



11/27/2012

IP-SE-2012-68-04742-04743

Regency Builders
Mike Bertram
1133 Quail Ct.
Pewaukee, WI 53072

Dear Mr. Bertram:

We have reviewed your Chapter 30 application for an after-the-fact permit to grade more than 10,000 square feet on the bank of Oconomowoc Lake and for boathouse repair exception, in the Village of Oconomowoc Lake, Waukesha County. You will be pleased to know 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.

Please note that you are required to submit the name and contact information of the person conducting the required erosion control inspections. You must also notify me of the date in which you plan to re-start construction and again after your project is complete.

If you have any questions about your permit, please call me at (262) 574-2137.

Sincerely,

Geri Radermacher
Water Management Specialist

cc: Marie Kopka, ACOE
Waukesha County Zoning Administrator
Conservation Warden Zeihen
Village of Oconomowoc Lake
Jahnke and Jahnke

**STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

**Grading/Boathouse Repair Exception PERMIT
IP-SE-2012-68-04742-04743**

Mike Bertram is hereby granted under Section 30.19 and 30.121 Wisconsin Statutes, an after-the-fact permit to grade more than 10,000 square feet on the bank of Oconomowoc Lake and for boathouse repair exception, in the Village of Oconomowoc Lake, Waukesha County, also described as in the SW1/4 of the SW1/4 of Section 36, Township 8 North, Range 17 East, subject to the following conditions:

PERMIT

1. You shall notify Geri Radermacher at phone (262) 574-2137 before starting construction and again not more than 5 days after the project is complete.
2. You shall complete the project as described on or before 09/15/2014. If you will not complete the project by this date, you shall submit a written request for an extension prior to the expiration date of the permit. Your request shall identify the requested extension date and the reason for the extension. A permit extension may be granted, for good cause, by the Department. You shall 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 (09/17/2012), and as modified by the conditions of this permit. If you wish to alter the project or permit conditions, you shall 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 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.
7. You shall post two copies of this permit at conspicuous locations on the project site, one visible from the waterway and one visible from the construction entrance. The permits shall be posted for at least five days prior to construction, throughout the duration of construction and remain at least five days after construction. You shall 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 shall 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 all work authorized by this permit.
10. You shall supply a copy of this permit to every contractor associated with this project.

11. 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.
12. 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) shall meet or exceed the technical standards of ch. NR 151, Wis. Adm. Code. The technical standards are found at: <http://dnr.wi.gov/runoff/stormwater/techstds.htm> .
13. Erosion control measures shall be inspected, and any necessary repairs or maintenance performed, after every rainfall exceeding 1/2 inch and at least once per week. You shall maintain a log of the erosion control inspections, repairs made, and rain events. This log shall be made available to Department personal upon request and must remain on the project site at all times work is being performed. Prior to beginning this project, you shall provide to the Department, in writing, the name and contact phone number of the person conducting the erosion control inspections.
14. All equipment used for the project including but not limited to tracked vehicles, barges, boats, 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 shall 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 shall 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, 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.**

BOATHOUSE REPAIR EXCEPTION

1. All boathouse repairs and boathouse maintenance may not affect the size, location, or configuration of the boathouse.
2. Repair and maintenance may not include any change in roof pitch or addition of decks, walkways, railings or other architectural features. Decks, walkways, railings or piers that are permanently attached to the boathouse are part of the boathouse and subject to repair certification.
3. Additional living quarters and/or plumbing fixtures cannot be constructed in the boathouse. The living corridors cannot be modified.
4. A certification exception must be obtained each time you wish to make repairs.
5. You must prevent any construction materials from being deposited into any surface waters.

FINDINGS OF FACT

1. Mike Bertram of Regency Builders filed an application for a permit to grade more than 10,000 square feet on the bank of Oconomowoc Lake and for boathouse repair exception, in the Village of Oconomowoc Lake, Waukesha County, also described as SW1/4-SW1/4 S36, T8N, R17E. The property address is 34819 Fairview Road.
2. The property subject to the permit is owned by Michael and Bonnie Mazur.
3. The applicant modified the permit application to after-the-fact when it was determined by the Department that land disturbance began within the bank of the waterway prior to the issuance of the Chapter 30 permit. Land disturbance occurred prior to the filing of the Chapter 30 application when the existing residence was razed. Additional land disturbance occurred when a portion of the new driveway and tracking pad were installed.
4. The Department examined the proposed maintenance and repair of the boathouse. The work includes complete removal and replacement of all parts above the floor joists which are on top of the foundation. All the windows and the door openings, the roof pitch and all elevations will remain the same.
5. Section 30.121, Wisconsin Statutes allows an exemption to the 50% maintenance and repair limitation for all existing boathouses that were in existence on December 16, 1979. The Department determined that the boathouse meets this exemption.
6. The Department has completed an investigation of the project site and has evaluated the project as described in the application and plans.
7. 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.
8. The proposed project will not impact wetlands if constructed in accordance with this permit.
9. 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, 30.19(4), 30.121 Wisconsin Statutes and Chapters NR 102, 103, 115, 116, 117, 150, 299, 326 and 341 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.

The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.

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 Waukesha Service Center, Wisconsin on 11/27/2012.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By _____  _____
Geri Radermacher
Water Management Specialist