

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary  
Lloyd L. Eagan, Regional Director

South Central Region Headquarters  
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Fitchburg, Wisconsin 53711-5397  
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TTY Access via relay - 711

April 19, 2010

IP-SC-2009-13-02376

April Little  
Village of Belleville  
24 W. Main Street  
Belleville, WI 53508

Dear Ms. Little:

We have reviewed your application to remove and place materials on the bed of Lake Belle View to separate the Sugar River and Lake Belle View and as part of lake and wetland creation and enhancement in Lake Belle View, located in the Village of Belleville, Dane County. Your application is approved with a few limitations.

I am attaching a copy of your permit which lists the conditions which must be followed. 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. Be aware that you are responsible for obtaining any permit or approval that may be required for your project by local zoning ordinances, other Department programs and by the U.S. Army Corps of Engineers before starting your project.

Note you are required to submit photographs of the completed project within 7 days after you've finished construction (in addition to the documentation required in the restoration plan).

Your next step will be to notify me of the date on which you plan to start construction.

If you have any questions about your permit, please call me at (608) 275-3208.

Sincerely,

Cami Peterson  
Water Management Specialist

cc:	Anthony Jernigan, U.S. Army COE Dane County Zoning Administrator Jeff Hruby, Montgomery Associates Conservation Warden Paul Heinen	Lloyd Eagan Renee Sanford Ken Johnson Sen. Erpenbach Peter McKeever	Laurinne Lusk USRWA Sue Graham Bob Natta
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**STATE OF WISCONSIN DREDGING and WETLAND PERMIT  
DEPARTMENT OF NATURAL RESOURCES**

**IP-SC-2009-13-02376**

Village of Belleville is hereby granted under Section 30.12, 30.20(2), 30.2026 Wisconsin Statutes and Section 281.36, Wisconsin Statutes, Section 281.15 and 281.37, Wisconsin Statutes, and Chapter NR 299, Wisconsin Administrative Code, a permit to remove materials from the bed of Lake Belle View and place material on the bed of Lake Belle View, located in the Village of Belleville, Dane County, also described as the in the SE1/4 of the NW1/4 of Section 34, Township 5 North, Range 8 East, subject to the following conditions:

**PERMIT**

1. You must notify Cami Peterson at phone (608) 275-3208 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 October 15, 2013. If you will not complete the project by this date, you must submit a written request for an extension prior to the expiration date of the permit. Your request must identify the requested extension date and the reason for the extension. A permit extension may be granted, for good cause, by the Department. You may not begin or continue construction after the original permit expiration date unless the Department grants a new permit or permit extension in writing.
3. This permit does not authorize any work other than what you specifically describe in your application and plans dated May 22, 2009 and modified on: June, 2009 (Hydrology and Hydraulics Analysis); July 22, 2009 (Supplemental Wetland and Aquatic Plant Assessment); August 6, 2009 (Stability of Separation Berm); September 22, 2009 (modification to original permit application); November 19, 2009 (response to Cami Peterson comments); April, 2010 (revised mitigation and restoration plan) 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. You are responsible for obtaining any permit or approval that may be required for your project by local zoning ordinances, other Department programs and by the U.S. Army Corps of Engineers before starting your project.
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 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.

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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 completion of work on the site. The photographs must be taken from different vantage points and depict the construction 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 standards approved by the Department under subch. V of ch. NR 151 Administrative Code. Erosion control measures must be in place at the end of each working day.
12. Erosion control measures must be inspected, and any necessary repairs or maintenance performed, after every rainfall exceeding 1/2 inch and at least once per week.
13. Any de-watering must be approved by the Department in writing before any on-site de-watering may take place.
14. You must maintain a log of the erosion control inspections, repairs made, and rain events. This must be made available to Department personnel upon request and must remain on the project site at all times work is being performed.

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15. All equipment used for the project including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, 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 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 should not be used on other non-infested waters.

1. **Inspect and remove** aquatic plants, animals, and mud from your equipment.

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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 waterbody to another.
  4. **Wash your equipment** with hot (>104° F) and/or high pressure water OR allow your equipment to **Dry thoroughly for 5 days**.
16. You must supply a copy of this permit to every contractor associated with this project.

FINDINGS OF FACT

1. Village of Belleville has filed an application for a permit to remove materials from the bed of Lake Belle View and place material on the bed of the lake to build a separation berm and create wetlands, located in the Village of Belleville, Dane County, also described as SE1/4-NW1/4 S34, T5N, R8E.
2. The project will consist of construction of a berm to separate the Sugar River and Lake Belle View, dredge Lake Belle View and place dredge materials on the bed of Lake Belle View for wetland creation and enhancement.
3. The Department has completed an investigation of the project site and has evaluated the project as described in the application and plans.
4. 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.
5. The proposed project, if constructed in accordance with this permit will not adversely affect wetlands.
6. 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 1.11, 30.20(2), 30.12, 30.2026, 1.11, 281.15, 281.36 Wisconsin Statutes and Chapters NR 102, 103, 115, 116, 117, 150, 299, 329, 341 345 of the Wisconsin Administrative Code.

## 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. 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. 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.


A request for contested case hearing must meet the requirements of section 30.209, Wis. Stats., and section NR 310.18, Wis. Adm. Code, and must include the following information:

1. A description of the Department's action or inaction which is the basis for the request; and,
2. A description of the objection to the decision that is sufficiently specific to allow the department to determine which provisions of Chapter 30, Wis. Stats., may be violated; and
3. A description of the facts supporting the petition that is sufficiently specific to determine how you believe the project may result in a violation of Chapter 30, Wis. Stats.; and,

4. Your commitment to appear at the contested case hearing, if one is granted, and present information supporting your objection.
5. 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 South Central Region Headquarters, Wisconsin on 04/19/2010.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
For the Secretary

By   
Cami Peterson  
Water Management Specialist