



April 23, 2019

Permit #: NE-2019-70-3628
Fee Received: \$ 95.00

Kusel, Wilson, Round Lakes P&R District
W 5463 Archer Lane
Wild Rose, WI 54984

Subject: 2019 permit to chemically treat aquatic plants in Kusel Lake, Waushara County.

Dear Mr. Gaboury:

The Department has received and reviewed your application to chemically treat aquatic plants in Kusel Lake, Waushara County. The total acreage to be treated is **2.5** acres. Your permit application meets the minimum requirements by law and a permit is being issued. Issuance of the permit is not an endorsement or approval for the actions authorized. The following conditions must be complied with:

GENERAL CONDITIONS

- 1) **It is the responsibility of the applicant to follow the treatment plan and permit conditions. Noncompliance with the plan can result in enforcement actions under State Statute 144.99 and restriction of aquatic plant management activities for subsequent years under Administrative Code NR 107. The conditions and treatment plan are required to ensure efficacy of the treatment and is well documented.**
- 2) **Wisconsin Lake & Pond Resource LLC, according to NR 107.08(8), shall submit the enclosed Aquatic Plant Management Treatment Record form (3200-111) for treatment as follows:**
 1. **Immediately, if any unusual circumstances occur during treatment.**
 2. **Within 30 days, if treatment occurs.**
 3. **By October 1 of this year if no treatment occurred.**
- 3) **Application is restricted to permitted area.**
- 4) **All docks and all public access must be posted as specified in NR107.08 (7). Signage must remain in place for the full period specified on the chemical product labels.**
- 5) **Public access cannot be blocked or entry denied. Treatment will have to be scheduled accordingly to increase efficacy and to achieve the desired outcome.**

SPECIFIC CONDITIONS

- 1) **Chapter NR 107.04(4) Wisconsin Administrative Code states that the applicant, Kusel, Wilson, Round Lakes P&R District, must certify a copy of the application has been provided to any**

affected property owners, inland Lake District and in the case of chemical applications for rooted aquatic plants, to any riparian property owners adjacent to and within the treatment area.

- 2) Herbicides used for the project will be a copper product (Captain) and a diquat product (Tribune). All product labels must be followed closely.
- 3) You must notify Christopher Kolasinski of the Department of Natural Resources at (920) 252-5053 or Christopher.Kolasinski@wisconsin.gov at least 4 business days prior to any chemical treatment. An onsite inspection may be required pursuant to NR 107.07 prior to treatment to determine if the treatment is necessary and warranted at that time. If it is determined that navigation is being materially obstructed by aquatic plant growth treatment may commence immediately following the inspection. If the inspection reveals that navigation is not materially obstructed by aquatic plants, the department may stop or limit the treatment pursuant to NR 107.05(3), NR 107.07, and NR 107.08.
- 4) The following steps should be taken every time you move your equipment to avoid transporting invasives 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.
 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, silt or turbidity curtain, 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 water-body to another.
 4. Wash your equipment with hot (>104° F) and/or high pressure water OR allow your equipment to dry.

Any future treatments beyond this permit will require an additional permit from the Department. Future permit applications will be evaluated based the information at that time. Failure to comply with the above conditions may result in cancellation of the permit and loss of permit privileges in the future.

If you have any questions or concerns I can be reached at (920) 252-5053 or by e-mail at Christopher.Kolasinski@wisconsin.gov.

Sincerely,



Christopher Kolasinski - Oshkosh-DNR
Water Resource Management Specialist

CC: David Bartz - Fisheries Biologist, Wautoma
Ted Dremel - Conservation Warden Supervisor, Wautoma
Ted Johnson – Water Resource Biologist, Oshkosh
Wisconsin Lake & Pond Resource LLC

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

Form 3200-004 (R 02/17)

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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 NE-2019-70-3628	Permit Expiration Date
Waterbody # 189600	Fee Received \$95.00

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 Kusel, Wilson, Round Lakes P&R District	Waterbody Address	Name Kusel, Wilson, Round Lakes P&R District
	Street Address W5463 Archer Lane		Street Address W5463 Archer Lane
	City Wild Rose		City Wild Rose
	State WI		State WI
	Zip 54984		Zip 54984
Phone Number (include area code) Primary 920-830-0847 x Secondary		Email Address jgaboury@jjkeller.com	

Section II – Aquatic Plant Control Location

Water body to be Treated (water body where treatment area is located) Kusel Lake				Lake Surface Area 74.00 acres	Estimated Surface Area that is 10 Feet or Less in Depth acres		
County Waushara	Section 27	Township 20	Range 11	Name of Applicator or Firm Wisconsin Lake & Pond Resource LLC			
Latitude: 44.171085		Longitude: -89.164968		Street or Route N7828 Town Hall Road			
Is there more than one property owner? ☒ Yes ☐ No				City Eldorado	State WI		
Is there surface water discharge? ☒ Yes ☐ No				Zip 54932			
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. See attached				County Fond du Lac	Phone Number (include area code) 920-872-2032 x		
				Email Address jim@wisconsinlpr.com			
				Applicator Certification Number for Category 5 Aquatic Pesticide Application 077803			
				Business Location License Number (if applicable) 93-015182-012226			
Name of Lake Property Owners' Association Representative or Lake District Representative (if none, please indicate) Jeremy Gaboury				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
399 ft.	273 ft.	43,560 ft ² = 2.50 ac	4 ft = 10.00 ac-ft	
Estimated Acreage Grand Total		2.50 ac	Calculated Volume Grand Total	10.00 ac-ft

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: Completed 4/17/2019 No Conflicts
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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)

2.50 acres X \$25 per acre = \$ \$75.00

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

Acreage Fee (from above) \$ 75.00

Basic Permit Fee (non-refundable) \$ 20.00

Total Fee Enclosed \$ 95.00

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:

- ☒ Maintain navigation channel
- ☐ Maintain boat landing and carry in access
- ☐ Improve fish habitat
- ☐ Maintain swimming area
- ☒ Control of invasive exotics
- ☐ Other

Nuisance Caused By:

- ☐ Algae
- ☐ Emergent water plants (majority of leaves & stems growing above water surface, e.g. cattail, bulrushes)
- ☐ Floating water plants (majority of leaves floating on water surface, e.g., water lilies, duckweed)
- ☒ Submerged water plants (leaves & stems below surface, flowering parts may be exposed: milfoil, coontail)
- ☐ Other

List Target Plants

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

General nuisance vegetation control

Section V - Chemical Control

Alternatives to Chemical Control: Feasible?

If No, Why Not?

1. Mechanical harvesting ☐ Yes ☒ No
2. Manual removal ☐ Yes ☒ No
5. Sediment screens/covers ☐ Yes ☒ No
6. Dredging ☐ Yes ☒ No
7. Lake drawdown ☐ Yes ☒ No
8. Nutrient controls in watershed ☐ Yes ☒ No
9. Other: ☒ Yes ☐ No

Spread plant debris

Too large of areas

Other, non ecological system damage

Too costly

No ability to draw down

Not a control option for immediate concern

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:

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

Form 3200-004 (R 02/17)

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Trade Name of Proposed Chemical(s)

Captain & Tribune for general navigational nuisance species.

Method of Application: WLPR's liquid sub-surface injection system

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?

All past applications provided positive results unless otherwise noted.

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 19.

Application fee received?

☒ Yes ☐ No

State of Wisconsin
Department of Natural Resources
For the Secretary

By

Christopher Polacinski
Regional Director or Designee

Advance notification of
treatment required?

☒ Yes ☐ No

4/23/2019
Date Signed

4/23/2019
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

[KuselLake_RiparianOwners_2019.xlsx](#)

Public Notice

 File Attachment

Large Scale
Worksheet

 File Attachment

Kusel Lake - Waushara County, WI (Nuisance Vegetation Treat

Name

EVERGREEN CAMPSITES
JEROME J & JUDI A UHAN
JEREMY J GABOURY
PATRICIA A MCCUNE
JAMES P & DAWN M BUTTON
EVERGREEN RESORT LLC
EVERGREEN CAMPSITES & RESORT INC

Address

W5449 ARCHER LN
W5467 ARCHER LN
W5463 ARCHER LN
W5453 ARCHER LN
W5451 ARCHER LN
W5439 ARCHER LN
W5431 ARCHER LN

