

HENRY B. MILLER  
N5748 COFFEE ROAD  
JOHNSON CREEK, WI 53038

(920) 674-3345 OFFICE

(920) 699-2824 HOME

April 30, 2013

Bureau of Fisheries Management  
Natural Waterbody Permits  
P.O. Box 7921  
Madison, WI 53707

Re: Fish Farm application for Use of Natural  
Body of Water

Gentlemen:

Enclosed please find my application as described above together with all information requested as well as my check in the sum of \$50.00 for the Application Fee.

Should you have any questions, please call me at the above number.

Sincerely,



Henry B. Miller

maw  
Encs.

Stat: Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
101 South Webster Street  
PO Box 7921  
Madison, WI 53707-7921

Scott Walker, Governor  
Cathy Stepp, Secretary  
Scott Humrickhouse, Regional Director  
Telephone 715-839-3700  
FAX 715-839-6076  
TTY Access via relay - 711



April 23, 2013

HENRY B MILLER  
PO BOX 417  
JEFFERSON, WI 53549

Natural Waterbody Permit ID: 16-SC-5014  
Permit Holder: HENRY B MILLER  
Natural Waterbody Permit Issued on: 12/19/2002  
Legal Description: Township: 7N Range: 15E  
Section: 22 Quarter-Quarter: SWSW  
Permit Expiration Date: 12/19/2012 District: SAD

Dear Natural Waterbody Permit Holder:

Our records indicate on 12/19/2002 you received a permit (16-SC-5014) to use a Natural Waterbody for your fish farm. Your permit will expire 12/19/2012, and the deadline for you to submit your application for a permit renewal is July 1, 2013.

We at the DNR apologize for any delay in your renewal process. We have had to revamp our program resulting from the passage of 2011 Wisconsin Act 207, effective date April 16, 2012. Your current permit is still considered valid since the delay was no fault of your own.

To renew your permit, you must complete the attached Fish Farm Application for Use of Natural Body of Water permit and mail it, the required attachments, and a \$50 permit application fee to:

Bureau of Fisheries Management  
-Natural Waterbody Permits  
P.O. Box 7921  
Madison, WI 53707-7921

Make check or money order payable to Department of Natural Resources (DNR).

The DNR will renew your permit unless our staff determines that your fish farm has substantially adversely impacted any of the following: plant and wild animal habitat or populations; water quality and quantity in lakes, streams or rivers, threatened or endangered species or their habitats, wetlands and the public's right to navigate and associated incidents to navigation including fishing, swimming, wading and canoeing.

Please apply early and submit a complete application, which includes the six required attachments described on the application form, so that we can review your application thoroughly and quickly.

I've enclosed two fact sheets that answer many common questions about the permit process. If you have additional questions, please contact your Regional Natural Waterbody Permit Coordinator:

Matt Coffaro Phone: 920-387-7876 414-263-8614

Sincerely,

Michael Staggs  
Director, Bureau of Fisheries Management

Encl:

Natural Waterbody Permit Application (3600-227)  
PUB-FH-060 -Natural Waterbody Permits for Fish Farms Factsheet  
PUB-FH-059 - Environmental Permits of Wisconsin Fish Farm Factsheet

check # 4106

19-SC-005014

State of Wisconsin  
Department of Natural Resources  
PO Box 7921, Madison WI 53707-7921  
dnr.wi.gov

### Fish Farm Application For Use of Natural Body of Water

Form 3600-227 (R 3/13) Page 1 of 2

**Notice:** Use of this form is required by the Department for any application filed pursuant to ss. 29.733, Wis. Stats., and ss. NR 19.90-95, Wis. Adm. Code. The department will not consider your application unless you provide all information requested and submit the fee(s) indicated for the permit(s) selected. A social security number or federal employer identification number is **REQUIRED** when applying for a license listed in ss. 29.024(2g) or 29.024(2r), Wis. Stats. The number **SHALL NOT** be disclosed to any other person except the Department of Workforce Development or the Department of Revenue to determine liability for delinquent Wisconsin taxes or child or family support. Other personally identifiable information requested on this form will be used for program administration and may be provided to requesters as required by Wisconsin's Open Records law [ss. 19.31-19.39, Wis. Stats.].

Mail this form with its attachments and required fee to WDNR -Natural Waterbody Permits FH/4, PO Box 7921 Madison, WI 53707-7921.

#### Applicant Information

Applicant Name: First MI Last <i>HENRY B. MILNER</i>				Co-Applicant Name: First MI Last			
Address <i>N 5748 COFFEE ROAD</i>				Address			
City <i>JOHNSON CREEK</i>		State <i>WI</i>	ZIP Code <i>53038</i>	City		State	ZIP Code
Phone Number <i>920-674-7345</i>		Social Security No./ Fed. Employer ID No. <i>[REDACTED]</i>		Phone Number		Social Security No./ Fed. Employer ID No.	

#### Project Information

Business Name (if any)				Waterway Name					
Address				<b>Water Source (identify as gallons per minute, gpm)</b>					
<input type="radio"/> City <input checked="" type="radio"/> Town <input type="radio"/> Village of <i>FARMINGTON</i>				Spring	Well	Stream	City Water	Other	Specify Other
County <i>JEFFERSON</i>		Fire Number (if applicable) <i>N 5748</i>		Is there a discharge to a water of the state? <input type="radio"/> Yes <input type="radio"/> No					
$\frac{1}{4}$ $\frac{1}{4}$ <i>SW SW</i>	Section <i>22</i>	Township <i>7 N</i>	Range <i>15</i>	If Yes, Indicate: <input type="checkbox"/> Waterway <input type="checkbox"/> Wetland		Discharge (gpm)			

#### Project Description

A "natural body of water" is defined in Wisconsin law as any spring, stream, pond, lake or wetland that was historically present in a natural state but may have been physically altered over time. A "freeze-out pond" is defined in Wisconsin law as a natural, self-contained body of water in which freezing or anoxic conditions prevent the body of water from naturally sustaining a fish population at least twice every 5 years.

Operating a fish farm in a Natural Body of Water requires a permit under NR 19, Wis. Adm. Code. I am applying for:

- NR 19 Permit Renewal** - for continued use of a natural waterbody that was previously permitted as a preexisting fish rearing facility or a freeze-out pond.
- Initial NR 19 Permit** - for new use of a natural waterbody for fish farming (note, the waterbody must be a freeze-out pond).
- Transfer of NR 19 Permit** - to convey an existing NR 19 permit from one party to another, as a result of change in ownership or leasehold interest of a fish farm.

Number and dimension of ponds, raceways or tanks. Describe here and attach a diagram (Attachment # 4)

**Business Purpose:** Activities engaged in. (select all that apply)

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Distributor           | <input type="checkbox"/> Processor, On-Site                   | <input type="checkbox"/> Public Fee Fishing                                    |
| <input type="checkbox"/> Hatchery              | <input type="checkbox"/> Grower                               | <input type="checkbox"/> Raising Fish For Stocking                             |
| <input type="checkbox"/> Raising Bait For Sale | <input checked="" type="checkbox"/> Private, Personal Fishing | <input type="checkbox"/> Raising Fish to Directly Market for Human Consumption |
| <input type="checkbox"/> Other - Specify:      |   |  |

1. What type of pesticides do you currently use or plan to use?

2. Is your fish farm equipped with barriers that prevent the passage of fish between it and other water of the state?    Yes    No

3. If you are applying for an NR 19 Permit Renewal, have you made any facility changes - expansion, additional ponds, different species reared, etc. - over the last ten years?

Yes    No   If yes, describe: *no longer have walleyes.*

MILLER

Applicant Last Name

Fish Farm Application For Use of Natural Body of Water

Form 3600-227 (R 3/13)

Page 2 of 2

Species Information

Complete the following information regarding your operation: List the quantity of each size of the species of fish you possess or plan to raise on an annual basis in each pond, raceway, natural body of water, freeze-out pond, self-contained body of water or preexisting fish rearing facility.

Table with columns for Fish, Eggs, Fry, Fingerling, Yearling, Adult, and rows for various species like Bass, Walleye, Minnows, etc.

Attachments (Provide all of the following)

- 1. Location sketch or map showing route to the project site... 2. Photocopy of deed, lease, land contract... 3. Photocopy of plat book showing property owners... 4. Diagram showing number and dimensions of all ponds... 5. For an Initial NR 19 Permit - Documentation to show the natural waterbody is a "freeze-out pond"... 6. For a Transfer of NR 19 Permit - Photocopy of the previous owner's NR 19 permit... 7. Photocopy of any other permits or authorizations... 8. Photocopy of Department of Agriculture, Trade and Consumer Protection (DATCP) Fish Farm Registration...

Note: If conditions 2, 3, and 7 are met, then the DNR may find that your fish farm is exempt from a Natural Waterbody permit requirement. If so, the DNR will return your application and notify you of this finding.

Type of Permit and Fees

- Transfer of NR 19 Permit - \$100 fee
Initial NR 19 Permit - \$ 500 fee
NR 19 Permit Renewal- \$50 fee.

Make check or money order payable to the Department of Natural Resources (DNR)

Total Fees Enclosed: 50.00

Application Certification

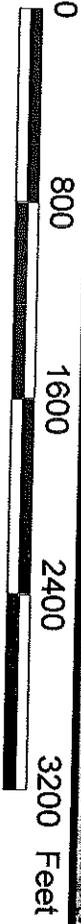
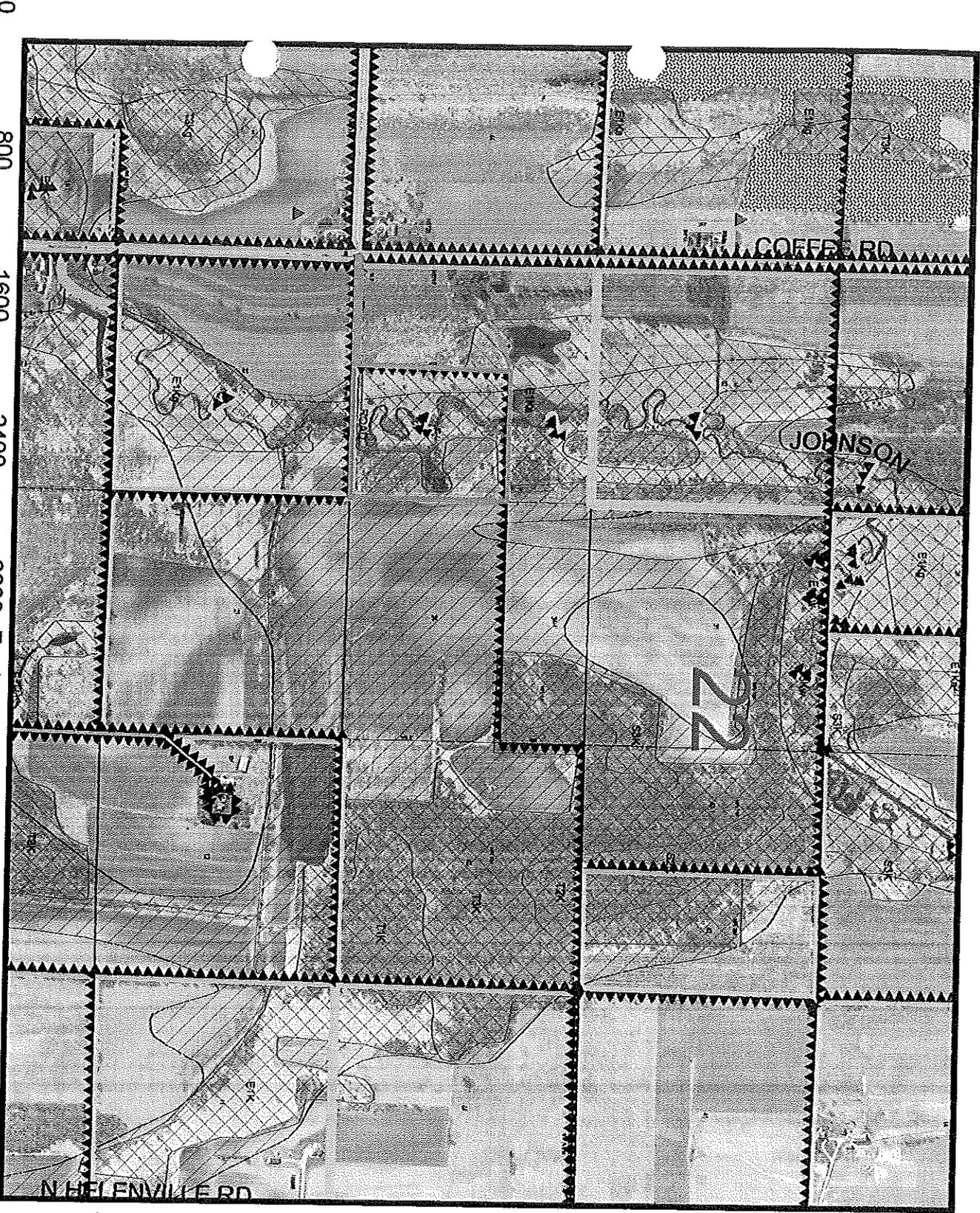
Signature of Authorized Representative

Date Signed

4/30/13

Leave Blank - DNR Use Only

Table with columns: Received By, Date Received, DNR Docket Number, Application Date



Map Printed on: December 18, 2002

DISCLAIMER: This map is not a substitute for an actual field survey or onsite investigation. The accuracy of this map is limited to the quality of the records from which it was assembled. Other inherent inaccuracies occur during the compilation process. Jefferson County makes no warranty whatsoever concerning this information.



**Legend**

- ▲ Surveys
- Parcel Freeze
- Accessory Div
- ▨ Deed Transfer
- ▧ Rezoning
- ▩ Variance
- ▼▼▼ 1977 Parcels
- 2000 Parcels
- Streams Etc.
- ▨ Upland Woods
- Mcd Boundaries
- Parcels
- Wetlands
- Island
- Wetland
- ▨ Floodplains
- ▨ IN
- ▨ OUT

*Henry Miller*  
*Dec. 22-7-15*  
*from transcription*  
*Jefferson Co. 1011*  
*1 pond*  
*12-18-02*

N5300

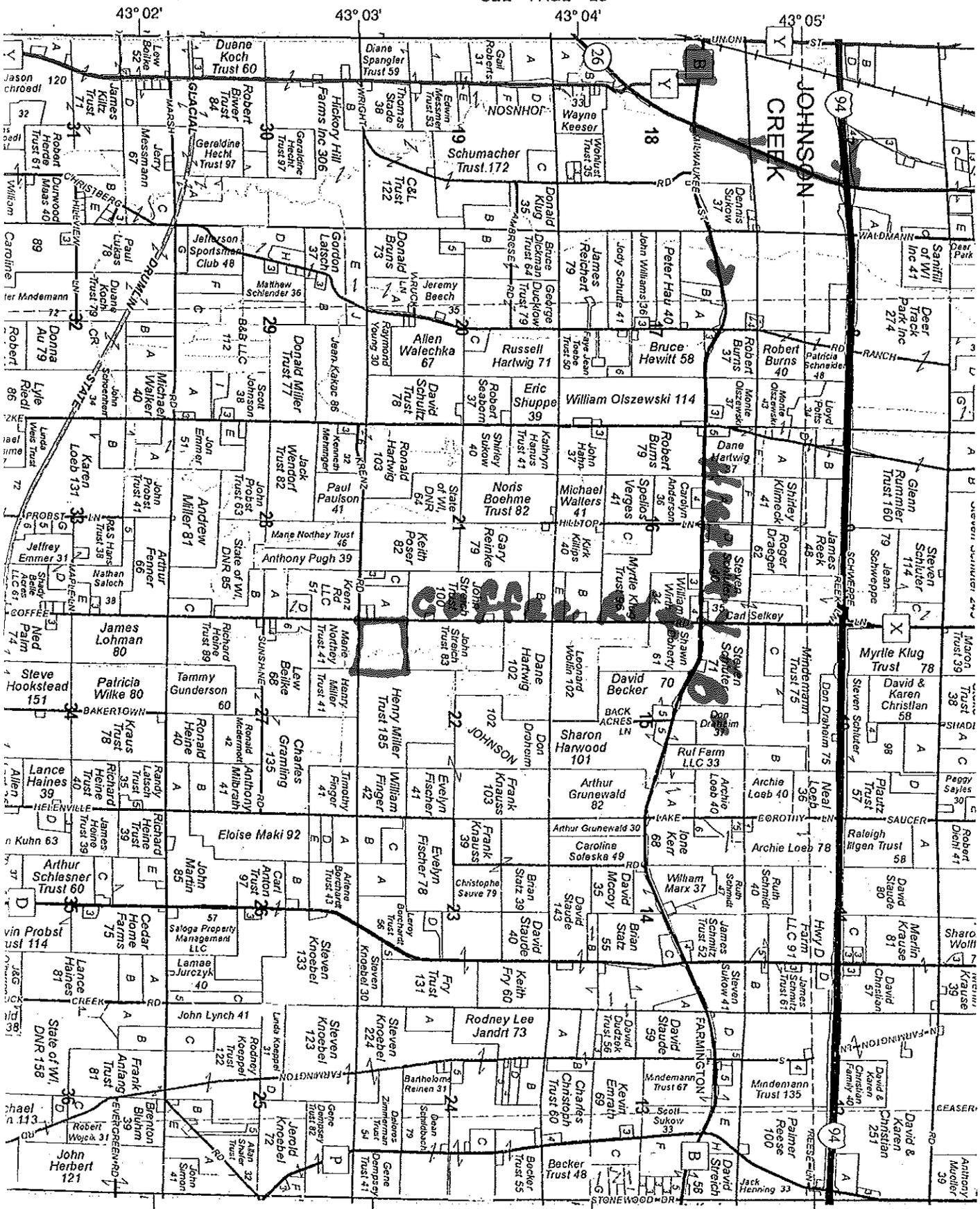
N5700

N6100

N6500

N6900

SEE PAGE 28



SEE PAGE 32

1260173

000335

SCANN

1259839

State Bar of Wisconsin Form 2-2003
WARRANTY DEED

000003

Document Number

Document Name

THIS DEED, made between Henry B. Miller and Nola M. Miller, his wife

("Grantor," whether one or more), and Henry B. Miller and Nola M. Miller, as Trustees or their successors in trust of the Henry B. Miller and Nola M. Miller Joint Irrevocable Living Trust dated 5/21/2009

("Grantee," whether one or more). Grantor for a valuable consideration, conveys and warrants to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in Jefferson County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

See description attached hereto and made a part hereof. Parcel No. is homestead.

PROVIDED, such grant is secondary to Grantors' reservation of a joint life estate in the aforesaid property. Further provided, during Grantors' lifetimes, Grantors shall be responsible for all taxes and insurance. Grantors may use said property for any purpose and shall not be liable for waste.

Parcel Numbers: 008-0715-2721-000, 008-0715-2233-001, 008-0715-2234-000, 008-0715-2243-000, 008-0715-2234-001, 008-0715-2242-001, 008-0715-2231-000, 008-0715-2233-000

EXEMPT# 16

Parcel Identification Number (PIN)
This homestead property.
RECEIVED FOR RECORD
at 8:00 o'clock A M

Exceptions to warranties:

Recorded easements, highways, roads, restrictions of record and zoning ordinances.

This deed is being re-recorded due to scrivener's error.

JUN 04 2009
REGISTER OF DEEDS
JEFFERSON COUNTY, WI

Dated May 21, 2009

Lynn M. Mehringer (SEAL)
\*Lynn M. Mehringer, witness
Jane E. Morrison (SEAL)
\*Jane E. Morrison, witness

Henry B. Miller (SEAL)
\*Henry B. Miller
Nola M. Miller, by Henry B. Miller, Attorney in Fact (SEAL)
\*Nola M. Miller, by Henry B. Miller, Attorney in Fact

AUTHENTICATION

Signature(s)
authenticated on

ACKNOWLEDGMENT

STATE OF WISCONSIN
JEFFERSON COUNTY

Personally came before me on May 21, 2009
the above-named Henry B. Miller

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Jane E. Morrison
Notary Public, State of WISCONSIN
My commission expires 09/16/2012

TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, authorized by Wis. Stat. § 706.06)

THIS INSTRUMENT DRAFTED BY:
Attorney Henry B. Miller
Jefferson, Wisconsin

(Signatures may be authenticated or acknowledged. Both are not necessary.)

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATION TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

WARRANTY DEED

STATE BAR OF WISCONSIN

FORM NO. 2-2003

\*Type name below signatures.

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a. (Melcher) The Southwest Quarter of the Southeast Quarter of Section 22, Township 7 North, Range 15 East. Also the North Half of the East Half of the Northwest Quarter of Section 27, Township 7 North, Range 15 East. Also a parcel of land bounded by a line commencing at a point 36 rods East of the Southwest corner of Section 22, Township 7 North, Range 15 East; running thence North 51 rods and 8 feet; thence East 124 rods; thence South 51 rods and 8 feet; thence West to the place of beginning. Also a right of way in and over a certain strip of land 1 rod wide commencing at the Southeast corner of said Section 22 and running along the South line of said Section, 36 rods to the and herein described, being the same right of way granted by Fredrich Schuetz to Pete Miller, Jr. and Leonard Linder in a Deed dated October 30, 1865, Said lands lying and being in the Town of Farmington, Jefferson County, Wisconsin.

b. (Wrede) The West Half of the Northwest Quarter of the Southeast Quarter of Section No. 22 in Township No. 7 North, Range No. 15 East, containing 20 acres of land according to Government Survey, be the same more or less.

Also the Northeast Quarter of the Southwest Quarter of Section No. 22 in Township No. 7 North of Range No. 15 East, containing 40 acres of land according to Government Survey, be the same more or less.

Also a parcel of land bounded by a line commencing at the Southwest corner of the Southwest Quarter of Section No. 22 in Township No. 7 North, Range 15 East and running thence North along the West line of said Quarter Section 80 rods to the Northwest corner of the South Half of said Southwest Quarter; thence East along the North line of said South Half of the Southwest Quarter 160 rods to the Northeast corner thereof; thence South along the East line of said Quarter Section 28 rods and 7 feet; thence West on a line parallel with the North line of said Quarter Section <sup>124</sup> rods; thence South parallel to the West line of said Quarter Section to the South line thereof and thence West along said South line 36 rods to the place of beginning, containing 40 acres of land more or less.

Subject to a right of way over the South end thereof as heretofore conveyed by Fred Schuetz to Pete Miller, Jr. and Leonard Michael Linder by Deed dated October 30, 1865 reference being had to said Deed and record thereof.

Together with and subject to an Easement Agreement recorded March 1, 1988 in Volume 713 of Records on Page 329 as Document No. 838591.

PERMIT

3-SD-87-511

Henry B. Miller  
N5748 Coffee Road  
Johnson Creek, WI 53038

Location: SW $\frac{1}{4}$ , SW $\frac{1}{4}$ , Section 22, T7N, R15E, Town of Farmington,  
Jefferson County

Johnson Creek

COPY

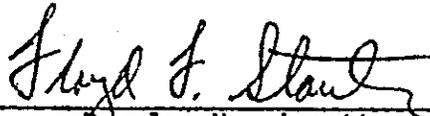
The Department grants a permit according to Section 30.19, Wisconsin Statutes, to construct a pond within 500 feet of Johnson Creek, subject to the following conditions:

1. This permit expires on July 1, 1989. No construction may begin or continue after this date unless the Department grants a permit extension in writing.
2. You must complete this project according to the plans you submitted. If you wish to make changes in the project, you must submit your new plans to the Department. The Department then must approve the changes in writing before you start or continue your project.
3. You are responsible for obtaining any permit or approval required for your project by municipal, town, or county zoning ordinances or by the U.S. Army Corps of Engineers before starting your project.
4. You must allow free and unlimited access to your project site at any time to any Department employee who is investigating the project's construction, operation, or maintenance.
5. The Department may change or revoke this permit if the project obstructs navigation or becomes detrimental to the public interest.
6. Your accepting this permit and beginning the project means that you have read, understand, and agree to follow all conditions of this permit.
7. You must keep a copy of this permit at the project site at all times until the project has been completed.
8. Any disturbed areas and upland adjacent to the waterway shall be protected from erosion during construction and shall be sodded or seeded and mulched as soon as possible after construction. Riprap, bank sloping, and/or jute netting shall be used where necessary to prevent erosion of newly exposed bank material.
9. Excavated material resulting from the project may be utilized as described in application and project plans. Excess excavated materials shall not be placed in the hydraulic floodway of a stream nor in any wetland.

10. Construction shall not take place during periods of excessive precipitation.
11. Under Wisconsin law, the pond that you construct becomes a public waterway. This means that you must allow the public to boat, swim, fish, and exercise other public rights on navigable waters as long as access to the pond is obtained in a legal manner. However, this does not allow the public to trespass on private upland.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
For the Secretary

By



for Douglas Morrisette  
Southern District Director

This decision was mailed on October 2, 1987.

cmt

COBY

Section 1 Town 7 N, Range 13 E, Township 11 S, Range 13 E, Township 11 S Parcel No. \_\_\_\_\_  
 Road COFFEY Subdivision \_\_\_\_\_ Lot No. \_\_\_\_\_  
 Lot Width \_\_\_\_\_ Lot Depth \_\_\_\_\_ Acres 25.6 Zoning District A-1 Bk/CSM No. \_\_\_\_\_

**TYPE & COST OF STRUCTURE/IMPROVEMENT — MUST COMPLETE & INCLUDE PLOT PLAN**

**A. TYPE OF IMPROVEMENT**  
 \_\_\_ New Building  
 \_\_\_ Addition  
 \_\_\_ Other GA 2630

---

**B. Residential**  
 \_\_\_ One-Family  
 \_\_\_ Two or More  
 No. Units \_\_\_\_\_  
 \_\_\_ Garage \_\_\_ Att. \_\_\_ Det.  
 \_\_\_ Carport  
 \_\_\_ Other—Specify GA 2630

---

TOTAL SQ. FT. \_\_\_\_\_

**C. Non-Residential**  
 \_\_\_ Industrial  
 \_\_\_ Commercial  
 \_\_\_ Business  
 \_\_\_ Public  
 \_\_\_ Agricultural  
 Other—Specify \_\_\_\_\_

---

Specify Use \_\_\_\_\_

---

TOTAL SQ. FT. \_\_\_\_\_

**D. COST OF IMPROVEMENT**  
\$1000.00

**FOR OFFICE USE ONLY**  
**INSPECTION**  
 Pre-Stake-Out \_\_\_\_\_  
 Date \_\_\_\_\_  
 Plot Plan/Site Stake-Out \_\_\_\_\_  
 Date \_\_\_\_\_  
 Does It Meet County Requirements?  
 Yes \_\_\_\_\_ No \_\_\_\_\_

---

OTHER DETAILS \_\_\_\_\_

---

Sanitary Permit No.: \_\_\_\_\_  
 Public Sewer: \_\_\_\_\_

PLOT PLAN SHALL BE COMPLETE, SHOWING DISTANCES OF IMPROVEMENT FROM CENTERLINE OF ROAD, WATER, LOT LINES, SANITARY SYSTEM, WELL. GIVE ALL DIMENSIONS.

N5778 COFFEY ICA SEE ATTACHED



**OWNER: CHECK FOR APPLICABLE DEED OR PLAT RESTRICTIONS**

**III. IDENTIFICATION—To be completed by all applicants.**

	Name	Mailing Address — Number, Street, City, and State	Zip Code	Tel. No.
1. Owner	<u>Henry B. Miller</u>	<u>P.O. Box 417 (Jefferson) MO</u>	<u>674</u>	<u>3345</u>
2. Contractor or Architect				

The owner of this building and the undersigned agree to conform to all applicable laws of Jefferson County.

Signature of Applicant Henry B. Miller Application Date 9-30-88

**DO NOT WRITE IN THIS SPACE — FOR OFFICE USE**

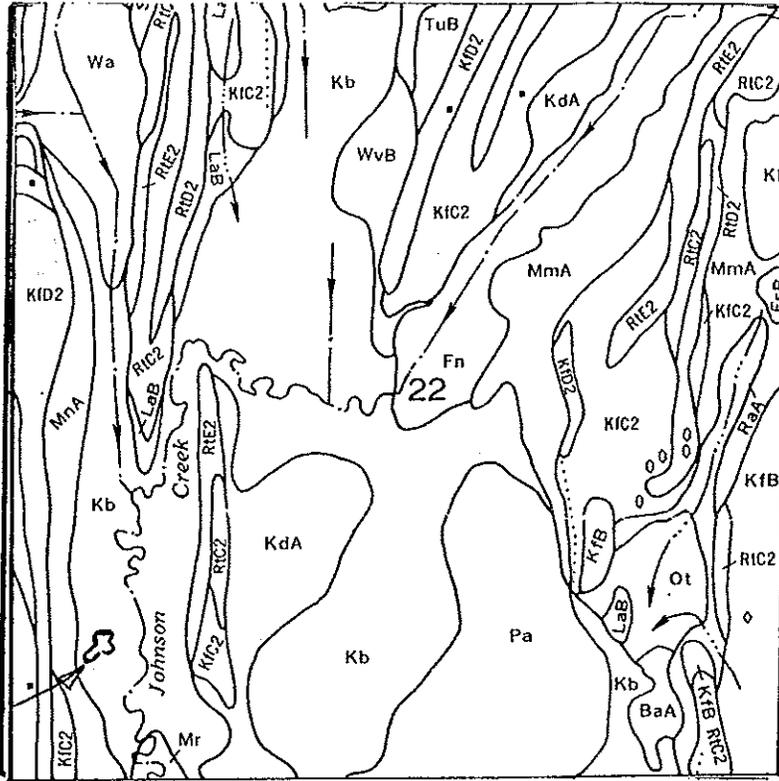
Approved By	Permit Fee <u>\$1000.00</u>	Date Permit Issued <u>9-30-88</u>	Permit Number <u>24417</u>
-------------	-----------------------------	-----------------------------------	----------------------------

PERMIT NO. 24417

WISCONSIN  
(FIELD OFFICE)

TELEPHONE NO. 257-257

JUL 23 1987



*Job Site* (with arrow pointing to a location on the map)

LOCATION MAP

SEC. 35 T. 44 R. 13E  
TOWNSHIP Franklin  
COUNTY Franklin

CONSTRUCTION DRAWINGS AND SPECIFICATIONS ACCEPTANCE

THE ATTACHED PLANS FOR Fish & Wildlife Pond PRACTICE HAVE BEEN REVIEWED AND ARE ACCEPTED.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

DESIGNED BY: [Signature] DATE: 7/23/87  
 CHECKED BY: [Signature] DATE: 7/23/87  
 APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 \_\_\_\_\_ DATE: \_\_\_\_\_

CONSTRUCTION PLAN  
COVER SHEET

PRACTICE: \_\_\_\_\_  
OWNER : \_\_\_\_\_  
ADDRESS : \_\_\_\_\_



DESIGN DATA (Where Applicable)  
Drainage Area \_\_\_\_\_ Acres  
RCN \_\_\_\_\_, Q = \_\_\_\_\_ CFS

ESTIMATED QUANTITIES

Excavation 15600 Cu. Yds. (EST.)  
Seeding \_\_\_\_\_ Acres  
Fencing \_\_\_\_\_ Rods

*Trail to be spread to a height not exceeding 3 ft, grade to suit spreading from top of old shoulder from BENCHMARK ELEVATION AND DESCRIPTION*  
None Est.

APPLICABLE CONSTRUCTION SPECIFICATIONS

1. ~~Clearing~~ 2. Excavation
10. ~~Fencing~~ J.S. 124 Seeding

NOTE: CONSTRUCTION DRAWINGS SHOULD INCLUDE:

- a. Shape and dimensions, b. Depth,
- c. Side slopes, d. Spoil placement,
- e. Test hole(s) data, and f. Inlet and outlet requirements for surface or spring flows.

EXCAVATED POND

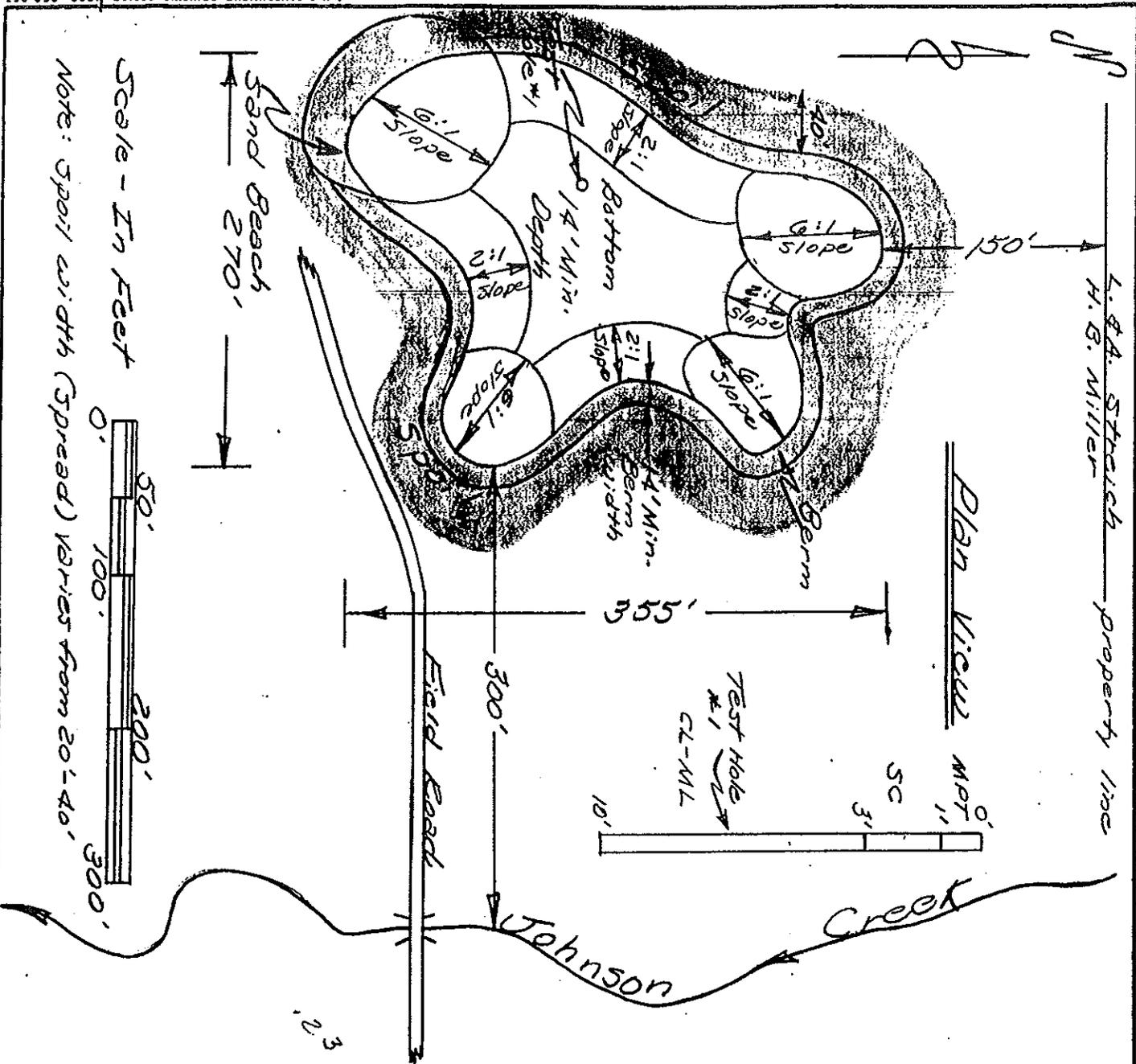
*Fish and Wildlife*

*Henry B. Miller*  
OWNER

*Jefferson*  
COUNTY

Designed: *R.G.G.*, Checked: *R*

SHEET 3 OF 4



PARCEL NO: 07-15-22-33

GAZEBO  
BUILDING SITE  
POND  
(House, Barn, etc.)

32

SCHMIDT/STREICH 40.0A

JOHNSON

MILLER, H. 25.6A

33

MILLER, H. 14.4A

33-1

N5728

185' 894'

31

MILLER, H. 40.0A

MILLER, H. 14.2A

34-1

2046'

34

MILLER, H. 25.8A

42-1

MILLER, H. 20.0A

42

KNAUSS, F. 20.0A

MILLER, H. 40.0A

N 1/2 Sec 1

97

ROW

ESTABLISHING AND MAINTAINING VEGETATION

1. Make Plans for Seeding after Construction! Seed within 24 hours after construction. If construction finishes after Sept 1 make a temporary seeding of live grass, or a dormant seeding. If a temporary seeding is done, plan to reseed in early spring. Where possible and practical, divert runoff until vegetation is established. Use soil retention blankets, jute matting, or sod in critical areas where water concentrates.
2. Obtain Needed Materials! Test soil. Secure lime, fertilizer, seed, seed inoculation and mulching materials before construction starts.
  - a. Lime. If needed, apply lime at the rate of 2 tons per acre.
  - b. Fertilizer. In lieu of a soil test, apply 400-600 pounds per acre of 20-10-10.
  - c. Seed. Always check the label and seed in pure live seed rates.
  - d. Mulch Materials. Mulch with 1 1/2 tons/acre of straw or hay reasonably free from grain and weed seed, or strawy manure at the rate of 6-8 T/A may be used.

*according to test*

Mix # <u>15</u>  (From Critical Area Planting Mixtures-342) Species	SEED RATES PER ACRE AND SEED NEEDED IN POUNDS					
	Location <u>Pond Spoil</u> Acres <u>1.0</u>		Location _____ Acres _____		Location _____ Acres _____	
	Rate Per Acre	# Seed Needed	Rate Per Acre	# Seed Needed	Rate Per Acre	# Seed Needed
<u>Alfalfa</u>	<u>5*</u>	<u>5*</u>				
<u>Red Clover</u>	<u>3*</u>	<u>3*</u>				
<u>Smooth Bromegrass</u>	<u>15*</u>	<u>15*</u>				
<u>Tall Fescue</u>	<u>10*</u>	<u>10*</u>				

3. Prepare the Seedbed! THE SUCCESS OF THIS SEEDING DEPENDS ON THE PROPER SEEDBED. With a disk or harrow, work the soil to a 3 inch depth. On small areas, handwork may be necessary.
4. ~~Mulch Properly! Spread mulch uniformly. 1 1/2 T/A is 60 bales per acre or 6-7 stems thick. Anchor mulch by pressing into the soil with a dull, weighted disc set straight or other approved methods. Work waterways crosswise when possible.~~
5. Seed! Inoculate birdsfoot trefoil and crownvetch properly. Seed shallow at 1/4 to 1/2 inch deep immediately after seedbed preparation. A cultipacker seeder works good. A hydro-seeder or hand seeder can be used.
6. Maintain Properly! Control weeds and undesirable woody vegetation. Delay mowing until after July 15 to accommodate ground-nesting wildlife. If pastured, always regulate grazing. Where grasses alone are used, an occasional application of fertilizer, high in nitrogen helps to maintain the stand.

ADDITIONAL COMMENTS:

If seed is broadcast - increase rate by 50%.  
First Seeding - is sowing seed on soil surface made friable by freezing and thawing. These seedings are made in late Feb or March on seedbeds, limed and fert. in fall. Again increase seed rates by 50% if first seeding is done.

<u>H. B. Miller</u> OWNER
<u>Jefferson</u> COUNTY
Designed: <u>A.G.C.</u> Checked: <u>Pif</u>
SHEET <u>7</u> OF <u>7</u>

IT IS UNLAWFUL TO COMMENCE WORK BEFORE THIS PERMIT IS PLACED IN A CONSPICUOUS PLACE ON THE PREMISES  
LIMITATION MAXIMUM TWO YEARS

# ZONING PERMIT

NUMBER 23071  
HAS BEEN ISSUED TO Henry B. M. Use

IN COMPLIANCE WITH THE REQUIREMENTS OF THE JEFFERSON COUNTY ZONING ORDINANCE  
FOR PODD 15600 sq. ft.

LOCATED IN SEC 22 T 7 N:R 15 E  
TOWN OF FAIRMOUNT 07-15-22-33 / 33-00

LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ SUBDIVISION \_\_\_\_\_

Barbara Harrison  
ZONING ADMINISTRATOR

Date 10-26-87

CAUTION: THIS PERMIT MAY BE APPEALED FOR 30 DAYS AFTER PUBLICATION OF ISSUANCE.

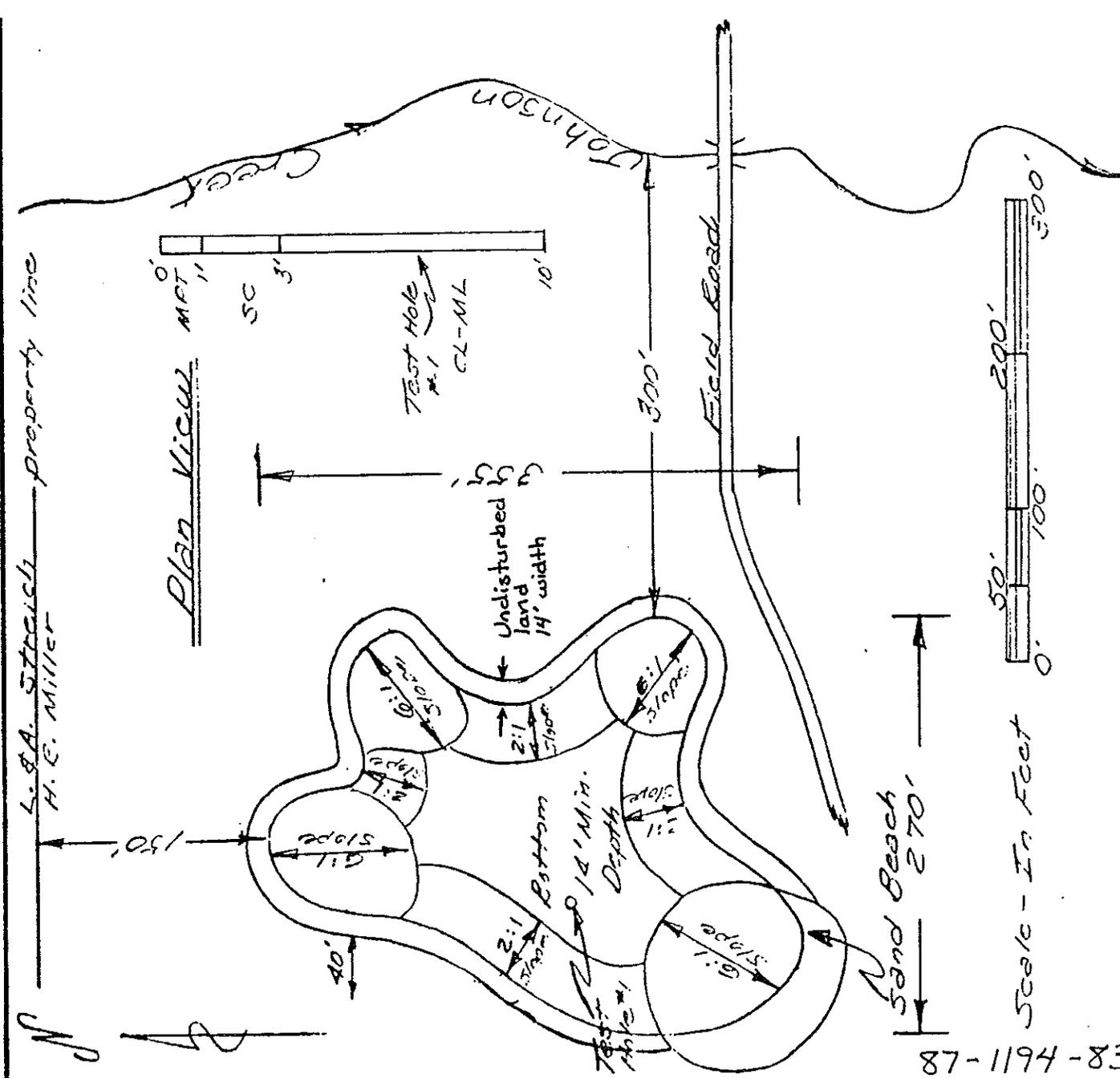


©1994 Rockford Map Publs, Inc.

SEE PAGE 18

Jefferson County, Wis

Project location



L. S. A. Steach - property line  
 H. E. Miller



DEPARTMENT OF THE ARMY  
 ST PAUL DISTRICT CORPS OF ENGINEERS  
 1135 U S POST OFFICE & CUSTOM HOUSE  
 ST PAUL, MINNESOTA 55101  
 November 16, 1987

REPLY TO  
 ATTENTION OF:

NCSCO-RF (87-1194-83)  
 Mr. Henry B. Miller  
 N5748 Coffee Road  
 Johnson Creek, Wisconsin  
 53038

Dear Mr. Miller:

We are inclosing for your information correspondence we received as a result of our public notice that described your project.

It is our policy to give you the opportunity to give us your proposed resolution or rebuttal of these comments. You need not make any response. However, any response should be sent to this office so that potential resolutions or rebuttals can be considered in our final evaluation. If we receive no response within 15 days of this letter we will presume that no response is intended.

In the interim, we will continue to process your application. If you have any questions, please write or call Rick Femrite at (612) 725-7557.

1 Incl  
 Ltr. fr. FWS

*Ben A. Wopat*  
 Ben A. Wopat  
 Chief, Regulatory Functions Branch  
 Construction-Operations Division

612 725-0360

1-608-264-5469

*Edmund Laury*

*Alan Clark*

*Knowlton*

*Alan Clark*

*Site*

FILE COPY

HENRY B. MILLER  
P.O. BOX 417  
JEFFERSON, WI 53549

ph: (414) 674-3345 Office  
ph: (414) 699-2824

June 29, 1993

United States Department of the Interior  
Fish and Wildlife Service  
Wildlife Assistance Office  
Mr. Arthur Kitchen  
700 Rayovac Drive, Suite 207  
Madison, WI 53711

RE: Wetland Development Agreement

Dear Mr. Kitchen:

Per our conversation of June 28, 1993, please find the duly signed Wetland Development Agreement and cover sheet of the construction plan. I would appreciate some advance notice from you as to when you will be coming out. Thank you.

Sincerely yours,

Henry B. Miller  
Enclosures  
vf

# WETLAND DEVELOPMENT AGREEMENT FILE COPY

This agreement dated 6/28/93 between the United States Fish and Wildlife Service (Service) and Henry Miller

Henry Miller, Cooperator(s), is entered into in order to develop lands for wildlife management purposes. Through this Agreement, landowners will permit the Service, or its designees, to undertake certain wildlife habitat development activities.

The Cooperator(s) agree(s) to place the following 1/2 acre, designated and described on the attached map, into the Wetland Development Agreement for the period August, 1993 to Aug. 2003.

The Cooperator agrees to the following terms and conditions. The Service shall have the right to:

1. Restore and maintain those wetlands described on the attached map by plugging drainage ditches and/or tiles and installing water control structures.
2. Access to said tract of land by the Service, its contractors and cooperators for management purposes.
3. Establish vegetative cover on soils disturbed during construction/development of the habitat project.

The habitat development project shall be considered capital improvements with an estimated cost of \$ 800.00 To develop sites A+B.

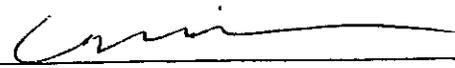
FWS Agrees To Repair + modify site #4 AT OWNERS REQUEST, esti \$ 250.00 To be paid by FWS.  
The Consideration for this Agreement are the wildlife benefits received by the cooperator as a result of the wetland restoration.

The Service assumes no liability for injury other than injury caused by its own negligence, on the above acreage.

The Service assumes no jurisdiction over the above acreage for purposed of controlling trespass, noxious weeds, granting rights-of-way, and other incidents of ownership.

This Agreement may be amended at any time by mutual agreement of the parties, and terminated by thirty (30) days written notice by either party. Upon termination, the Service shall be entitled to remove any wildlife management structures placed on the acreage. The Service shall have no obligation to restore the land to its original condition upon expiration or termination of this Agreement. The Cooperator shall reimburse the Service for the cost of all capital improvements if this Agreement is terminated by the Cooperator prior to its expiration date.

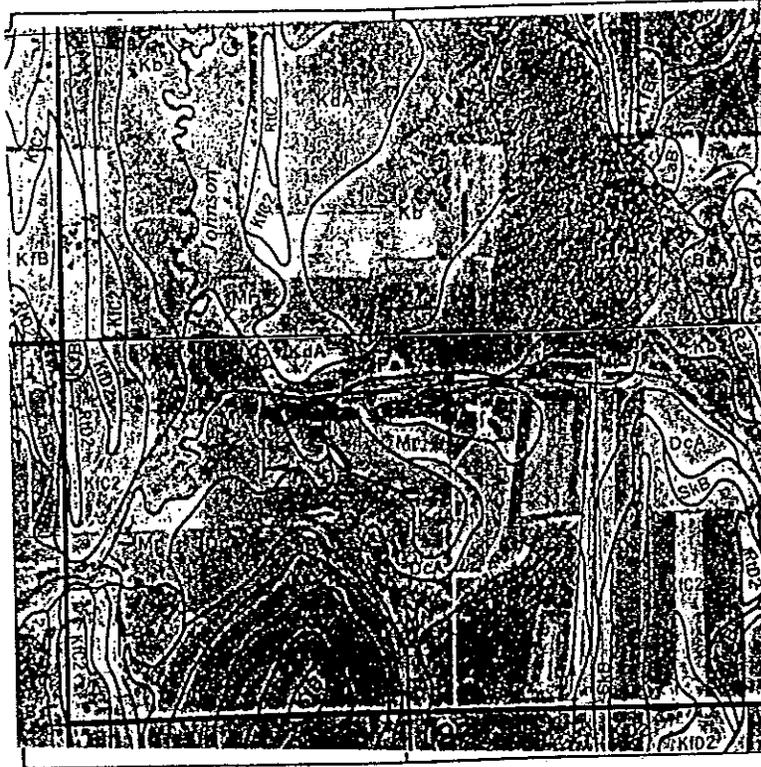
  
\_\_\_\_\_  
Field Representative  
U.S. Fish and Wildlife Service

  
\_\_\_\_\_  
Cooperator(s)

FILE COPY

### CONSTRUCTION PLAN

PRACTICE Wetland Restoration  
 OWNER Henry Miller  
 ADDRESS Box 417, Jefferson, WI 53549  
 COUNTY Jefferson  
 TOWNSHIP Farmington  
 SECTION 22427 TOWNSHIP 7 RANGE 15  
 FIELD OFFICE Madison Private Lands TELEPHONE NO. 608-269-5469



LOCATION MAP

#### CONSTRUCTION DRAWINGS AND SPECIFICATIONS ACCEPTANCE

THIS PROJECT, CONSTRUCTED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS.

SIGNED: [Signature] DATE: 6/28/93

**NOTICE TO LANDOWNERS AND CONTRACTORS**

NO REPRESENTATION IS MADE BY THE SOIL CONSERVATION SERVICE, USCA, AS TO THE EXISTENCE OR NONEXISTENCE OF UNDERGROUND HAZARDS. PRIOR TO THE START OF CONSTRUCTION, THE OWNERS OF PIPELINES OR OTHER UTILITIES MUST BE NOTIFIED OF THE PENDING CONSTRUCTION. YOU WILL BE LIABLE FOR DAMAGES RESULTING FROM CONSTRUCTION ACTIVITIES.

DESIGNED BY: Art Kitchen DATE: 6/23/93  
 CHECKED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 ...APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_



# United States Department of the Interior



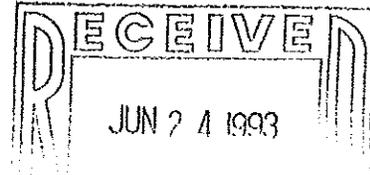
## FISH AND WILDLIFE SERVICE

Wildlife Assistance Office  
700 Rayovac Drive, Suite 207  
Madison, Wisconsin 53711

IN REPLY REFER TO:

1-608-264-5469

June 23, 1993



Mr. Henry Miller  
121 South Main Street  
P.O. Box 417  
Jefferson, WI 53549-0417

Dear Mr. Miller,

Enclosed please find a copy of the site plan and design for 2 small wetland restoration projects located on your farm. We would like to do these projects at the same time we are out with machinery to correct the problems on the existing restorations.

We are very sorry to have inconvenienced your farming operation by backing up water into your crop field. We plan to lower the water level at this site by installing a pipe at an elevation below the existing field lane, which should solve the wetness problem. We would also like to investigate for underground tile at another restoration that is currently dry, located next to the field road just beyond the second crossing.

After reviewing the enclosed site plans, please sign and return the extra cover page indicating your concurrence with the design. Also please sign and return the Wetland Development Agreement. This is the same agreement you signed previously, only adding the additional restoration sites. Upon receiving the signed agreement, I will act as your agent in securing the necessary permits from the WDNR and County Zoning Office. If conditions improve in the next few weeks, we may be able to do the projects in late July or early August.

Please let me know if you have any questions or concerns. I look forward to working with you and appreciate your patience and understanding in regard to the wetland projects completed earlier. You have a beautiful piece of property out there with lots of excellent wildlife habitat. You should be commended for your interest in wildlife.

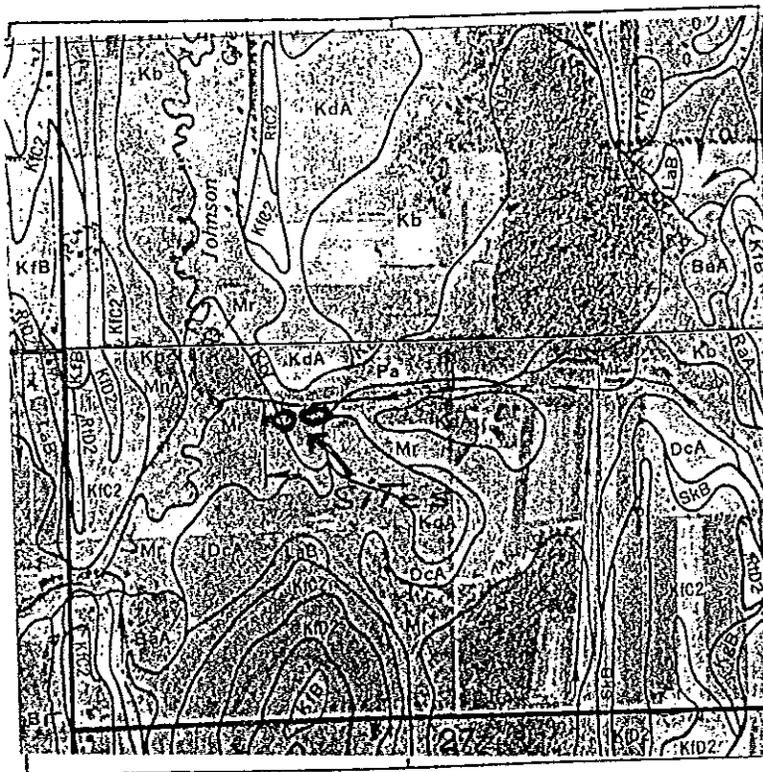
Sincerely,

Arthur Kitchen  
Wildlife Biologist

enclosures

### CONSTRUCTION PLAN

PRACTICE Wetland Restoration  
 OWNER Henry Miller  
 ADDRESS Box 417, Jefferson, WI 53549  
 COUNTY Jefferson  
 TOWNSHIP Farmington  
 SECTION 22 TOWNSHIP 7 (N) RANGE 15 (E)  
 FIELD OFFICE Madison Private Lands TELEPHONE NO. 608-269-5469



LOCATION MAP

#### CONSTRUCTION DRAWINGS AND SPECIFICATIONS ACCEPTANCE

THIS PROJECT, CONSTRUCTED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS.

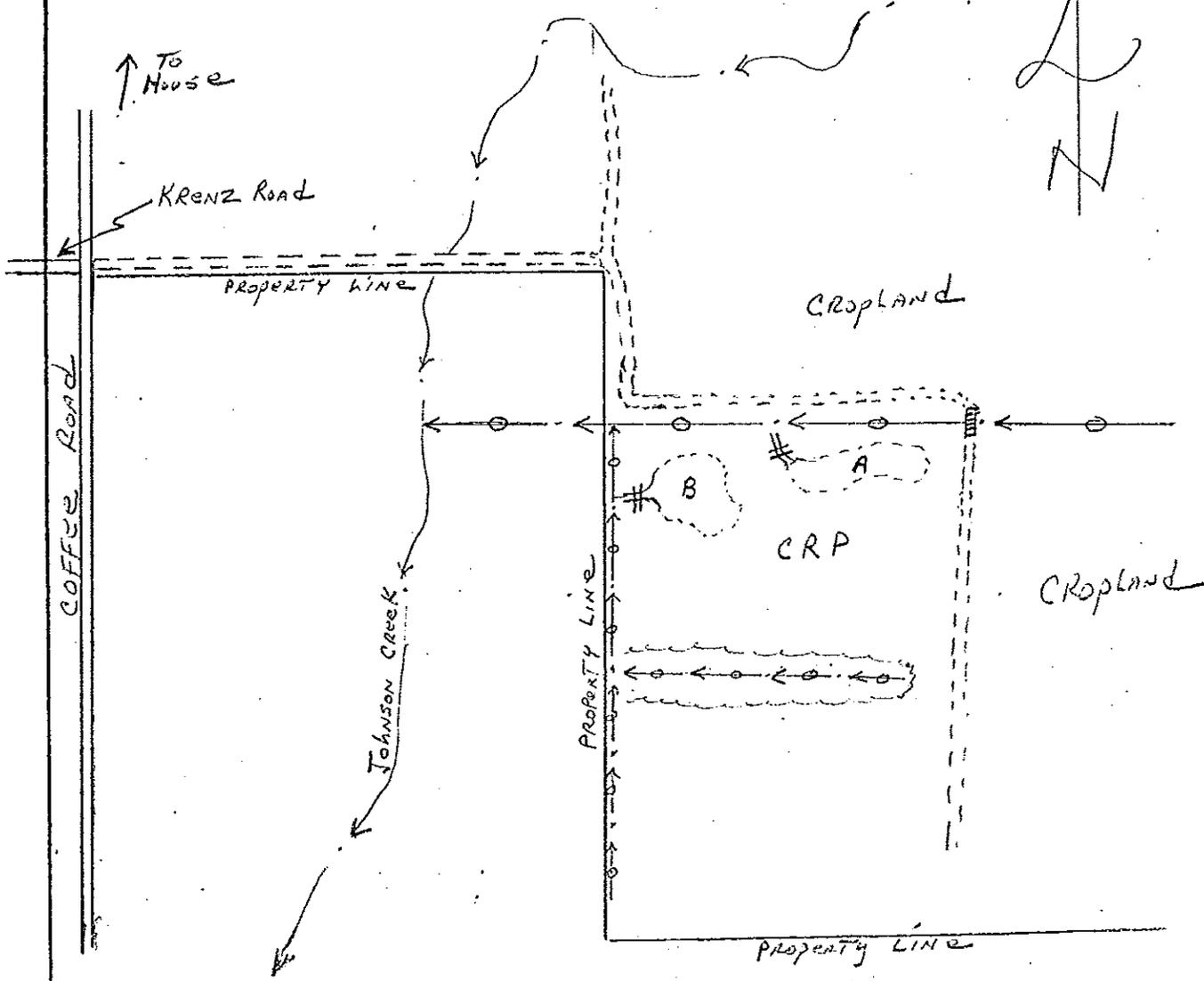
SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

NOTICE TO LANDOWNERS AND CONTRACTORS

NO REPRESENTATION IS MADE BY THE SOIL CONSERVATION SERVICE, USCA, AS TO THE EXISTENCE OR NONEXISTENCE OF UNDERGROUND HAZARDS. PRIOR TO THE START OF CONSTRUCTION, THE OWNERS OF PIPELINES OR OTHER UTILITIES MUST BE NOTIFIED OF THE PENDING CONSTRUCTION. YOU WILL BE LIABLE FOR DAMAGES RESULTING FROM CONSTRUCTION ACTIVITIES.

DESIGNED BY: Art Kitchen DATE: 6/23/93  
 CHECKED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 ...APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

PLAN VIEW  
(NOT TO SCALE)

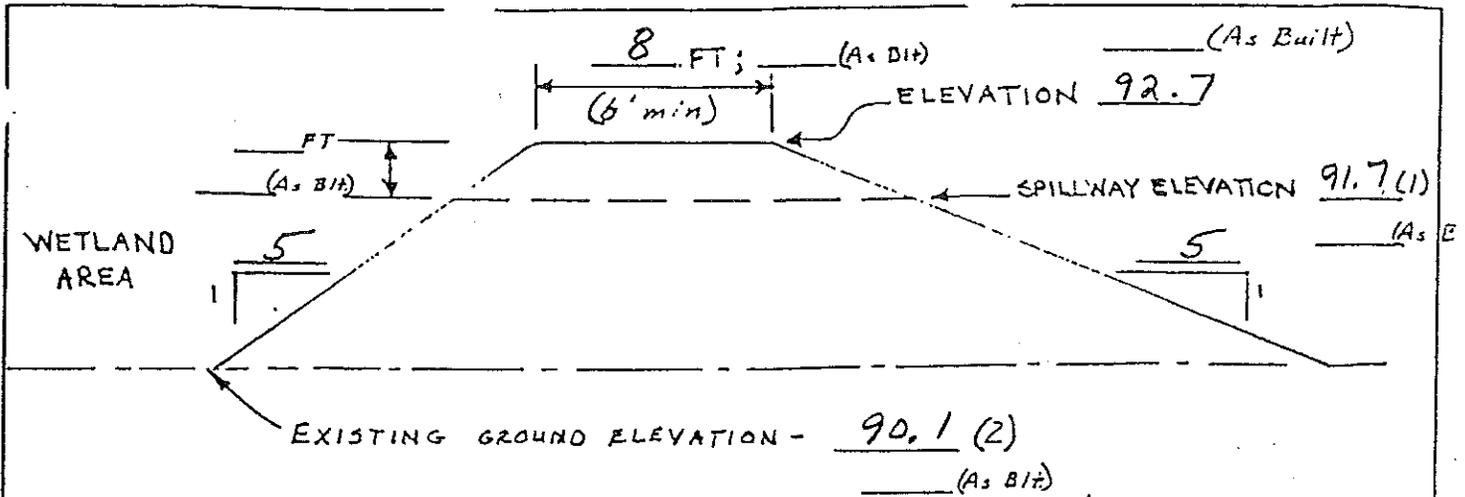


Legend

- # (dashed oval) = RESTORATION SITE
- # (dashed line) = PLANNED ditch PLUG
- CRP = CONSERVATION RESERVE PROGRAM LAND
- = FIELD ROAD
- > -> = DRAINAGE DITCH
- > -> -> = PERMANENT STRUCTURE

<u>Henry Miller</u>	
OWNER	
<u>Jefferson</u> LCC, WI	
COUNTY	
Designed:	Checked:
SHEET <u>2</u> OF <u>5</u>	

1/91



CROSS SECTION OF EMBANKMENT

Site A

SPILLWAY DATA

SPILLWAY WIDTH X FT  
(NATURAL GROUND) (As Bilt)

SPILLWAY SIDE:

LEFT    , RIGHT    , BOTH X  
(Looking downstream)

PROFILE:

10' LEVEL SECTION  
MAX. EXIT SLOPE - 7:1

CONSTRUCTION NOTES

1. Excavate topsoil from construction area and stockpile. Spread stockpiled topsoil on the dike, spillways, and borrow area after construction to a depth of 6".
2. Seed all disturbed area according to seeding specs provided.

DATA

Soil type at embankment PALMS (name)

Soil in watershed Kidder (name)

Drainage area 3 ac

Water surface area 1/4 acres sq. ft.

Impounded depth 1.6 ft.; (1 minus 2) (As Built)

Top length of earth fill 55 ft.; (As Bilt)

Fill in dike 100 cu.yd

WETLAND - EMBANKMENT

HONRY MILLER

OWNER

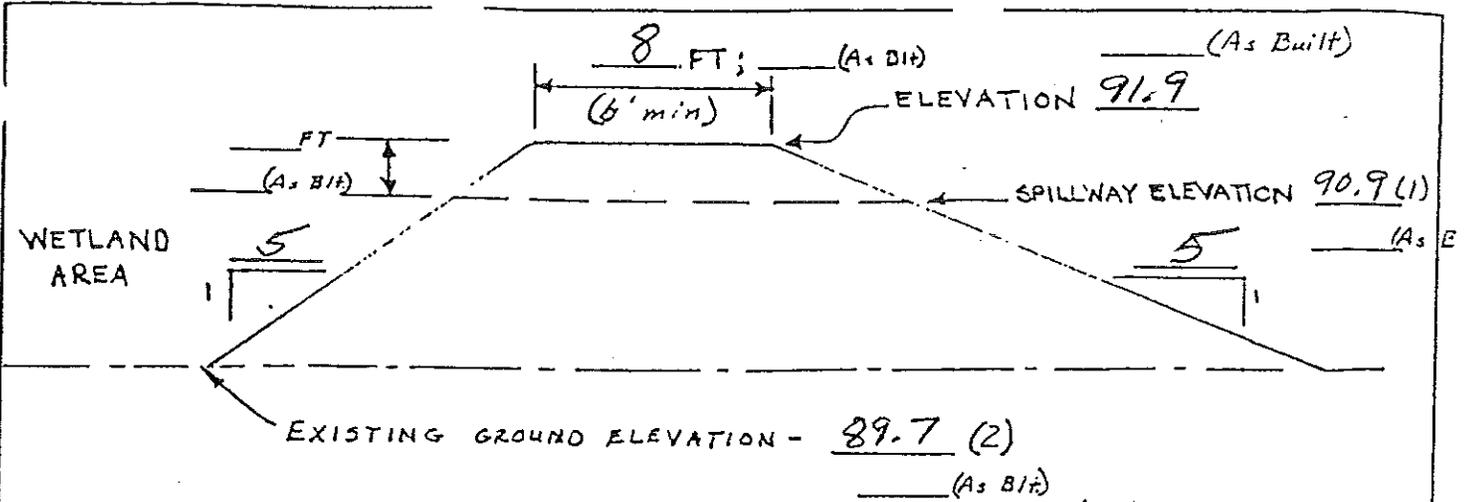
Jefferson LCC, WI

COUNTY

Designed: \_\_\_\_\_ Checked: \_\_\_\_\_

SHEET 2 OF 5

1/91



CROSS SECTION OF EMBANKMENT

Site B

CONSTRUCTION NOTES

1. Excavate topsoil from construction area and stockpile. Spread stockpiled topsoil on the dike, spillways, and borrow area after construction to a depth of 6".
2. Seed all disturbed area according to seeding specs provided.

DATA

Soil type at embankment Milford (name)

Soil in watershed Kidder (name)

Drainage area 3 ac

Water surface area 1/4 (acres) sq. ft.

Impounded depth 1.2 ft.; (1 minus 2) (As Built)

Top length of earth fill 75 ft.; (As Built)

Fill in dike 110 cu. yd

SPILLWAY DATA

SPILLWAY WIDTH X FT  
(NATURAL Ground) (As Built)

SPILLWAY SIDE:  
LEFT   , RIGHT   , BOTH X  
(Looking downstream)

PROFILE:

10' LEVEL SECTION  
MAX. EXIT SLOPE - 7:1

WETLAND - EMBANKMENT

Henry Miller

OWNER

Jefferson LCC, WI

COUNTY

Designed: \_\_\_\_\_ Checked: \_\_\_\_\_

SHEET 4 OF 5

ESTABLISHING AND MAINTAINING VEGETATION

1. Make Plans for Seeding after Construction! Seed within 24 hours after construction. If construction finishes after \_\_\_\_\_ make a temporary seeding of \_\_\_\_\_, or a dormant seeding. If a temporary seeding is done, plan to reseed in early spring. Where possible and practical, divert runoff until vegetation is established. Use soil retention blankets, jute matting, or sod in critical areas where water concentrates.
2. Obtain Needed Materials! Test soil. Secure lime, fertilizer, seed, seed inoculation and mulching materials before construction starts.
  - a. Lime. If needed, apply lime at the rate of \_\_\_\_\_ tons per acre.
  - b. Fertilizer. In lieu of a soil test, apply 400-600 pounds per acre of 20-10-10.
  - c. Seed. Always check the label and seed in pure live seed rates.
  - d. Mulch Materials. Mulch with 1 1/2 tons/acre of straw or hay reasonably free from grain and weed seed, or strawy manure at the rate of 6-8 T/A may be used.

Mix # _____	SEED RATES PER ACRE AND SEED NEEDED IN POUNDS					
	Location <u>Ditch Plug</u>		Location _____		Location _____	
	Acres <u>110 ac</u>	Acres _____	Acres _____	Acres _____	Acres _____	Acres _____
(From Wildlife Habitat Planting Mixtures-645) Species	Rate Per Acre	# Seed Needed	Rate Per Acre	# Seed Needed	Rate Per Acre	# Seed Needed
<u>Smooth Brome</u>	<u>30 #</u>	<u>3 lbs</u>				

3. Prepare the Seedbed! THE SUCCESS OF THIS SEEDING DEPENDS ON THE PROPER SEEDBED. With a disk or harrow, work the soil to a 3 inch depth. On small areas, handwork may be necessary.
4. Mulch Properly! Spread mulch uniformly. 1 1/2 T/A is 60 bales per acre or 6-7 stems thick. Anchor mulch by pressing into the soil with a dull, weighted disc set straight or other approved methods. Work waterways crosswise when possible.
5. Seed! Inoculate birdsfoot trefoil and crownvetch properly. Seed shallow at 1/4 to 1/2 inch deep immediately after seedbed preparation. A cultipacker seeder works good. A hydro-seeder or hand seeder can be used.
6. Maintain Properly! Control weeds and undesirable woody vegetation. Delay mowing until after July 15 to accommodate ground-nesting wildlife. If pastured, always regulate grazing. Where grasses alone are used, an occasional application of fertilizer, high in nitrogen helps to maintain the stand.

ADDITIONAL COMMENTS:  
Seeding to be done by FWS  
immediately after construction.  
2

<u>Henry Miller</u> OWNER
<u>Jefferson</u> COUNTY
Designed: <u>AK</u> Checked: _____
SHEET <u>5</u> OF <u>5</u>



Wisconsin Department of Agriculture, Trade and Consumer Protection

2811 Agriculture Drive, PO Box 8911, Madison, WI 53708-8911

Effective Date: April 01, 2013  
Expires: March 31, 2014  
Statute: 95.60

Registration Number: 112993-AQ

# Fish Farm Registration

Legal Name:

**Henry B. Miller and Nola M. Miller Jt Trust**

Business Location:

N5748 Coffee Rd Johnson Creek WI 53038

Doing Business As:

Henry B Miller ~~as of~~

Livestock Premises Code(s): 0070AOV

Type 1 Fish Farm

RECEIVED  
MAR 29 2013  
MILLER LAW OFFICE

This is your license/permit/certification/registration document. Post or carry as required by law. Non-transferrable - subject to revocation or suspension as provided by law.  
DMS-BIT-06B (03/19/10) Remove this card and carry as identification.

bits-16.qxd (rev.03/12)

HENRY B. MILLER AND NOLA M. MILLER JT TRUST  
PO BOX 417  
JEFFERSON WI 53549



Wisconsin Department of  
Agriculture, Trade and Consumer Protection

### Fish Farm Registration Type 1 Fish Farm

Henry B. Miller and Nola M. Miller Jt Trust  
Registration Number: 112993-AQ      Expiration Date: March 31, 2014  
N5748 Coffee Rd Johnson Creek WI 53038

DATCP Contact : (608) 224-4887

PERMIT

3-SD-87-511

Henry B. Miller  
N5748 Coffee Road  
Johnson Creek, WI 53038

Location: SW $\frac{1}{4}$ , SW $\frac{1}{4}$ , Section 22, T7N, R15E, Town of Farmington,  
Jefferson County

Johnson Creek

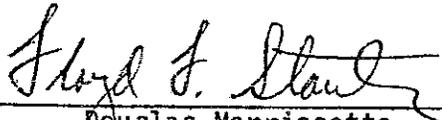
The Department grants a permit according to Section 30.19, Wisconsin Statutes, to construct a pond within 500 feet of Johnson Creek, subject to the following conditions:

1. This permit expires on July 1, 1989. No construction may begin or continue after this date unless the Department grants a permit extension in writing.
2. You must complete this project according to the plans you submitted. If you wish to make changes in the project, you must submit your new plans to the Department. The Department then must approve the changes in writing before you start or continue your project.
3. You are responsible for obtaining any permit or approval required for your project by municipal, town, or county zoning ordinances or by the U.S. Army Corps of Engineers before starting your project.
4. You must allow free and unlimited access to your project site at any time to any Department employee who is investigating the project's construction, operation, or maintenance.
5. The Department may change or revoke this permit if the project obstructs navigation or becomes detrimental to the public interest.
6. Your accepting this permit and beginning the project means that you have read, understand, and agree to follow all conditions of this permit.
7. You must keep a copy of this permit at the project site at all times until the project has been completed.
8. Any disturbed areas and upland adjacent to the waterway shall be protected from erosion during construction and shall be sodded or seeded and mulched as soon as possible after construction. Riprap, bank sloping, and/or jute netting shall be used where necessary to prevent erosion of newly exposed bank material.
9. Excavated material resulting from the project may be utilized as described in application and project plans. Excess excavated materials shall not be placed in the hydraulic floodway of a stream nor in any wetland.

10. Construction shall not take place during periods of excessive precipitation.
11. Under Wisconsin law, the pond that you construct becomes a public waterway. This means that you must allow the public to boat, swim, fish, and exercise other public rights on navigable waters as long as access to the pond is obtained in a legal manner. However, this does not allow the public to trespass on private upland.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
For the Secretary

By

  
*for* Douglas Morrissette  
Southern District Director

This decision was mailed on October 2, 1987.

cmt

DEPARTMENT OF THE ARMY PERMIT

Permittee Henry B. Miller

Permit No. 87-1194-83

St. Paul District

Issuing Office Corps of Engineers

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

You are authorized to temporarily discharge 15,600 cubic yards of excavated material in wetlands adjacent to Johnson Creek in connection with the construction of a 1.5-acre pond and to discharge 30 cubic yards of sand for a beach area in the pond. This work shall be performed as shown on the attached drawings labeled 87-1194-83 page 1 of 2 and page 2 of 2.

Project Location:

The project is located in the SW 1/4 SW 1/4 of section 22, township 7 N., range 15 E., Jefferson County, Wisconsin.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 1991. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. All excavated material stockpiled in the wetland shall be placed in three piles, over as small an area as possible.

2. All excavated material stockpiled in the wetland shall be contained with hay bales and/or silt fences so as to prevent siltation in Johnson Creek and the surrounding wetlands.

3. All excavated material stockpiled in the wetland shall be removed from the wetland within one year from the date that the pond construction begins. Following removal from the wetland, this material shall be placed in an upland location.

Further Information: (see page 4)

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(-) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

(-) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
  5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
    - a. You fail to comply with the terms and conditions of this permit.
    - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
    - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

      1/28/08  
 (PERMITTEE)      (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

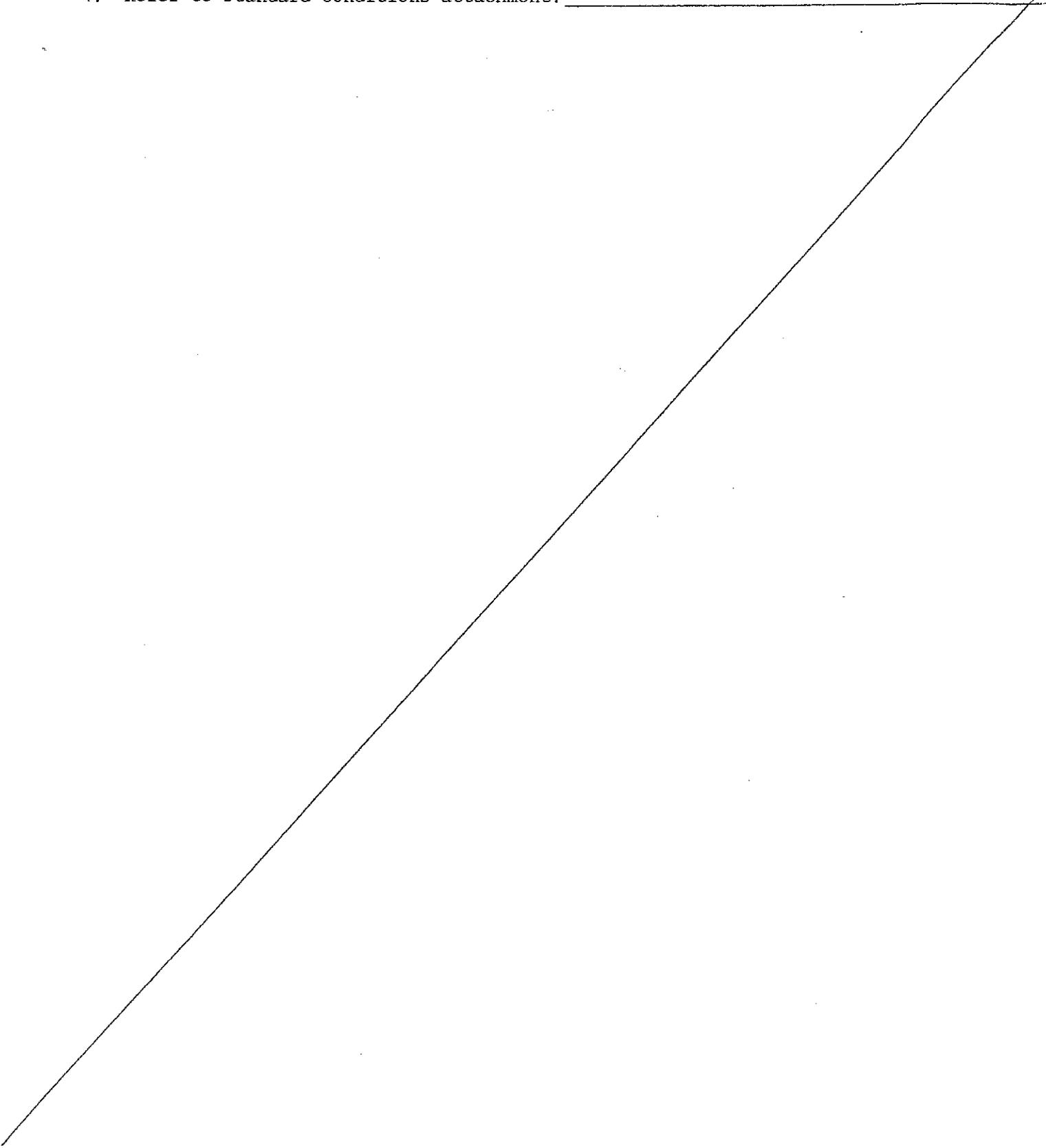
      FEB 3 1908  
 (DISTRICT ENGINEER)      (DATE)  
**JOSEPH BRIGGS**  
 COLONEL, CORPS OF ENGINEERS

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
 (TRANSFeree)      (DATE)

Special Conditions: (continued)

4. Refer to Standard Conditions attachment.



In addition to general and special conditions, this permit is subject to the following standard conditions, as applicable:

1. All work or discharges to a watercourse resulting from permitted construction activities, particularly hydraulic dredging, must meet applicable Federal, State, and local water quality and effluent standards on a continuing basis.
2. Measures must be adopted to prevent potential pollutants from entering the watercourse. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in the construction area in a manner that would allow them to enter the watercourse as a result of spillage, natural runoff, or flooding.
3. If dredged or excavated material is placed on an upland disposal site (above the ordinary high-water mark), the site must be securely diked or contained by some other acceptable method that prevents the return of potentially polluting materials to the watercourse by surface runoff or by leaching. The containment area, whether bulkhead or upland disposal site, must be fully completed prior to placement of any dredged material.
4. Upon completion of earthwork operations, all exposed slopes, fills, and disturbed areas must be given sufficient protection, by appropriate means such as landscaping, or planting and maintaining vegetative cover, to prevent subsequent erosion.
5. All fill (including riprap), if authorized under this permit, must consist of suitable material free from toxic pollutants in other than trace quantities. In addition, rock or fill material used for activities dependent upon this permit and obtained by excavation must either be obtained from existing quarries or, if a new borrow site is opened up to obtain fill material, the State Historic Preservation Officer (SHPO) must be notified prior to use of the new site. Evidence of this consultation with the SHPO will be forwarded to the St. Paul District Office.
6. If cultural, archaeological, or historical resources are unearthed during activities authorized by this permit, work must be stopped immediately and the State Historic Preservation Officer must be contacted for further instruction.
7. An investigation must be made to identify water intakes or other activities that may be affected by suspended solids and turbidity increases caused by work in the watercourse. Sufficient notice must be given to the owners of property where the activities would take place to allow them to prepare for any changes in water quality.
8. A contingency plan must be formulated that would be effective in the event of a spill. This requirement is particularly applicable in operations involving the handling of petroleum products. If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, to minimize any contamination resulting from this spill, and to immediately notify the State Department of Natural Resources and the U.S. Coast Guard at telephone number 800-424-8802.



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
GREEN BAY FIELD OFFICE (ES)  
Univ. of Wisconsin-Green Bay  
Green Bay, Wisconsin 54301-7001

IN REPLY REFER TO:

October 16, 1987

Colonel Joseph Briggs  
District Engineer  
U.S. Army Engineer District  
St. Paul  
1135 U.S. Post Office & Custom House  
St. Paul, Minnesota 55101-1479

re: CENCS-CO-RF (87-1194-83)  
Henry R. Miller  
Wetland Adjacent to Johnson Creek  
Jefferson County, WI

Dear Colonel Briggs:

The U.S. Fish & Wildlife Service (Service) has reviewed the referenced public notice concerning a request to discharge fill material into a wetland adjacent to Johnson Creek for the purpose of constructing a pond for fish and wildlife.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the U.S. Fish and Wildlife Service Mitigation Policy and Presidential Executive Orders 11988 and 11990.

The Service would not object to issuance of the requested permit provided that the approximately 15,600 cubic yards of excavated material not be sidecast into the wetland as the applicant has requested. We would not be opposed to the placement of a lesser amount of fill around the pond for a berm or foot path as was discussed with Mrs. Miller (10-16-87), no more than about 5 feet wide by about 1 foot high. This would lessen the adverse impacts to the wetland. Any dredged material not used for either berm or foot path should be placed upland.

## Fish and Wildlife Resources

Our October 8, 1987 field investigation of the project area revealed that the proposed pond site is within a larger Palustrine Emergent Wetland. The predominant vegetation is a combination of reed canarygrass and cattails. The area has high wildlife habitat value to songbirds; crows; raptors; ring-necked pheasant; and small mammals including rodents, cottontail rabbit, raccoon, red fox, coyote, and white-tailed deer. We consider the habitat impacted by the project as having value corresponding to

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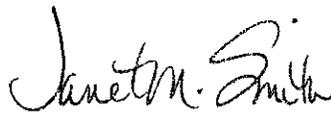
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Resource Category 3 of the Service's Mitigation Policy. This category recommends no net loss of habitat value.

Federal Threatened and Endangered Species

A review of information in our files indicates there are no federal endangered, threatened or proposed species present in the project area. This precludes the need for further action on this project as required by the 1973 Endangered Species Act, as amended. Should the project be modified or new information become available that indicates listed or proposed species may be affected, consultation should be initiated.

Sincerely yours,



Janet M. Smith  
Field Supervisor

cc: Ted Rockwell, US EPA, Chicago, IL  
Wisconsin DNR, Southern District, Madison, WI  
Soil Conservation Service, Jefferson, WI