,560 ft² =		25.83	ac	1	ft =	25.83	ac-ft
12,887	ft. x	20	ft. ÷ 43,560 ft² =		5.92	ac	1	ft =	5.92	ac-ft
				Estimated Acreage	58.09	ac		Calculated Volume	128.65	ac-ft

Grand Total	Grand Total

If the estimated acreage is greater than 10 acres, or is greater than 10 percent of the estimated area 10 feet or less in depth in Section II, complete and attach Form 3200-004A, Large-Scale Treatment Worksheet. Private pond treatments are exempted from this requirement.

Is the area with in or adjacent to a sensitive area designated by the Department of Natural Resources. ◉ Yes ○ No	**DNR Use:** NHI Review? ☐ Yes ☐ No Describe:

Section III - Fees

1. s. NR 107.11(1), Wis. Adm. Code, lists the conditions under which the permit fee is limited to the $20 minimum charge.
2. s. NR 107.11(4), Wis. Adm. Code, lists the uses that are exempt from permit requirements.
3. s. NR 107.04(2), Wis. Adm. Code, provides for a refund of acreage fees if the permit is denied or if no treatment occurs.
4. Fee calculations: If Proposed treatment is over 0.25, calculate acreage fee:
(round up to nearest whole acre, to maximum of 50 acres)

58.09 acres X $25 per acre = $ $1,250.00

If proposed treatment is less than 0.25 acre, acreage fee is $0

Acreage Fee (from above)	$ 1,250.00
Basic Permit Fee (non-refundable)	$ 20.00
Total Fee Enclosed	$ 1,270.00

Site Map: Attach a sketch or a printed map of lake indicating area and dimensions of each individual area where plant control is desired and flow of surface water outside treatment area. Also show location of property owners riparian to and adjacent to the treatment area. Attach a separate list of owners and corresponding treatment dimension coded to the lake map, if necessary.

Section IV - Reasons for Aquatic Plant Control

Is this permit being requested in accordance with an approved Aquatic Plant Management Plan? ◉ Yes ○ No

Treatment Type
◉ Lake ○ Pond ○ Wetland ○ Marina ○ Other

Goal of Aquatic Plant Control:	Nuisance Caused By:
☑ Maintain navigation channel	☑ Algae
☑ Maintain boat landing and carry in access	☐ Emergent water plants (majority of leaves & stems growing above water surface, e.g. cattail, bulrushes)
☑ Improve fish habitat	☑ Floating water plants (majority of leaves floating on water surface, e.g., water lilies, duckweed)
☑ Maintain swimming area	☑ Submerged water plants (leaves & stems below surface, flowering parts may be exposed: milfoil, coontail)
☑ Control of invasive exotics	☐ Other
☐ Other	

List Target Plants

Note: Different plants require different chemicals for effective treatment. Do not purchase chemical before identifying plants.

Filamentous Algae, Eurasian Water Milfoil, Curly-Leaf Pondweed, Coontail, Duckweed, Water Pennywort, Scared Lotus

Section V - Chemical Control

Alternatives to Chemical Control:	Feasible?	If No, Why Not?
1. Mechanical harvesting	○ Yes ◉ No	Shallow water/shoreline makes mechanical harvesting difficult
2. Manual removal	◉ Yes ○ No	
5. Sediment screens/covers	○ Yes ◉ No	Too costly/would not promote beneficial plant growth
6. Dredging	○ Yes ◉ No	Too costly
7. Lake drawdown	○ Yes ◉ No	Studies have shown detrimental effects to nutrient loading
8. Nutrient controls in watershed	◉ Yes ○ No	
9. Other:	○ Yes ◉ No	No other control known

Note: If proposed treatment involves multiple properties, consider feasibility of EACH alternative for EACH property owner.

If you checked yes to any of the alternatives listed above, please explain your decision to use chemical controls:

We will continue to do some hand pulling and hand cutting in select areas, but we would be unable to target the whole shoreline or all the plants with this method. Nutrient controls are in place through use of upstream sediment basin and limits on phosphorous use. Additional

Trade Name of Proposed Chemical(s)
See attached

Method of Application: Commercial Blower/backpack sprayer/2" commercial ...

Will surface water outflow and/or overflow be controlled to prevent chemical loss? ○ Yes ◉ No

Have the proposed chemicals been permitted in a prior year on the proposed site? ○ All ◉ Some ○ None

What were the results of the treatment?

Past chemical treatments helped reduce nuisance algae and duckweed accumulations. This allowed improvements to public and private boating access as well as improved swimming conditions. Past treatments also limited the spread of invasive exotic species. These species are still present and we will continue to target them.

For private ponds and wetlands please ignore the next question

Is the treatment area greater than 5% of surface area? ○ Yes ◉ No

If yes, calculate whole lake concentration (in ppm). Refer to DNR Lake pages http://dnr.wi.gov/lakes to answer the following:

Does the lake stratify? ○ Yes ○ No

If yes, calculate whole lake concentration using volume above thermocline.
If no, calculate whole lake concentration using total lake value

Whole Lake Concentration _____ ppm

Note: Chemical fact sheets for aquatic pesticides used in Wisconsin are available from the Department of Natural Resources upon request.

Section VI- Applicant Responsibilities and Certification

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 and the surface area in acres or square feet for each proposed algae treatment.

2 The applicant understands that the Department of Natural Resources may require supervision of any aquatic plant management project involving chemicals. Under s.NR 107.07 Wis. Adm. Code, supervision may include inspection of the proposed treatment area, chemicals and application equipment before, during or after treatment. The applicant is required to notify the regional office 4 working days in advance of each anticipated treatment with the date, time, location and size of treatment unless the Department waives this requirement. Do you request the Department to waive the advance notification requirement?

◉ Yes ○ No

3 The applicant agrees to comply with all terms or conditions of this permit, if issued, as well as all provisions of Chapter NR 107, Wis. Adm. Code. The required application fee is attached.

4 The applicant has provided a copy of the current application to any affected property owners' association inland Lake District and, in the case of chemical applications for rooted aquatic plants, to all owners of property riparian or adjacent to the treatment area. The applicant has also provided a copy of the current chemical fact sheet for the chemicals proposed for use to any affected property owner's association or inland Lake District.

5 Conditions related to invasive species movement. The applicant and operator agree to the following methods required under s.NR 109.05(2), Wis. Adm. Code for controlling, transporting and disposing of aquatic plants and animals, and moving water:

- Aquatic plants and animals shall be removed and water drained from all equipment as required by s.30.07, Wis. Stats., and ss. NR 19.055 and 40.07, Wis. Adm. Code.
- Operator shall comply with the most recent Department-approved 'Boat, Gear, and Equipment Decontamination and Disinfection Protocol', Manual Code #9183.1, available at http://dnr.wi.gov/topic/invasives/disinfection.html

☐ Check if you are signing as Agent for Applicant.
I hereby certify that the above information is true and correct and that copies of this application have been provided to the appropriate parties named in Section II and that the conditions of the permit and pesticide use will be adhered to.

All portions of this permit, map and accompanying cover letter must be in possession of the chemical applicator at the time of treatment. During treatment all provisions of Chapter NR 107 107.07 and NR 107.08, Wis. Adm. Code, must be complied with, as well as the specific conditions contained in the permit cover letter.

Section VII - WPDES Permit Request

Is WPDES coverage being requested? Refer to http://dnr.wi.gov/topic/wastewater/aquaticpesticides.html for more information.

◉ No ○ Yes - complete section VII with signature.

○ Already have WPDES
◉ WPDES coverage not needed

Select which permit you are requesting:
○ WI-0064556-1 Aquatic Plants, Algae & Bacteria
○ WI-0064564-1 Aquatic Animals
○ WI-0064581-1 Mosquitoes & other Flying Insects

Indicate WPDES permittee responsible for the pollutant discharge: ○ Applicator ○ Sponsor

Do you expect the pest control activity will result in a detectable pollutant discharge to waters of the state beyond the treatment area boundary or a pollutant residual in waters of the state after the treatment project is completed? ○ Yes ○ No
If yes, identify the pollutant(s):

Are you planning to incorporate integrated pest management principles, as specified in the WPDES permit, into your pest control activity to minimize any pollutant residual or pollutant discharge beyond the treatment area? ○ Yes ○ No

Type of WPDES coverage being requested: ○ One Treatment Site ○ Statewide Coverage

For informational purposes, select areas of WI for most of your aquatic treatments: ☐ NE ☐ NW ☐ SW ☐ SE

Is WPDES coverage being requested for more than 1 year? ○ Yes ○ No
If yes, the permittee will remain in "active" WPDES status until a Notice of Termination is submitted

Section VIII – Permit to Carry Out Chemical Treatment (Leave Blank – DNR Use Only)

The foregoing application is approved. Permission is hereby granted to the applicant to chemically treat the waters described in the application during the season of 20 18.

Application fee received?

☒ Yes ○ No

Advance notification of treatment required?

☒ Yes ○ No

State of Wisconsin
Department of Natural Resources
For the Secretary

By Heidi Bur
Regional Director or Designee

4/04/18
Date Signed

4/04/18
Date Mailed

Please Note:

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.

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 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.

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

To request a contested case hearing pursuant to s. 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. 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.

Attachments and Checklists

Main Permit Application

Chemical Aquatic Plant Control Application (3200-004) :

Page 1 Completion Status: Complete

Page 2 Completion Status: Complete

Upload Required Attachments (15 MB per file limit) - Help reduce file size and trouble shoot file uploads

* indicates completion of this item is required

Note: To add additional attachments using the down arrow icon. To replace an existing file, use the 'Click here to attach file ' link. To remove additional items, select the item and press CNTRL Delete.

Riparian Owners	File Attachment	AdjacentRiparianPropertyOwners2018.pdf
Public Notice	File Attachment	PublicNotice.pdf
Large Scale Worksheet	File Attachment	

Delavan Lake

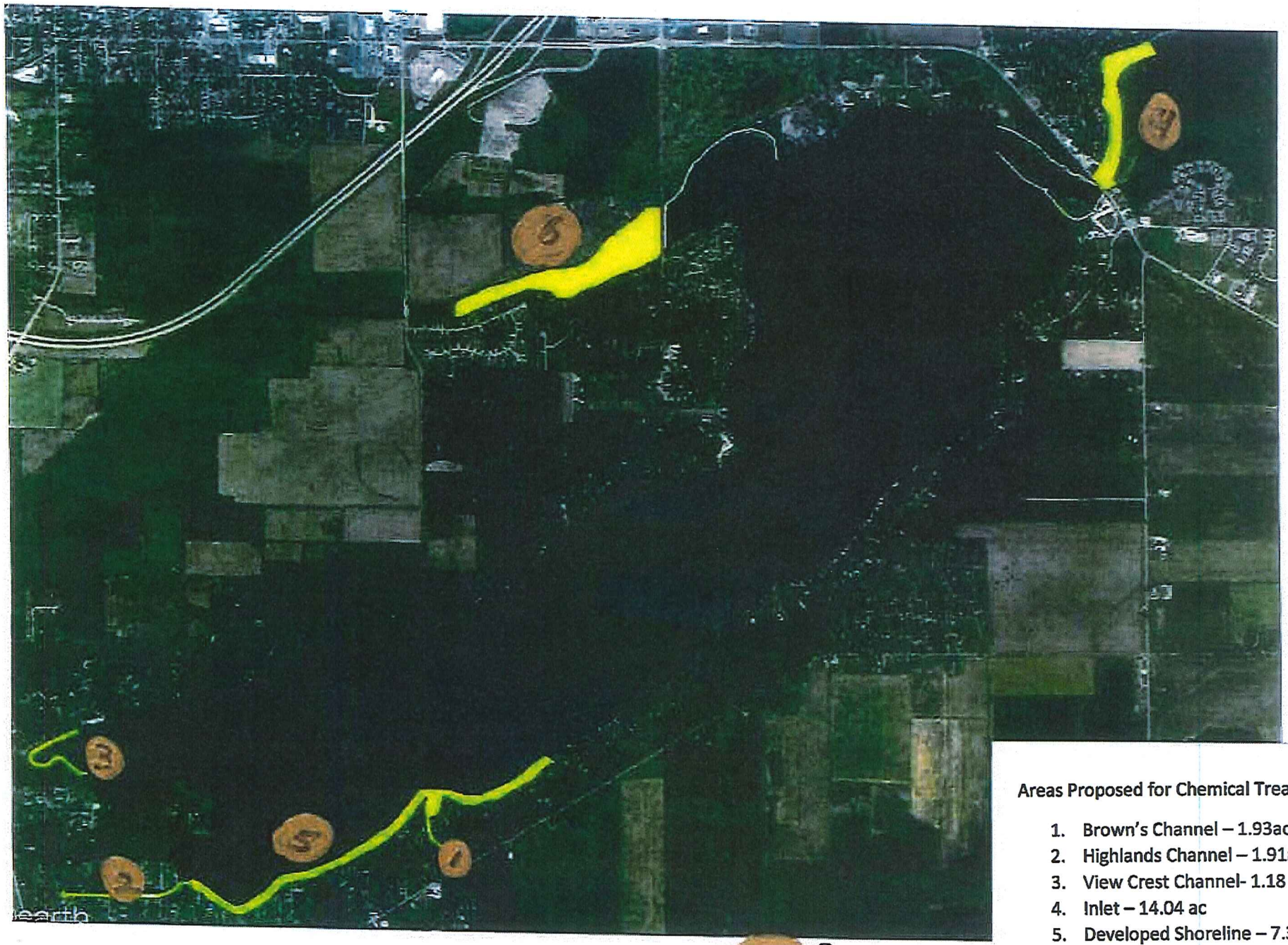
Full Trade Name of Proposed Chemicals to be used:

ALGAECIDES: Algae Defense; Algimycin; Captain/Captain XTR; Cleargate; Cutrine Plus/Ultra; Earthtec; F-30; Green Clean; Komeen Liquid/Granular; Phycomycin; K-Tea

HERBICIDES: Alligare 2,4-D; Aquastrike; Aquathol K/Super K; Avast!; Current Clipper; DMA-4 Depthcharge; Freelaxx; Habitat; Hydrothol; Navigate; Navitrol DPF; Reward; Schooner; Sculpin G; Sonar; Symmetry NXG; Stringray; Weedestroy; Am-40; Weedar64

See conditions HJB 4/04/18

GLYPHOSATES: AquatNeat; Refuge; ShoreKlear; Touchdown Pro



Areas Proposed for Chemical Treatment

1. Brown's Channel – 1.93ac
2. Highlands Channel – 1.91ac
3. View Crest Channel- 1.18 ac
4. Inlet – 14.04 ac
5. Developed Shoreline – 7.3 ac
6. Outlet – 25.83 ac
7. Pennywort Treatment – 5.92ac