

State of Wisconsin DNR Department of Natural Resources Water Permit Central Intake – attn. APM PO Box 7185 Madison, WI 53707-7185	Mechanical Aquatic Plant Control Permit
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**Permit Number:** SE-2022-65-12849M  
**Permit Expiration Date:** 12/31/2026  
**Waterbody Name:** Potter Lake

**Waterbody # (WBIC):** 753800  
**Fee Received:** 300  
**Waterbody Address:** W804 County Road L

**Applicant Name:** Christine Celley, Cathy Schulz  
**P.O. Box 808**  
**East Troy, WI 53120**  
**Email:**  
**Phone:**

**Applicator Name:** Potter Lake P & R District  
**P.O. Box 808**  
**East Troy, WI 53120**  
**Email:**  
**Phone:**

The Department has received and reviewed your application to mechanically remove up to 18.75 acres of aquatic plants in Potter Lake, Walworth County.

Aspects of this permit may not be changed. Please go to this web address: <https://permits.dnr.wi.gov/water/SitePages/Permit%20Search.aspx> to search for and download the permit documents.

This permit is backdated to a start date of 04/01/2022 and expires 12/31/2026.

Your permit application meets the minimum requirements by law and a permit is being issued with the following conditions:

**General Conditions:**

- You shall follow the treatment plan outlined in the 2022 permit application and permit conditions. Any changes to the permitted activity will require an additional permit from the Department.
- The treatment notification protocols, treatment plan, and reporting protocols shall be performed in compliance with Wisconsin Administrative Code Chapter NR 109. Noncompliance with the permit can result in enforcement actions under Wis. Stat. Chapters 23, 30 and 31 and restriction of aquatic plant management activities for subsequent years under Wisconsin Administrative Code Chapter NR 109. The conditions and treatment plan are required to be followed to ensure efficacy of the treatment.
- You shall notify Heidi Bunk of the Department of Natural Resources at [Heidi.bunk@wisconsin.gov](mailto:Heidi.bunk@wisconsin.gov) 4 business days before treatment with the date and time of proposed treatment. This notification shall occur each year.

- You shall have a paper or electronic copy of this decision letter and permit with the individual conducting the harvesting during all associated harvesting events.
- You shall submit an annual report with a detailed map of treatment areas, total acres harvested, total time spent harvesting and aquatic plant material removed by weight (unit), volume (unit) and species – including by-catch, within 30 days of the last treatment to [DNR APM Program](#).

### **Specific Conditions:**

- The quantity and species of plants to be mechanically harvested with the harvester and the widths of the cutting paths shall be in accordance with the 2022 APM plan update for Potter Lake (Figure 19, page 40, and pages 38-39) and as additionally described in the permit application.
- Harvester operators shall avoid cutting plant communities dominated by chara, slender naiad and native pondweeds unless there is a demonstrated navigational impediment.
- Cutter bars shall be kept out of the sediment. A minimum of **1 foot** of aquatic plant growth shall remain at the bottom of the lake in all harvested areas.
- Harvesting shall only take place in water depths of 36 inches or greater. Harvesting may take place in less than three feet of water in the 20 foot navigational channels denoted on Figure 19.
- You shall harvest in a manner to minimize accidental capture of fish, frogs and turtles. Animals captured shall be netted and released back to the lake.

### **Findings of Fact**

1. The Potters Lake Protection and Rehabilitation District has filed an application for a permit to conduct a mechanical harvesting operation in the Town of East Troy, Walworth County, Township 4 North, Range 18 East, Sections 10 and 11. The specific area to be harvested is in accordance with the 2022 Potter Lake Aquatic Plant Management Plan Update.
2. The total harvesting area is 18.75 acres shown on the maps submitted with the application and as approved in the conditions above.
3. The Department has documented the presence of Hybrid Water Milfoil in Potters Lake through genetic testing. The genetic testing was completed on May 29<sup>th</sup>, 2012 by Grand Valley State University, Michigan.

4. The Department has determined the proposed mechanical harvesting will provide eurasian water milfoil, hybrid water milfoil, coontail, elodea and curly leaf pondweed nuisance relief in the designated areas. The mechanical harvesting will allow for increased navigation and recreational opportunities.
5. The department has determined that there will be no significant adverse impacts resulting from the mechanical harvesting of Potter Lake.
6. The Department has determined that the proposed harvested area is not in a department designated sensitive area.

### Notice

- You shall decontaminate all project equipment used in the waterbody to minimize transport of aquatic invasive species (AIS) immediately after each use on the project site. You shall utilize best management practices:  
<https://dnr.wi.gov/topic/Invasives/disinfection.html> You shall comply with all provisions in Wis. Stat. s. 30.07 and Wis. Adm. Code s. NR 40.07 and Manual code 9183.1 For further information, please refer to the following:  
<https://dnr.wi.gov/topic/invasives/classification.html>.
- You shall comply with the provisions of Wis. Adm. Code s. NR 500, regarding solid waste transporting. For more information, please refer to the following:  
<https://dnr.wisconsin.gov/topic/Waste/Licenses.html>
- You shall comply with local and county ordinances regarding disposal of aquatic plant materials. Disposal of the harvested aquatic plants must be located in the areas specified in the permit application (Sponholtz Farm T 4N, R 18E, Section 14 and/or Roberts Nursery T 4 N, R 18 E, Section 2). Disposal shall not occur in a wetland or floodplain.

If you have any questions or concerns, I can be reached at 262-719-0814 or by email at [heidi.bunk@wi.gov](mailto:heidi.bunk@wi.gov).

State of Wisconsin Department of Natural Resources for the Secretary

By: Bunk, Heidi  
Lakes Biologist

02/09/2024  
Date Signed

02/09/2024  
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.