



March 4, 2016

Big Muskego / Bass Bay Protection and Rehabilitation District  
C/O Tom Zagar  
P.O. Box 749  
Muskego, WI 53150

Subject: Aquatic Plant Management Permit Application

Dear Tom:

Enclosed is your approved permit for the chemical treatment of aquatic plants in Big Muskego Lake and Bass Bay, Waukesha County (Permit number SE-2016-68-94). The proposed treatment is a maximum of 60 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. Please note permit conditions below, especially condition #6.

#### PERMIT CONDITIONS

1. The permit holder, according to NR 107.08(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.
2. 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.
3. You must notify Lakes Biologist Heidi Bunk, by email ([Heidi.Bunk@wi.gov](mailto:Heidi.Bunk@wi.gov)), a minimum of **four** working days prior to anticipated treatment to schedule supervision.

4. Treatment concentration cannot exceed maximum recommended dosage for target species, as listed on the product label.
5. All equipment used in the lake must be sanitized before entering waters of the state and must abide by all provisions of NR 40.
6. Herbicide treatment within the channel between Bass Bay and Big Muskego Lake may include Clipper **only if** its use is approved of by a DNR pretreatment supervision.
7. Posting signs shall be placed on each individual property in and adjacent to 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 all of the public boat launches, which will include a map of the treatment area.
8. Herbicide application is restricted to the permitted area as shown on the map included in the permit application.
9. **Herbicide applications may be limited in areas where high value native aquatic plants (such as native pondweeds, water shield, water lilies, bulrush, water celery, bladderwort, naiads, crowfoot, etc) are more abundant than Eurasian watermilfoil, curly-leaf pondweed, or coontail.**

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 Lakes Biologist Heidi Bunk at 262-574-2130 or by email at [heidi.bunk@wisconsin.gov](mailto:heidi.bunk@wisconsin.gov) if you have any questions.

Sincerely,



Samm Posnanski

Water Resources Management Specialist

Cc: Heidi Bunk, WI DNR (e-mail)  
Brian Suffern, Marine Biochemists (e-mail)

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

Form 3200-004 (R 03/13)

**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 <i>SE-2016-68-94</i>	Permit Expiration Date <i>10/1/2016</i>
Waterbody # <i>762400</i>	Fee Received

**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.

<p><b>Home Address</b></p> <p>Name <b>Big Muskego Lake/Bass Bay Protection &amp; Rehabilitation District</b></p> <p>Street Address <b>PO Box 749</b></p> <p>City <b>Muskego</b>      State <b>WI</b>      ZIP Code <b>53150</b></p> <p>Phone Number (include area code) <b>Primary: (262) 679-5617      Secondary:</b></p>	<p><b>Lake Address</b></p> <p>Name</p> <p>Street Address</p> <p>City       State      ZIP Code</p> <p>Email Address <b>tzagar@cityofmuskego.org</b></p>
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**Section II – Aquatic Plant Control Location**

Waterbody to be Treated (waterbody where treatment area is located) <b>Big Muskego Lake/Bass Bay</b>				Lake Surface Area <b>2100</b> acres	Estimated Surface Area that is 10 Feet or Less in Depth <b>2060</b> acres
County <b>Waukesha</b>	Section <b>14</b>	Township <b>05 N</b>	Range <b>20</b>	<input checked="" type="checkbox"/> E <input type="checkbox"/> W Name of Applicator or Firm <b>Marine Biochemists (LONZA)</b>	
Latitude:	Longitude:			Street or Route <b>6302 W. Eastwood Ct.</b>	
Is the waterbody a private pond? <input type="checkbox"/> Yes <input type="checkbox"/> No		Does the waterbody have public access? <input type="checkbox"/> Yes <input type="checkbox"/> No		City <b>Mequon</b>	State <b>WI</b> ZIP Code <b>53092</b>
Adjacent Riparian Property Owner Names (attach sheets if necessary)				County <b>Ozaukee</b>	Phone Number (include area code) <b>(262) 238-0406</b>
1. <u>See attached</u>				Email Address <b>brian.suffern@lonza.com</b>	
2. _____				Applicator Certification Number for Category 5 Aquatic Pesticide Application <b>001517</b>	
3. _____				Business Location License Number (if applicable) <b>93-010049-005505</b>	
4. _____				Restricted Use Pesticide License Number (if applicable) <b>N/A</b>	
5. _____					
6. _____					
7. _____					
Name of Lake Property Owners' Association Representative or Lake District Representative (if none, please indicate)					

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	Total Estimated Acres
A. _____ ft. X _____ ft.	+ 43,560 ft. <sup>2</sup> = _____	_____ ft.		
B. _____ ft. X _____ ft.	+ 43,560 ft. <sup>2</sup> = _____	_____ ft.		Total from Lines A - E _____
C. _____ ft. X _____ ft.	+ 43,560 ft. <sup>2</sup> = _____	_____ ft.		Total from Attached Sheets _____
D. _____ ft. X _____ ft.	+ 43,560 ft. <sup>2</sup> = _____	_____ ft.		
E. _____ ft. X _____ ft.	+ 43,560 ft. <sup>2</sup> = _____	_____ ft.		Grand Total <b>60</b>

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 this area within or adjacent to a sensitive area designated by the Department of Natural Resources?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>DNR Use:</b> NHI Review? <input type="checkbox"/> Yes <input type="checkbox"/> No    Describe:
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## Chemical Aquatic Plant Control Application and Permit WPDES Pesticide Pollutant Permit Application

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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:      Basic Permit Fee (non-refundable) ..... \$      20.00

If proposed treatment is over 0.25 acre, calculate acreage fee:  
(round up to nearest whole acre, to maximum of 50 acres.)

60 acres X \$25 per acre = \$ 1250

If proposed treatment is ≤ 0.25 acre, acreage fee is \$0.

Enter Acreage Fee (from above) ..... 1250

Total Fee Enclosed ..... \$ 1270

**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 dimensions 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:

- Reduce nuisance algae accumulation
- Maintain navigational channel for common use
- Maintain private access for boating
- Maintain private access for fishing
- Improve swimming
- Control of purple loosestrife
- Control of invasive exotics
- Other: \_\_\_\_\_

Nuisance Caused By:

- Algae
- Emergent water plants (majority of leaves and stems growing above water surface, e.g. cattails, bulrushes)
- Floating water plants (majority of leaves floating on water surface, e.g., waterlilies, duckweed)
- Submerged water plants (leaves and stems below water surface, flowering parts may be exposed, e.g., milfoil, coontail)
- Other: \_\_\_\_\_

List Target Plants

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

Eurasian Watermilfoil, Curly leaf pondweed, filamentous algae, (possibly Coontail), (possibly Starry Stonewort)

### Section V – Chemical Control

Alternatives to Chemical Control:

Feasible?

If No, Why Not?

- |                                   |   |   |
|-----------------------------------|---|---|
| 1. Mechanical harvesting          | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <u>shallow water difficulty, costs</u>                        |
| 2. Hand pulling                   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <u>Area too large</u>   |
| 3. Hand raking                    | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <u>Area too large</u>   |
| 4. Hand cutting                   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <u>Area too large</u>   |
| 5. Sediment screens/covers        | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <u>Area too large</u>   |
| 6. Dredging                       | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | _____   |
| 7. Lake drawdown                  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <u>May be considered in future; highly impacts lake usage</u> |
| 8. Nutrient controls in watershed | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <u>BMP's employed but nutrients high in water/sediment</u>    |
| 9. Other: _____                   | <input type="checkbox"/> Yes <input type="checkbox"/> No            | _____   |

**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  
WPDES Pesticide Pollutant Permit Application

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Section V – Chemical Control (continued)

Trade Name of Proposed Chemical(s)

Navigate, DMA4-IVM, Cutrine-Plus, Harvester, Aquathol-K, Clipper, Cutrine Ultra

NOTE: Hydrothol, Clipper, and Cutrine Ultra for Starry Stonewort Control

See permit condition #6

SAP 3-10-16

Method of Application: Spray pumps, blowers, spreaders

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?

Effective in reducing nuisance levels.

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.

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.

Signature of Applicant

Date Signed

2-12-16

All portions of this permit, map and accompanying cover letter must be in possession of the chemical applicator at time of treatment. During treatment all provisions of Chapter NR 107, specifically ss. NR 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.

**Chemical Aquatic Plant Control Application and Permit  
WPDES Pesticide Pollutant Permit Application**

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**Section VII – WPDES Permit Request**

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

- No:  Already have WPDES coverage until Sept. 2016  Yes – complete section VII with signature  
 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:  NW  NE  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.

I hereby certify that I am the authorized representative (as specified in Ch. NR 205.07(1)(g), Wis. Adm. Code) of the pest treatment activity which is the subject of this permit application. I certify that the information contained in this form and attachments is, to the best of my knowledge, true, accurate and complete.

\_\_\_\_\_  
Signature of Authorized Representative      Printed Name      Date Signed

**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 2016.

Application fee received?

- Yes  No

Advance notification of treatment required?

- Yes  No

State of Wisconsin  
Department of Natural Resources  
For the Secretary

By Samuel Perseus  
Regional Director or Designee

3-10-16  
Date Signed

3-10-16 (e-mail)  
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.

COMMUNITY **CNI** NEWSPAPERS

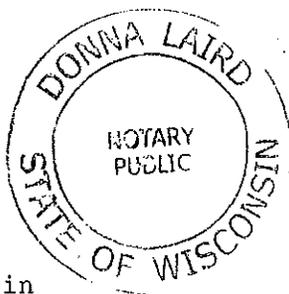
AFFIDAVIT OF PUBLICATION

0004607585

CITY OF MUSKEGO  
PO BOX 0749  
ATTN: JILL BLENSKI

Muskego, WI 53150

Patti Guerrero hereby states that she is authorized by Journal Media Group to certify on behalf of Journal Community Publishing Group, publisher of Community Newspapers, public newspapers of general circulation, published in the city of Hartland and county of Waukesha, printed in the city and county of Milwaukee; was published and delivered in the My Community Now- Southwest on 2/25/2016; that said printed copy was taken from said printed newspaper(s).



Patti Guerrero  
Patti Guerrero

State of Wisconsin

County of Milwaukee

Subscribed and sworn before me this 25 day of FEB, 2016.

Donna Laird

Notary Public State of Wisconsin

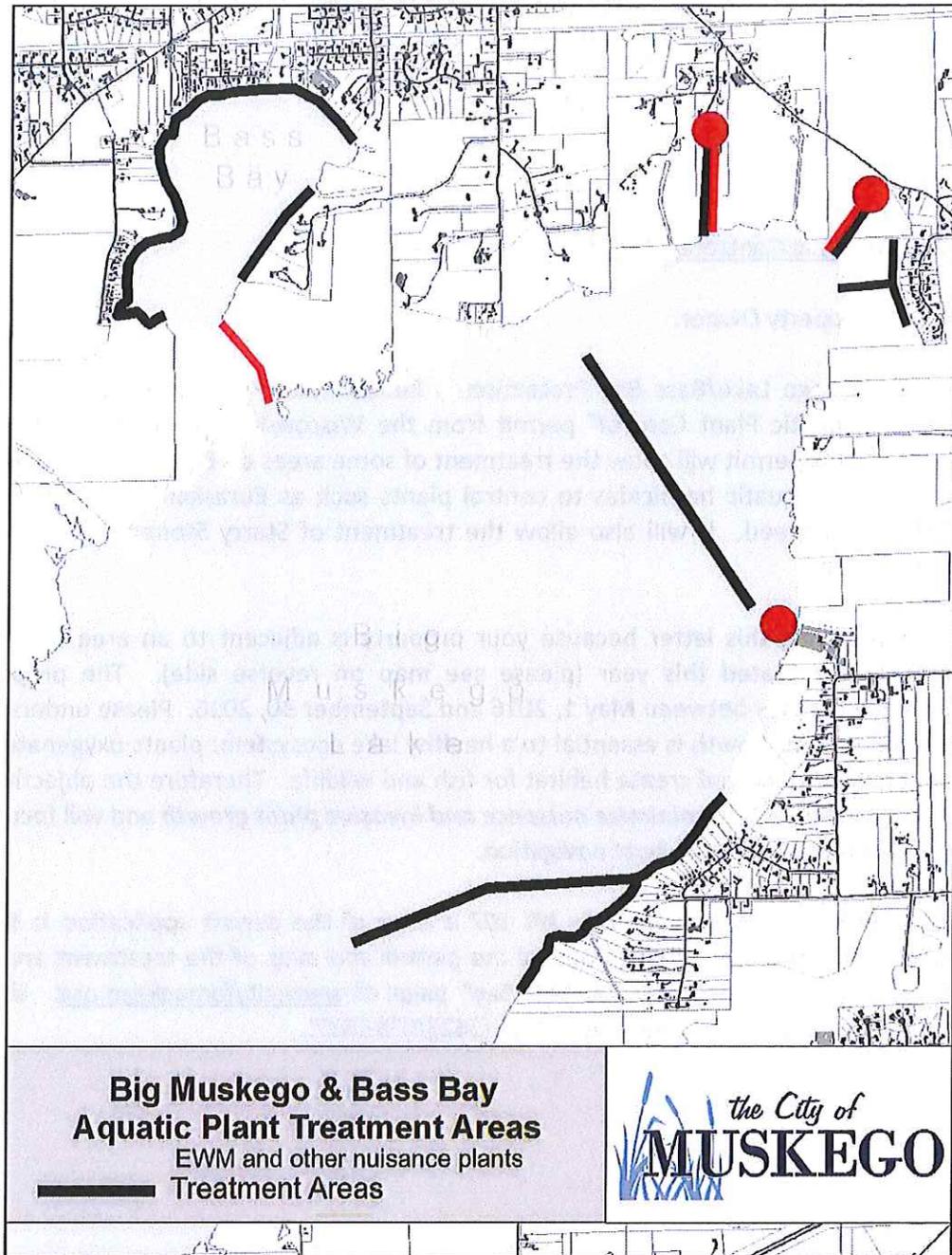
My Commission Expires

DONNA LAIRD  
NOTARIZED  
COMMISSION  
EXPIRES 2-25-16  
10\*03\*16

**NOTICE OF APPLICATION FOR  
AQUATIC PLANT  
MANAGEMENT PERMIT**

The Big Muskego Lake/Bass Bay Protection & Rehabilitation District intends to apply for a permit from the Wisconsin Department of Natural Resources to treat up to 100 acres of near-shore waters of Big Muskego Lake and Bass Bay with aquatic herbicides to control Eurasian Watermilfoil, Curly-leaved Pondweed, and Starry Stonewort or other nuisance aquatic plants and algae. The proposed treatment would occur between May 1, 2016 and September 30, 2016. The Big Muskego Lake/Bass Bay Protection & Rehabilitation District will conduct a public informational meeting on the proposed treatment if five or more individuals, organizations, special units of government, or local units of government request one. The meeting will give citizens a chance to learn more about the proposed treatment-based on information provided to the citizens attending the meeting.

Any request for a public meeting on this proposed treatment must be made within five (5) days after this notice is published. The request must specify the topics to be discussed at the meeting, including problems and alternatives, and must be sent in writing to the Big Muskego Lake/Bass Bay Protection & Rehabilitation District, c/o City of Muskego, P.O. Box 749, Muskego, WI 53150 and to the Wisconsin DNR, 141 NW Barstow St., Room 180, Waukesha, WI 53188. This public notice is required by Chapter NR 107, Wisconsin Administrative Code. Dated this 12th day of February 2016. Published February 25, 2015. WINAXLP



-  Starry Stonewort Control around Ramps to Limit Spread from Lake
-  Potential Starry Stonewort Control in Channel to Bass Bay if Required for Navigation