

State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
Waukesha Service Center  
141 NW Barstow Street Room 180  
Waukesha WI 53188

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



July 10<sup>th</sup>, 2019

Phantom Lakes Management District  
P.O. Box 391  
Mukwonago, WI 53149

Subject: 2019-2023 Harvesting Permit  
SE-2019-68-5219M

Dear Phantom Lakes Management District,

The Department has received your application for your Mechanical / Manual Aquatic Plant Control permit to mechanically harvest aquatic plants in a maximum of 87 acres in Upper and Lower Phantom Lakes, Waukesha County. We have found your application to be complete and you are being issued a 5 year permit with conditions that expire December 31st, 2023. It is recommended that a new plant survey be completed during the summer of 2023 in preparation for a new multiple permit application in 2024.

Attached is a copy of your permit with the conditions that must be followed. In addition, I have included a copy of our findings of fact and conclusions of law and your right to appeal our action. A copy of the permit must be kept on the harvester at all times during operation. Please read your permit conditions carefully so that you are fully aware of what is expected of you.

Your next step will be to notify me by email ([Heidi.Bunk@Wisconsin.gov](mailto:Heidi.Bunk@Wisconsin.gov)) when you plan to begin harvesting. If you have questions or concerns, I can be reached by email or at 262-574-2130.

Sincerely,

Heidi Bunk  
DNR Lakes Biologist

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

Permit for Mechanical Harvesting of Aquatic Plants

The Phantom Lakes Management District is hereby granted under Section 23.24, Wisconsin Statutes and Administrative Code NR 109, a permit to conduct mechanical harvesting of aquatic plants in 87 acres of Upper and Lower Phantom Lakes, located in Sections 26, 27, 34 and 35, Township 5 North, Range 18 East, Village of Mukwonago and Town of Mukwonago, Waukesha County. This permit is issued for a **five-year term** and will expire on December 31<sup>st</sup>, 2023. This permit is subject to the conditions below.

PERMIT CONDITIONS

1. You **must notify** Lakes Biologist Heidi Bunk (Heidi.Bunk@Wisconsin.gov) one working day prior to the anticipated starting date of the harvesting operation, and provide a harvesting schedule upon request. Department staff may schedule and conduct an onsite supervision of harvesting. This notification is required on an annual basis.
2. The quantity and species of plants to be mechanically harvested must be in accordance with the permit application.
3. The District will harvest up to 87 acres with the Town of Mukwonago and Village of Mukwonago. Specific location of channels should follow Maps 11, 12, and 17.
4. A copy of the permit and maps shall be maintained on board the harvester(s) at all times while harvesting operations are being conducted.
5. Harvesting operators shall be trained in the basic identification of aquatic plants.
6. Mechanical harvesting in Lower Phantom Lake will consist of 3 different channel widths. Map 12 denotes 30 foot transit lanes, 50 foot transit lanes, and a 75 foot transit lane. There is one additional 50 foot transit lane that may be cut after June 15<sup>th</sup>. A minimum of 12 inches of aquatic plant growth must remain at the bottom of the lake.
7. Harvesting in the areas indicated in Map 17 must be cut by a smaller harvester approved by the Department. A minimum of 12 inches of aquatic plant growth must remain at the bottom of the lake.
8. Harvesting in Lower Phantom Lake may not be conducted outside the designated channels denoted on Map 12.
9. Harvesting transit lines, as indicated on Map 12, may not take place in less than three feet of water in any area of Lower Phantom Lake. A minimum of 12 inches of aquatic plant growth must remain at the bottom of the lake.
10. Harvesting transit lines, as indicated on Map 11, may not take place in less than three feet of water in any area of Upper Phantom Lake. A minimum of 12 inches of aquatic plant growth must remain at the bottom of the lake.

11. Monotypic stands of Eurasian water milfoil and curly leaf pondweed may be cut in Upper Phantom Lake as described on Map 11 (Habitat and Mixed Use Area). Stands of native aquatic plants may not be cut. A minimum of 12 inches of aquatic plant growth must remain at the bottom of the lake.
12. Mechanical harvesting must follow the “top-cut” method to target the non-native aquatic plant growth present near the surface, while allowing for native aquatic plant communities to remain for habitat and sediment stabilization purposes.
13. The cutting bar and paddle wheels on the harvester shall not be set to disturb the bottom sediment in the lake. At no time shall harvesting remove all plant material down to the sediments.
14. All aquatic plants cut must be removed immediately from the water. Disposal of the harvested aquatic plants must be located in the areas specified in the harvesting permit application and must be in accordance with any applicable county and local regulations. Plants cannot be disposed of in a wetland or floodplain. The disposal sites are marked in Maps 13, 14, 15, 16, 18 and 19. The five approved sites for aquatic plant disposal include:  
  
Papa Steinke, S92 W32460 Hwy NN, Mukwonago, WI 53149  
Roberts Nursery, 1616 Honeywell Road, Mukwonago, WI 53149  
Francis DeGraves, N9022 Army Lake Road, East Troy, WI, 53120  
Cindy’s Greenhouse, N9161 Adams Road, East Troy, WI 53120  
Eugean Farms, 7505 Pleasant Road, Waterford, WI, 53185
15. All mechanical harvesting records must be maintained and made available to the Department upon request. Annual reports summarizing harvesting activities shall be given to the Department **by November 1**. The annual report shall include information such as a map showing the areas harvested, the total acres harvested and the total amount of plant material removed from the body of water.

### **FINDINGS OF FACT**

1. The Phantom Lakes Management District has filed an application for a permit to conduct a mechanical harvesting operation on Upper and Lower Phantom Lakes in Sections 26, 27, 34 and 35 of Township 5 North, Range 18 East, Village of Mukwonago and Town of Mukwonago in Waukesha County. The specific areas to be harvested are shown in the map(s) included as a formal a part of the permit.
2. The Department has determined the proposed mechanical harvesting will provide aquatic plant nuisance relief in the designated areas. The mechanical harvesting will allow for increased navigation and recreational opportunities.
3. The Department has determined that there will be no significant adverse impacts resulting from the mechanical harvesting of Upper and Lower Phantom Lakes if harvesting takes place in accordance with permit conditions.
4. The total harvesting area is up to 87 acres in the areas shown on the maps and referenced in the Aquatic Plan Management Plan as approved in the conditions above.
5. The Department has determined that a portion of the permitted harvesting area is in a Department designated Sensitive Area.

### **CONCLUSIONS OF LAW**

The Department has authority under the above indicated Statutes and Administrative Codes, to issue a permit for mechanical harvesting of aquatic plants.

### **NOTICE OF APPEAL RIGHTS**

If you believe that you have a right to challenge this decision, you should know that Wisconsin Statutes and Wisconsin Administrative Code 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 serve a petition within 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 pursuant to Section 227.42, Wisconsin Statutes, 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. This notice is provided pursuant to Section 227.48(2), Wisconsin Statutes.

Dated at Waukesha, WI July 10<sup>th</sup>, 2019

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

For the Secretary

By

Heidi Bunk

Heidi Bunk

DNR Lake Biologist



Aquatic Plant Control Mechanical / Manual Permit Application  
Form 3200-113 (R 10/16)

**Notice:** Pursuant to s. 23.24, Wis. Stats., the information requested on this form is required by the Department of Natural Resources (DNR) to permit aquatic plant control mechanical and/or manual application. Failure to complete and submit this form will result in no permit being issued. Personally identifiable information collected will be used for program administration and may be made available to requesters to the extent required under Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

For DNR Use Only	
Date Received 7/2/2019	ID Number SE-2019-68-5219M
Fee Received \$300	County Code 68
Exp. Date 12/31/2023	WBIC 765800, 766000

**Section I: Applicant Data**

Permit Applicant Name Phantom Lakes Management District			Applicant is: <input type="checkbox"/> Private Individual <input type="checkbox"/> Contractor <input checked="" type="checkbox"/> Lake Organization (Specify) Phantom Lakes Management Di...		
Applicant Mailing Address PO Box 391					
City Mukwonago	State WI	Zip 53149	Lake Property Address (if different)	City	State Zip
Phone Number xxx-xxx-xxxx 262-378-1267	Email Address gonefishing@phantomlakes.us	Phone Number xxx-xxx-xxxx	Email Address		

Individuals and organizations (e.g. Lake District, Lake Association, Property Owners Association, County Department of Recreation), sponsoring removal.

Name	Address	Phone	Email Address
Phantom Lakes Management District	PO Box 391	262-378-1267	gonefishing@phantomlakes.us

Has a Lake Management plan been provided to the DNR? <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Don't Know	If Yes, date approved of most current copy	Location of Applicant file copy
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Does the proposed plant removal agree with the approved plan? ☒ Yes ☐ No  
If NO, explain, Attach additional sheets if necessary.

Is this area within or adjacent to a Sensitive Area designated by the Wisconsin Department of Natural Resources?

☒ Yes ☐ No ☐ Don't Know If yes, list sites:  
attached

Waterbody of proposed plant removal Upper & Lower Phantom Lakes	Lake Surface Area (acres): 540	County Waukesha	Section 26	Township 05 N	Range 18 <input checked="" type="radio"/> E <input type="radio"/> W
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Name of Firm (if sub-contracted) NA	Phone Number xxx-xxx-xxxx 000-000-0000	Extension:
Street Address NA	City NA	State WI Zip 00000

Name of 1st Plant Disposal Site (if applicable) Cindy's Greenhouse 19161 Adams Road East Troy WI	1/4 1/4 NE SE	Section	Township N	Range E W	County Walworth
Name of 2nd Plant Disposal Site (if applicable) 53120 Four other sites: Papa Ste. Mike Nursery Robert's Nursery, Francis De Groves, Eugene Farms	1/4 1/4 ---	Section	Township N	Range E W	County

Length of project area 0 ft. x Shoreline or area width 0 ft. /43,560= 0.000 Estimated Acreage Avg. Depth 0 ft.

Offshore Control Site Length 0 ft. x Shoreline or area width 0 ft. /43,560= 0.000 Estimated Acreage Avg. Depth 0 ft.

TOTAL ESTIMATED ACREAGE 0.00 87

## Section II: Location of Aquatic Plant Removal (cont.)

What type of aquatic plants below the Ordinary High Water Mark are proposed to be removed? (check all that apply)

- ☒ Emergent (above water level)      ☒ Submergent (below water level)      ☒ Floating Leaf (at the surface i.e. lily pads)

## Section III: Map & Property Ownership

In the attachment section, attach a copy of a lake map that includes the property(s) to be harvested. On the map identify the following required information.

- Area and dimensions of each proposed plant removal area.
- Location of all riparian neighbors (property owners riparian to and adjacent to the proposed removal area) including project participants and non-participants. Consecutively number each riparian neighbor (both project participants and non-participants). In the space below:
- Name all riparian owners, including project participants & non-participants. The number should correspond with the numbered properties on the map. Attach additional sheets if necessary.
- Check Yes box to indicate project participants and No box for non-participants.

Name of Riparian Neighbor	Project Participant	Control Dimensions (calculated acreage)
see attached list	<input type="radio"/> Yes <input checked="" type="radio"/> No	0.00

## Section IV: Methods

What mechanical or manual methods to remove plants are proposed? (check all that apply)

- ☒ Mechanical harvesting      ☐ Raking      ☐ Other (specify)  
☐ Hand Pulling      ☐ Cutting      ☐ Alum

If alum is proposed, has a plan been developed? ☐ Yes ☐ No If yes, please include the plan with this application.

Please explain why you selected the proposed cutting method(s).

## Section VI: Reasons for Aquatic Plant Removal

Purpose of Aquatic Plant Removal:

- ☒ Maintain navigational channel for common use  
☒ Maintain private boat access  
☒ Maintain private access for fishing  
☒ Improve Swimming  
☒ Other Facilitate growth of native plants

Nuisance Caused By:

- ☒ Emergent water plants  
☒ Submergent water plants  
☒ Floating water plants  
☐ Other

Name of plants, if known

## Section VII: Integrated Pest Management (Alternatives Considered)

	A. Previously Done?	B. Presently Proposed?
1. Chemical	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No
2. Dredging	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No
3. Drawdown	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No
4. Nutrient controls in watershed	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No
5. Nutrient controls on property	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No
6. Other	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No

**Note:** Consider feasibility of alternatives for **each** control site. This information not only helps the department make a decision on this application but also helps you evaluate your investment in aquatic plant management.

Describe the level of success for alternative methods previously used:

1. Chemical	No information on success available, last chemical treatment prior to 1980s.
2. Dredging	
3. Drawdown	
4. Nutrient controls in watershed	
5. Nutrient controls on property	
6. Other	



### Section VIII: Applicants Responsibilities

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.
2. The applicant understands that the Department of Natural Resources may require supervision of any aquatic plant management project involving removal. Supervision may include inspection of the proposed treatment area and/or equipment, before, during, or after removal. The applicant is required to notify the regional office 4 working days in advance of each anticipated date of plant removal with the date, time, location and size of plant removal unless the Department waives this requirement. The advance notification may be specified in your permit.
3. The applicant agrees to inform all operators of harvesting equipment of the conditions and terms of this permit and to insure that all operators understand and abide by those terms and conditions.
4. The applicant agrees to comply with all terms and conditions of this permit, if used, as well as applicable Wisconsin Administrative Rules. The required fee is attached.
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>

I hereby certify that the above information is true and correct and that copies of the application have been provided to the appropriate parties name in Section II and that the conditions of the permit will be adhered to. All portions of this permit, map and accompanying cover letter must be in possession of the applicant or their agent at time of plant removal. During plant removal activities, all provisions of applicable Wisconsin Administrative Rules must be complied with, as well as the specific conditions contained in the permit cover letter.

Electronically Signed

Applicant's Signature

### DNR Use Only

Review Notes:

☐ National Heritage Inventory Review

### Section IX: Permit to Carry Out Mechanical or Manual Removal of Aquatic Plants

The foregoing application is approved. Permission is hereby granted to the applicant to mechanically or manually remove aquatic plants described in the application during the season. The approval of an aquatic plant management permit may not represent an endorsement of the permitted activity, but represents that the applicant has complied with Wisconsin Administrative Rules.

Season Year(s)  
2019-2023

Application fee if received?

☒ Yes ☐ No

State of Wisconsin  
Department of Natural Resources For the Secretary

By *Adrian Bunge*

Regional Director or Designee

7/10/19

Date Signed

7/10/19

Date Mailed

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rule 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 review shall name the Department of Natural Resources as the respondent.

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.

This notice is provided pursuant to s. 227.48(2), Wis. Stats.

# Attachments and Checklists

## Main Permit Application









Mechanical - Manual Plant Control Application (3200-113) :

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	<a href="#">PLMD-riparian-2019list.xlsx</a>
Site Map	 File Attachment	<a href="#">map2.pdf</a>
Site Map	 File Attachment	<a href="#">map2.pdf</a>
Site Map	 File Attachment	<a href="#">map3.pdf</a>
Site Map	 File Attachment	<a href="#">map4.pdf</a>
Site Map	 File Attachment	<a href="#">map5.pdf</a>
Site Map	 File Attachment	<a href="#">map6.pdf</a>
Site Map	 File Attachment	<a href="#">proposed2018harvestingmap.jpg</a>

Errors:



## Online Payment

Wisconsin Department of Natural Resources Invoice Number: WP-00019193

**Total Due:** \$300.00

Payment Confirmation # WS2WT3003625734

### STEP 1:

**Payment is Complete**

Confirmation  
Number:

WS2WT3003625734

### STEP 2 :

Please note that payment is considered successful when your financial institution renders payment for this transaction. Failure of US Bank to collect and transfer funds from the permit applicant to the DNR, does not release the applicant of financial responsibility and the DNR reserves the right to collect unpaid fees.

All payments are collected by US Bank which is an external website contracted by the Wisconsin Department of Natural Resources for the sole purpose of collecting payments over the web.

## Sign and Submit Permit

### 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. The advance notification may be specified in your permit.
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>

I hereby certify that the above information is true and correct and that copies of the application have been provided to the appropriate parties name in Section II and that the conditions of the permit will be adhered to. All portions of this permit, map and accompanying cover letter must be in possession of the applicant or their agent at time of plant removal. During plant removal activities, all provisions of applicable Wisconsin Administrative Rules must be complied with, as well as the specific conditions contained in the permit cover letter.

☒ Check if you are signing as Agent for Applicant.

i:0#.f|wamsmembership|mkwinter signed on 2019-06-28...

☒ 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.