

April 25, 2016

Dale Olson - Zoning and Conservation Administrator  
Sawyer County Zoning and Conservation Department  
10610 Main Street, Suite 49  
Hayward, Wisconsin 54843

RE: DNR Permit Approval for Sawyer County formal application to abandon Little Round Lake Dam (Field File Number 57.34) and Rescission of 1941 Public Service Commission Water Level Order

Dear Mr. Olson:

The Wisconsin Department of Natural Resources (Department) have completed review of Sawyer County's application to remove/abandon the Little Round Lake Dam on the man-made channel between Little Round Lake and Osprey Lake (fka; Squaw Lake), located in the Town of Hayward, Sawyer County, and rescission of the 1941 Public Service Commission Order pertaining to regulated water level (Item 3 of the actual order). The application is approved with specific conditions.


Attached you will find a copy of the 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 photographs of the completed project within 7 days after you've finished construction. This helps both of us to document the completion of the project and compliance with the permit conditions.

Your next step will be to notify me of the date on which you plan to start removal/demolition of the dam structure and again after your project is complete.

If you have any questions about the dam abandonment permit, please contact me at [David.Kafura@wisconsin.gov](mailto:David.Kafura@wisconsin.gov). Any questions regarding the dam abandonment plan and specification approval should be directed to Frank Dallam at [Frank.Dallam@wisconsin.gov](mailto:Frank.Dallam@wisconsin.gov).

Sincerely,



Dave Kafura  
DNR Forest Hydrologist

Cc: Round Lake Property Owners Assoc., PO Box 1070, Hayward, WI 54843  
Osprey Lake Property Owners Assoc., 9471N Osprey Rd., Hayward, WI 54843  
Lac Courte Oreilles Tribal Government, 13394W Trepania Rd., Hayward, WI 54843  
Dan Tyrolt, LCO Conservation Dept., 13394W Trepania Rd., Hayward, WI 54843  
Town of Hayward, PO Box 13260, Hayward, WI 54843

Frank Dallam – Spooner  
Doug Casina – Hayward (via email)  
Tom Aartila – Park Falls (via email)  
Keith Patrick – Rhinelander (via email)  
Michael Kowalkowski – LS/8, Madison (via email)  
William Sturtevant/Meg Galloway – Madison (via email)  
Jim Hausman (via email)

**STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES**

**Little Round Lake Dam abandonment/removal PERMIT  
Docket # IP-NO-2013-58-01501**

Sawyer County is hereby granted under Section 31.06, 31.185, and 31.18, Wisconsin Statutes, to remove and abandon the Little Round Lake Dam constructed on a navigable man-made connection between Little Round Lake and Osprey Lake, located in the Township of Hayward, Sawyer County, also described as in the SWSE of Section 36, Township 41 North, Range 8 West, subject to the following conditions:

**PERMIT**

1. You must notify Dave Kafura at [David.Kafura@wisconsin.gov](mailto:David.Kafura@wisconsin.gov) before starting demolition/abandonment of the dam structure and again not more than 5 days after the project is complete.
2. You must complete the project as described on or before April 25, 2019. If you will not complete the project by this date, you must submit written request for an extension prior to the expiration date of this 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 may not begin or continue demolition work 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, and as modified by the conditions of this permit. If you wish to alter the project or permit conditions, you must 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 US 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 demolition, construction, operation, maintenance or permit compliance.
6. The Department may modify or revoke this permit if the project is not completed according to terms of this permit, or if the Department determines the activity is detrimental to the public interest.
7. You must post copies of this permit at conspicuous locations on the project site, visible from Carlson Lane and Little Round Lake, for at least 5 days prior to demolition/construction, and remaining at least five days after the project is complete. You must also have a copy of the permit and approved plans 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 must 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, your agent, and any involved contractors or consultants may be considered a party to the violation pursuant to Section 31.99, Wisconsin Statute, for any violations of Chapter 31, Wisconsin Statutes or this permit.

11. Project shall be in compliance with the DNR plan approval for the removal of the Little Round Lake Dam dated April 4, 2016, signed and attached to this permit.
12. Coordination of resident access across the man-made channel on Carlson Lane, and private road extension, during the project (bridge removal and dam demolition) is solely the responsibility of Sawyer County. Coordination with the affected residents, Town of Hayward, emergency management and emergency services shall be documented and maintained by Sawyer County in the official project file.
13. Demolition and de-construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters. Erosion control measures such as silt fence, anchored turbidity barrier enclosing the work area in, and over the surface water, seeding and mulching disturbed banks must meet or exceed the standards in accordance with Wisconsin storm water construction technical standards. These standards can be reviewed at; [http://dnr.wi.gov/topic/stormwater/standards/const\\_standards.html](http://dnr.wi.gov/topic/stormwater/standards/const_standards.html)
14. All equipment used for this project including, but not limited to, tracked/wheeled vehicles, barges, boats, cranes, backhoes/excavators, silt and turbidity curtains, pumps and associated hosing, and any hand tools shall be de-contaminated for invasive and exotic viruses and species prior to use and after use.

The following steps shall be taken prior to any equipment movement to the site to avoid transporting invasive and exotic viruses and species. To the extent practicable, equipment and gear used on infested waters should not be used on other non-infested waters.

- Inspect and remove aquatic plants, animals, mud and sediment for any equipment used on this project
- Drain all water from your equipment that comes in contact with infested waters.
- Dispose of all aquatic plants, animals, and trash and demolition debris in accordance with Wisconsin's solid waste management regulations.
- Wash equipment with hot (>104 degree F) and/or high pressure water or allow equipment to dry thoroughly for 5 days.

15. The project shall be conducted in compliance with the DNR issued plan approval and overseen/supervised by a professional engineer registered in the State of Wisconsin.

#### **FINDINGS OF FACT**

1. Sawyer County has filed an application to remove/abandon the Little Round Lake Dam on a navigable man-made channel connecting Little Round Lake and Osprey Lake, located in the Town of Hayward, Sawyer County, also described as in the SWSE of Section 36, Township 41 North, Range 8 West. The application also requests rescission of the 1941 Public Service Commission Order pertaining to establishment of ordered water level (Item #3 of the actual order).
2. Little Round Lake Dam is listed in the department database as a small dam.
3. Sawyer County has filed an application to place a concrete box culvert regulated by Chapter 30 WI Stats., to place a new culvert acting as a bridge to replace the abandoned dam structure. The box culvert application has been determined to be complete, public comment sought, and a Department permit has been issued.
4. The man-made channel connecting Little Round Lake to Osprey Lake is navigable in fact.

5. The proposed project includes demolition and removal of the wooden wing walls, bridge top, double box culvert floor, walls and ceiling, and associated dam structure attached to the upstream side of the double box culvert.
6. On May 19, 2014, the Department made a completeness determination regarding Sawyer County's dam abandonment and water level order rescission application. The Department completeness determination included a notice document for the county to publish, along with information for the public informational hearing to be held.
7. A public informational hearing on the proposed dam abandonment was held on June 13, 2014, at the Hayward Veterans Community Center. Twenty nine people completed hearing appearance slips. Presentations and testimony presented included comments in support, and against, the proposed abandonment of the Little Round Lake Dam and the 1941 PSC water level order. Additional written comments were received by the department during the allotted comment period.
8. In 1941 the Public Service Commission ordered (2-WP-513) Sawyer County to construct an outlet channel from Little Round Lake to Osprey (fka; Squaw) Lake with a dam and control gates whereby the water level in Round and Little Round Lake may be controlled. The Public Service Commission also ordered that no water shall be diverted from the Tiger Cat Flowage into Round when the water levels of Round and Little Round Lakes exceeds elevation 76.0 feet. The Public Service Commission, in the 1941 order findings, found that the normal elevation of Round and Little Round Lakes is at 77.0 feet.
9. The Tiger Cat Flowage (Tiger Cat Dam) was permitted in 1937 (2-WP-255) by the Public Service Commission with the intent to divert surplus surface water into Round Lake. Additionally in 1937, the Public Service Commission permitted (2-WP-298) the Lake Placid Diversion Dam, along with the creation of man-made channels between Tiger Cat Flowage and Round Lake for the purpose of diverting surplus surface water into Round Lake.
10. Additional permits were issued in 1950 and 1984 to raise and enlarge the Tiger Cat Flowage to a maximum water level of 91.34 feet.
11. In June of 2011, the department issued a dam abandonment permit for the Lake Placid Diversion Dam as the result of an application for abandonment submitted by Sawyer County.
12. 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.
13. The project will not have significant adverse impact on regulated wetland as currently proposed.
14. The Department has complied with the requirements of Chapter NR 150, Wisconsin Administrative Code, and Section 1.11, Wis. Stats., through a determination that the proposed action would be an Equivalent Analysis Action (under the March 2014 NR 150 code) or a Minor Action under the current code. Nothing further is required under NR 150 for Minor Actions. As an Equivalent Analysis Action, programmatic procedures have included sufficient analysis to conclude that an Environmental Impact Statement is not required and have provided opportunity for public review. Publishing this Wisconsin Environmental Policy Act (WEPA) compliance determination as part of the permit approval meets the requirement in NR 150.35(2) of the March 2014 code.

15. 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 Section 1.11, 31.02, 31.06, 31.185, and 31.18, Wisconsin Statutes and Chapters NR 102, 103, 115, 116, 117, 150, and 299 of the Wisconsin Administrative Code.

### CONCLUSIONS OF LAW

1. The Department has the authority under Sections 31.02, 31.06, and 31.185, Wisconsin Statutes, and the foregoing Findings of Fact, to issue the permit requested, subject to the conditions listed in this permit.
2. The owner of a dam may make application for the abandonment of a dam, and receive a permit for the abandonment of a dam under Section 31.185, Wisconsin Statutes.
3. The Department, under Chapter NR 150, Wisconsin Administrative Code and Section 1.11, Wisconsin Statutes, has the responsibility to comply with WEPA and the authority to determine compliance with the Act.

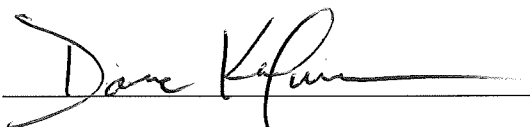
### NOTICE OF APPEAL RIGHTS

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 must 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 must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 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. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.

Dated at the Spooner Service Center, Spooner, Wisconsin on April 25, 2016

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
For the Secretary

By   
Dave Kafura  
DNR Forest Hydrologist



April 4, 2016

Mr. Dale Olson  
Sawyer County Zoning/Conservation Administrator  
10610 Main Street, Suite 49  
Hayward, Wisconsin 54843

Subject: Approval of Dam Abandonment plans for Little Round Lake Dam, located in Hayward Township, Sawyer County, T41N-R8W-Sec 36. IP-NO-2013-58-01501, Field File # 57.34

**BEFORE THE  
DEPARTMENT OF NATURAL RESOURCES**

IN THE MATTER of Plan Approval for  
Abandonment of Little Round Lake Dam

) Abandonment Approval  
) for a small dam on  
) navigable waterway

**FINDINGS OF FACT**

- 1 - The Departmental of Natural Resources has reviewed the Abandonment plans, entitled "CARLSON ROAD DAM SAWYER COUNTY WISCONSIN".
- 2 - The plans were included in a submittal from SEH dated March 18, 2014 and received on March 21, 2014.
- 3 - The plans are not dated.
- 4 - The dam is located in Hayward Township, Sawyer County.
- 5 - The dam is listed as a small dam on the Department's Data base.
- 6 - The plan approval is only for the abandonment of the dam, not the road/bridge construction.
- 7 - The plans are based on survey datum from BM 1127-C @ 1353.423 NAVD-88, and a local datum of 85.34 feet.

**CONCLUSIONS OF LAW**

- 1 - The Department has determined the project complies with Chapter 31, Wisconsin State Statutes.

**APPROVAL**

The Department is approving the plans, entitled "CARLSON ROAD DAM SAWYER COUNTY WISCONSIN", included in a submittal from SEH dated March 18, 2014 and received on March 21, 2014. The plan approval is based on the following conditions.

- 1 - The abandonment plan approval is null and void three years after the abandonment permit is issued.
- 2 - The abandonment of the dam is done in accordance with the Departmentally approved abandonment plans.
- 3 - The abandonment of the dam is done under the supervision of an engineer registered in the State of Wisconsin.
- 4 - Any change to the plans must be submitted by an Engineer registered in the State of Wisconsin, and receive appropriate Departmental approval before the change is initiated.
- 5 - Any activities involved with the abandonment must be in compliance with any applicable local, County, State or Federal law.
- 6 - Appropriate and effective erosion controls must in place during the project.
- 7 - A minimum flow of Q 7-10 is maintained during the abandonment, when such flow is available.
- 8 - Any coffer dams used in the abandonment receive appropriate Departmental permits and approvals.
- 9 - This office is contacted directly two weeks before the abandonment commences, and immediately when the abandonment is completed.
- 10 - The site will be monitored for erosion problems for a period of 2 years, after the abandonment is complete. Any Erosion concerns shall be remedied in a prompt manner.
- 11 - The dam owners engineer be responsible for presenting and explaining the dam abandonment plans at any public informational hearing, contested case hearing or meeting intended to explain the abandonment to the public.

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Section 31.12 (4), Statutes, requires a verified statement to be filed with the Department within ten days after the completion of the removal stating that the Dam was removed in accordance with the plans approved by the Department.

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**NOTICE OF APPEAL RIGHTS**

If you believe that you have the right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Departmental decisions must 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 must name the Department of Natural Resources as the respondent.

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STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
For the Secretary

By:

*Frank Dallam*

Frank Dallam  
Water Regulation and Zoning engineer

This decision was mailed on   A/25/2016  .

Please contact this office directly with any questions concerning the Department's approval of the plan

cc.

William Sturtevant, P.E.  
Dave Kafura  
Mr. Brad Woznak, P.E.

WT/3  
Spoooner  
SEH  
3535 Vadnais Center Drive  
St. Paul, MN 55110-5196

