

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Wisconsin Rapids Service Center
473 Griffith Avenue
Wisconsin Rapids WI 54494

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



September 18, 2020

Karen Wampler, Chair
Town of Douglas
N436 County Road A
Briggsville, WI 53920

Expedited delivery via email: karenw@fairwaymc.com

SUBJECT: Briggsville Dam Temporary Drawdown Permit, 2020 – 2021
Marquette County, Field File # 39.10, DKS = 158

Dear Karen:

The Department of Natural Resources (Department) received your application to drawdown Lake Mason for aquatic invasive species, water quality and habitat enhancement. The 3-foot drawdown will begin on September 21, 2020 and will be completed by October 1, 2020. The impoundment will be refilled prior to May 20, 2021, but the refill will not begin until April 10, 2021 at the earliest.

Your request is approved with certain conditions and limitations. Attached is a copy of the approval which outlines the conditions you must follow.

The Department recommends the applicant issue a news release regarding the drawdown and notify property owners that could be impacted by the drawdown.

If you have any questions about this approval, please contact me at hanna.johnson@wisconsin.gov or 715-421-9940.

Sincerely,

A handwritten signature in cursive script that reads 'Hanna Johnson'.

Hanna Johnson, P.E.
Water Management Engineer
Wisconsin Department of Natural Resources

Cc: Lake Mason Management District: David Ditter, Pamela Klein, Craig Hillard, James Brancel (all via email)
Julie Benzschawel, WDNR Water Management Specialist – Waterways (via email)
Ellen Barth, WDNR Wildlife Biologist (via email)
Jennifer Bergman, WDNR Fisheries Biologist (via email)
Jesse Weinzinger, WDNR Conservation Biologist (via email)
Jon Robaidek, WDNR Conservation Biologist (via email)
Molly Detjens, WDNR Conservation Warden (via email)
Benjamin Nadolski, WDNR Conservation Warden (via email)
Scott Provost, WDNR Water Resources Management Specialist (via email)
Kyle McLaughlin, WDNR Water Management Specialist – Program Coordinator (via email)

**STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

APPROVAL

The Town of Douglas is hereby granted under Section 31.02(1), Wisconsin Statutes, approval to draw down the Briggsville Dam on the South Branch of Neenah Creek, in the Town of Douglas, Marquette County. The applicant is bound by any conditions of this approval.

CONDITIONS

1. The drawdown must be at target pool elevation by October 1, 2020.
2. The drawdown cannot exceed 6-inches per day (24-hour period).
3. The Town must pass minimum flow at all times during the extent of the drawdown and refill of the impoundment.
4. If fish are stranded during the drawdown, you must notify Jennifer Bergman, Fisheries Biologist, so she can determine if they need to take measures to remove the fish. (715) 451-9944, Jennifer.Bergman@wisconsin.gov
5. Contact the Department a minimum of five business days prior to refilling the impoundment.
6. The Village must receive Department approval prior to refilling the impoundment. The rate of filling cannot exceed 6-inches per day (24-hour period).
7. This permit does not authorize motor vehicles to be operated on the impoundment bed.
8. This permit does not authorize any work at or below the Ordinary High-Water Mark on any land adjacent to the impoundment bed or creek. A separate permit or approval may be required from this department, and or from other local, state, or federal agencies.
9. This permit does not authorize the removal of fill or dredge material from the impoundment bed. A separate permit or approval may be required from this department, and or from other local, state, or federal agencies.

FINDINGS OF FACT

1. The Town of Douglas submitted to the Department a temporary drawdown request form for the Briggsville Dam on August 31, 2020.
2. The Briggsville Dam is owned and operated by the Town of Douglas.
3. The impoundment will begin being drawn down on September 21, 2020 and will be completed by October 1, 2020. The impoundment will be refilled prior to May 20, 2021, but the refill will not begin until April 10, 2021 at the earliest.
4. The impoundment will be drawn down by 3 feet to an elevation of 708 feet (MSL).

CONCLUSIONS OF LAW

1. The Department has authority under Section 31.02, Wisconsin Statutes, and the foregoing Findings of Fact, to issue an order granting the drawdown requested.
2. The Department has complied with Section 1.11, Wisconsin Statutes and NR 150, Wisconsin Administrative Code.

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 must 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 must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 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. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30-day period for filing a petition for judicial review.

Dated at Wisconsin Rapids Service Center, Wisconsin on September 18, 2020

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By 

Hanna Johnson, P.E.
Water Management Engineer

NOTICE

Operating motorized vehicles on exposed lake bed is prohibited, unless noted in s. 30.29(3), Wis. Stats.

"Motorized vehicle" includes utility terrain vehicles and all-terrain vehicles.

s. 30.29(2), 23.33(1)(ng), 340.01(2g), Wis. Stats.

Pursuant to s. 30.29(3), Wis. Stats., there are certain exceptions where use of motorized vehicles is allowed on exposed lake bed, such as launching a boat, accessing frozen water if the crossing is in the most direct manner practical, or conducting an activity permitted by the DNR under Chapter 30.

For more information, contact David Hon, DNR Water Management Specialist at David.Hon@wisconsin.gov or 715-839-1600.



State of Wisconsin
Department of Natural Resources

Request for Temporary Lowering of Impoundment
Water Levels (Section 31.02, Wis. Stats.)
Form 3500-45 1-08

Instructions: Complete items 1 through 6, sign, date and return to appropriate DNR office (see attached map). Incomplete requests will not be processed and will be returned.

1. Name of Owner of Dam Town of Douglas
Address N436 Cty Rd A
Briggsville WI
Zip Code 53920 Telephone Number 608-981-2549

2. Name of Dam Mason Lake Dam (BRIGGSVILLE DAM)
County Marquette Stream Name _____
Name of Flowage or Impoundment Lake Mason + Neenah Creek

3. Location of Dam:
NE quarter of NE + SE of NE quarter of section 31, township 14 North,
range 8 (east) (west), Town of Douglas

4. Drawdown Request:
Beginning Date Oct 1, 2020, Ending Date May 1, 2021
Extent of Drawdown:
3 feet (or to an elevation of 708 feet, _____ datum)

Rate of Drawdown (if known): _____ feet per (day)(week) Depends on RAINFALL IN FALL
Purpose of Drawdown: Kill weeds to open up
NAVIGATION. HAVE ALREADY HAD A
weed cutter here for 5 DAYS!

5. Names of Owners of Downstream Dams

6. Signature Jayen Wampler, Chair, Town of Douglas
Date 8/19/2020

LEAVE BLANK-DEPARTMENT USE ONLY

ORDER APPROVING OR DENYING REQUEST

The Department has reviewed the drawdown requested pursuant to Section 31.02, Wisconsin Statutes. The Department has made an environmental assessment of the proposal and has concluded that the grant or denial of the authority requested would not be a major state action significantly affecting the quality of the human environment.

Your request for a temporary drawdown of _____
at the _____ Dam is hereby:

- 1. Approved as applied for.
- 2. Approved subject to the following conditions:

- 3. Denied for the following reasons:

State of Wisconsin
Department of Natural Resources
For the Secretary

By _____
Water Management Specialist

Frequently Asked Questions – Lake Mason Drawdown and Chapter 30 for Landowners – September 18, 2020

What are our dredging options during the Lake Mason Drawdown? Are there any exemptions? Can I remove any material without a permit?

The dredging exemption is for manual dredging, which means dredging by hand or using a hand-held device without the aid of external or auxiliary power. The manual dredging exemption would apply if the amount does not exceed 100 sq. ft. in surface area and 1 ft. of depth in 1 calendar year. More information on the manual dredging exemption is available here:

<http://dnr.wi.gov/topic/waterways/documents/permitExemptionChecklists/14-manualDredging.pdf>

DNR also has a Small Scale Dredging Permit, which allows for the removal of 25 cubic yards over 5 years. Landowners would have to comply with the conditions of the permit.

<http://dnr.wi.gov/topic/Waterways/documents/PermitDocs/GPs/GP17.pdf>

Larger scale dredging permits need to follow the process outlined on this link:

<http://dnr.wi.gov/topic/Waterways/construction/dredging.html>

Do you have a list of contractors that can do shoreline work?

The Department does not generally recommend contractors.

Can we remove trash from the exposed bed? Can we remove material such as broken glass?

If the removal of the material is by hand, the manual dredging exemption would apply if the amount does not exceed 100 sq. ft. in surface area and 1 ft. of depth in 1 calendar year. If the removal is not by hand, it would fall under the conditions of a dredging permit.

Can we use this opportunity to add pea gravel?

Riparian owners can place pea gravel above the ordinary high water mark; below the ordinary high water mark a permit is required. For more information, see this website:

http://dnr.wi.gov/topic/Waterways/recreation/pea_gravel.html

Can we remove large boulders/rocks or fallen trees?

Yes, if done by hand, refer to the manual dredging exemption. If any machinery is needed, it would fall under the conditions of a dredging permit. If less than 25 cubic yards, it may qualify for a small scale dredging permit.

Can I put in new rip rap or replace or repair my existing rip rap?

Certain riparian rip rap work could be exempt from needing a permit, if you meet all the conditions of this checklist:

<https://dnr.wi.gov/topic/waterways/documents/permitExemptionChecklists/riprap.pdf>

If riparian rip rap work does not meet the conditions of the exemption, DNR has a general permit for rip rap repair:

<http://dnr.wi.gov/topic/waterways/documents/PermitDocs/GPs/GP-RiprapRepair.pdf>

If a riparian wants to repair rip rap on their property and they don't meet the conditions necessary to get the general permit, they can apply for an individual permit.

http://dnr.wi.gov/topic/Waterways/shoreline/lake_erosion.html

<https://permits.dnr.wi.gov/water/SitePages/Waterway%20and%20Wetland%20Permit.aspx>

What are other options other than rip rap for shore stabilization?

Biological shore erosion control is a good option for shore stabilization. These activities are exempt from permitting, provided they meet the conditions of the exemption checklist.

<http://dnr.wi.gov/topic/waterways/documents/permitExemptionChecklists/10-biologicalErosionControl.pdf>

Do you have additional questions?

Waterway and Wetland Information Line

608-267-3125

DNRWMSPublicInquiry@wisconsin.gov