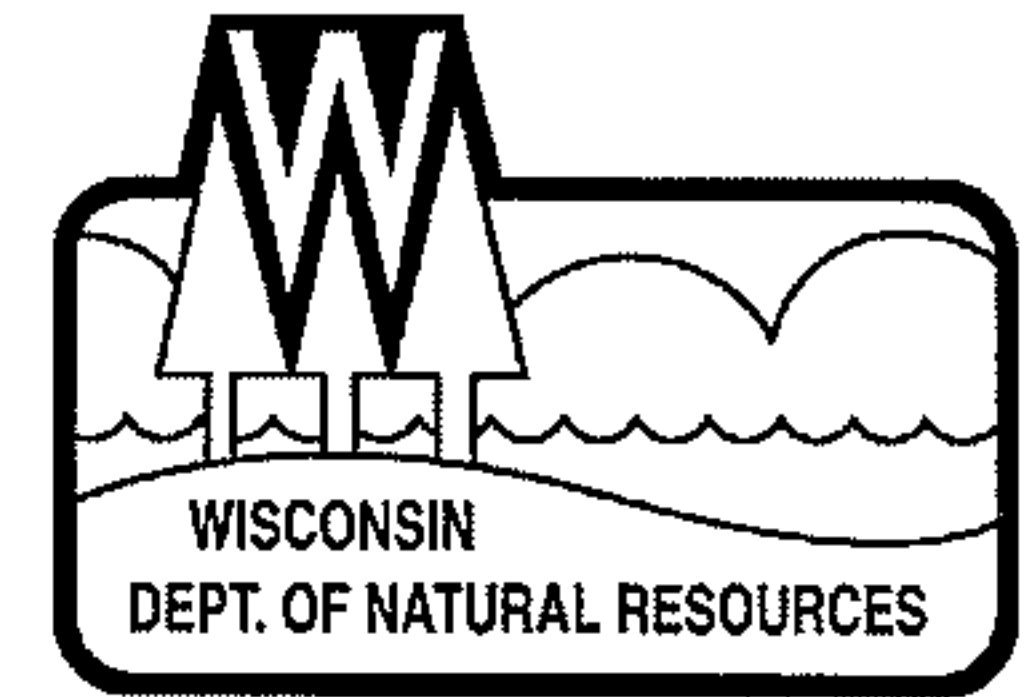


State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee WI 53212-3128

Scott Walker, Governor
Cathy Stepp, Secretary
Gloria L. McCutcheon, Regional Director
Telephone 414-263-8500
FAX 414-263-8606
TTY Access via relay - 711



February 1, 2011

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

Subject: 2011 Harvesting Permit – Upper and Lower Phantom Lakes

Dear Mary:

Thank you for submitting the permit application on behalf of the Phantom Lake Management District for harvesting aquatic plants by mechanical means on 87 acres in Upper and Lower Phantom Lakes. The Department has found your application to be complete and is issuing a 1-year permit extension with conditions. Please read your permit carefully and contact us if you have questions.

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.

It is recommended that you minimize harvesting activities through June 30th, 2011 to reduce your impact on fish spawning.

You have indicated that you will be conducting an aquatic plant survey and updating your Aquatic Plant Management Plan during the summer and fall of 2011. The Department will be able to issue you a 5-year harvesting permit (starting in 2012) once you have completed these activities and your plan is approved.

Your next step will be to notify me of the date on which you plan to begin harvesting. If you have any questions or concerns I can be reached at 262-574-2124.

Sincerely,

Eric Hyde
Water Resources Specialist

**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, Town and Village of Mukwonago in Waukesha County, subject to the conditions listed below. This permit is for a 1-year term and will expire on December 31, 2011.

PERMIT CONDITIONS

1. You must notify Water Resources Specialist Eric Hyde at 262-574-2124, 4 working days prior to the anticipated starting date of the harvesting operation, or provide a harvesting schedule upon request. Department staff may schedule and conduct an onsite supervision of harvesting.
2. Mechanical harvesting will only be allowed in the areas specified in the in the permit application. A copy of the permit and maps shall be maintained onboard the harvester(s) at all times that harvesting operations are conducted.
3. 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 permit application and must be in accordance with any applicable county and local regulations.
4. The quantity and species of plants to be mechanically harvested must be in accordance with the permit application and the Lake Management Plan for the Phantom Lakes, compiled by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) in August 2005. (See attached map.)
5. Mechanical harvesting using the top-cut method will be used to target the plant growth present near the surface, while allowing for aquatic plant communities to remain for habitat and sediment stabilization purposes. Aquatic plants can be cut to a maximum depth of 3 feet below the surface, allowing for a minimum of 12 inches of aquatic plant growth to remain at the bottom of the lake in all harvesting areas.
6. Prior to using a "top-cut" harvesting method in any sensitive areas designated for harvesting on the lake, the area to be cut should be surveyed (and documented) for the presence of Eurasian Water Milfoil, a non-native species. The presence of Eurasian Water Milfoil would then indicate the need for cutting in that area. Harvester operators should avoid cutting plant communities dominated by native plants.
7. 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 each year. 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 (Facts which were considered in making this decision.)

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, Township 5 North, Range 18 East, Town and Village 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 87 acres in the areas shown on the maps or referenced in the Lake 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. This area will be surveyed for non-native plant species prior to cutting.

CONCLUSIONS OF LAW (These are the legal reasons why the Department can make these decisions)

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 February 1, 2011

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By  _____

Eric Hyde
Water Resources Specialist

cc: Ben Heussner – DNR, Waukesha County Fisheries Biologist
Heidi Bunk – DNR, Lakes Biologist