



WISCONSIN DEPARTMENT OF NATURAL RESOURCES NOTICE OF FINAL GUIDANCE & CERTIFICATION

Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.

DOCUMENT ID

CF-19-0009-C

DOCUMENT TITLE

Healthy Lakes Program Guidance

STATUTORY AUTHORITY OR LEGAL CITATION

2013 Wis. Act 20

PROGRAM/BUREAU

Bureau of Community Financial Assistance

DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

August 26, 2019

DATE FINALIZED

September 23, 2019

DNR CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with ss. 227.10 and 227.11, Wis. Stats. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted under Wis. Stats. or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

Signature

Date

Program Guidance Review Summary

Wisconsin's Healthy Lakes Implementation Plan, Factsheets & Funding

Thank you to all of the individuals and groups that provided feedback on the Department of Natural Resources, Divisions of Water and Customer and Employee Services proposed new guidance titled *Wisconsin's 2014-2017 Healthy Lakes Implementation Plan*.

We appreciate the feedback! Twenty-four individuals representing lakefront property owners, counties, private business, and DNR staff provided comments. The vast majority of commenters supported the plan, fact sheets, and new grant opportunity. Some individuals shared comments that weren't directly related to the Plan. All comments are attached to this summary.

The Healthy Lakes Lean Government Team, consisting of DNR management and staff, county land and water conservation and zoning department heads, and UW-extension, reviewed all the comments and will make the following changes, which have been categorized as editorial, technical, and administrative, and future considerations.

Editorial Changes

- Review the Plan and factsheets to be sure the language is understandable to the common person (target middle school reading level).
- Add a section that explains that Healthy Lakes practices are intended for lakefront property owners and their impact on lake health will depend on the resource. Explain the range of lake management complexities, depending on the lake, land use, and its local community. These best practices are within direct control of lakefront property owners, but solutions to more complex and larger problems take more planning, partners, and funding.
- Add a funding FAQ factsheet explaining eligible sponsors, caps, timelines, potential partners, etc.
- Change the Page 1 fireworks reference to moonlight.
- Provide links in a consistent format in the factsheets.
- Correctly spell "implementation."
- Change "critical area" planting to "erosion area" planting.
- Change native planting factsheet wording from "piece of turf grass" to "an area of turf grass." Add "for our wildlife" to the end of the sentence about habitat under #4.
- Rename "French Drain" to "infiltration trench or pit with drain tile".
- Add "towns and municipal units" as partners in the promotion section of the Plan.

Technical Changes

- Change 10'x30' native planting dimensions to 10'x35' to recognize the statewide minimum shoreland vegetation protection area (*i.e.* buffer) depth of 35 feet. We will further modify the Plan to instead describe a minimum 350 square foot area

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Wisconsin's Healthy Lakes Implementation Plan, Factsheets & Funding

that must be contiguously planted within the shoreland vegetation protection area, but planting shape and orientation will be flexible and based on site specific features and property owner needs.

- Add more detail on site prep, including a timeline for projects. Emphasize using non-chemical strategies to prepare sites for 350 square feet native plantings, especially if the area is directly adjacent to the lake. Add language on herbicide control regulatory requirements.
- Require mandatory watering of 350 square feet native plantings and rain gardens.
- Add language that deer fencing may be required depending on geographic area and provide specific recommendation on fence style and height.
- Rain garden berm must be completely level to prevent a blowout.
- Explain that the infiltration pit or trench with drain tile should outlet away from the lake, and it should not be installed in clay soils.

Administrative Changes

- Articulate that 10% grant cap for technical assistance/project management is calculated on the entire state share, not per best practice, and it does not include contractor labor to install best practices.

Future Considerations

- Consider having a first-come, first-serve or alternative application process during the growing season when property owner interest is high.
- Consider increasing the standard grant contract timeline from 2 to 3 years to allow for site prep work and enough time to accomplish various implementation projects (*e.g.* native plantings in spring and fall and fish sticks in winter), especially if the application deadline remains on February 1 of each year.
- Consider developing a friendly monitoring approach, perhaps in partnership with citizens or counties, for long-term compliance and maintenance assistance. (Short-term monitoring will include pre- and post-photos and possible site visits.)
- Consider allowing non-lakefront property owners to participate, particularly in watersheds with impaired lakes.

The Healthy Lakes Lean Government Team will meet in August 2014 to integrate final changes, approve the Plan, prepare it for final graphic design and editorial review, and discuss marketing/outreach strategy. The first Healthy Lakes (Lake Protection Plan Implementation category) grant deadline is February 1, 2015. The DNR will update our website with information on the process.

If you have any questions, please contact Pamela Toshner ((715)635-4073 or pamela.toshner@wi.gov).

Program Guidance Review Summary
Wisconsin's Healthy Lakes Implementation Plan, Factsheets & Funding

Comments received within 07/07/2014 deadline

From: philsuefoster@lakeland.ws

To: Toshner, Pamela J - DNR

Subject: Re: FW: Streamlined shoreland health grants - looking for feedback

Date: Monday, July 07, 2014 9:32:03 PM

Hi Pam,

Program looks good. Only suggested changes include:

1. On the 10 by 30, besides showing a list of native plants to possibly use, give suggestions based on soil conditions. Cheryl did this for Bone Lake and it is on our website "bonelakewi.com". Most property owners want it as easy as possible.

2. Okay to have spade ready projects but need quicker grant approval other than Feb 1. Some property owners will lose interest or change their minds after up to a year delay.

Thanks

Phil Foster

Bone Lake Mmgt District

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From: Lorna

To: Toshner, Pamela J - DNR

Subject: Comments on lake protection plan

Date: Monday, July 07, 2014 11:15:33 AM

Hi Pamela,

I heard at the NWL Conference about the Wisconsin 2014 – 2017 Healthy Lakes Implementation Plan, and talked to Jane M. about it. She asked Roger and I to read it and send our comments. Overall what a great idea. It is very clearly written and spells out very well what is available, what the plans look like, and what specifically each individual/ group is obligated to do. Roger and I both feel the maximum \$1000 allotted is low. Many of the cost estimates are way above that. The 10 year commitment is good. The question we had for Jane is- what about counties (like Douglas) who already have a plan to help with shoreline restoration? This (DNR) plan, I think, is meant to assist individuals with smaller first attempt projects, but perhaps it needs to be made clear if there is an overlap or if these two plans exclusive.

A couple of smaller details: In the native plant section, the use of herbicides was mentioned as a way to eliminate existing plants. I know we do not like to see herbicides near water bodies. Will that be more clearly spelled out? Also, having experienced our own shoreline restoration project (and I would highly recommend it) encourage participants to make the plant elimination part (site preparation) long enough and strong enough to really get rid of the existing "weeds. Black plastic was put down along our shoreline area for only six weeks and even today, ten years later, we are constantly battling the (lawn)grass that keeps coming back and taking over areas, where the native plants are weaker. I would say put down the plastic for at least a whole season. If I were embarking on such a plan, I would want an individual available for guidance throughout the project.

It really is a good plan and should open the door for some forward momentum on improving lake shore habitat and lake health.

Lorna and Roger Wilson

Program Guidance Review Summary
Wisconsin's Healthy Lakes Implementation Plan, Factsheets & Funding

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**From:** [Mariquita Sheehan](#)

**To:** [Toshner, Pamela J - DNR](#)

**Subject:** Streamlined shoreland grants feedback

**Date:** Sunday, July 06, 2014 2:51:30 PM

Hi Pamela,

I just read through the proposal and am very excited that this will be available to land owners and lake associations. I do have a few comments based on our experiences.

1) Browsing will be a problem. I cannot emphasize this enough. All the early restorations we put in 10 years or so ago - almost none of the plants remain except grasses and a few shrubs the deer don't like.

a. Fencing has to be mandatory or deer will wipe out the investment. Especially if anyone is feeding in the area. Minimum 2 growing seasons for plant establishment

b. Species list must be species deer do not like or they will eat everything once the fences come down, if there is any deer pressure in the neighborhood.

c. Small critters are also a problem, especially in winter – so I don't know if this will hold statewide. Rabbits and small mammals really hit the shrubs.

2) Watering has to be mandatory. We have found that second home owners think that the neighbors will help out – but not enough to keep plants alive. I require our Cost Share participants to show me what their plan is to get **1" of water/week** on the plants. For 1-2 growing seasons – depending on drought situations.

3) Consequences for blowing off plant care. In our Operating and Maintenance agreement – which we make part of our contract. If the landowner does not fence or spray diligently and water appropriately we state that they must replace the plants or repay the funds to the County. This means someone needs to do monitoring – perhaps this can be part of the grant receiving entity's responsibilities.

4) Monitoring. Photo records are easy and most helpful. LOTS of photos.

5) Species lists. Jean Hansen (Oneida Co) and I developed a species list of natives that work in a variety of situations for our counties. Wet shorelines, dry shorelines, raingardens, septic fields, etc.

6) Fish stick sources. Vilas CO has a 75ft no cut zone from the OHWM as part of our Shoreland Ordinance.

7) Rain garden berm. It is important that the top of the berm is completely level all the way across to prevent a blowout.

8) The desired destination for the outflow from the French drain should be away from the lake or into a raingarden if that can't be avoided. Do not send water towards the lake.

If my comments are too vague – just let me know if you need more detail.

Thanks

*Quita*

Mariquita Sheehan

Conservation Specialist

Vilas County Land & Water Conservation Dept.

330 Court Street

Eagle River, WI, 54521

Phone: 715.479.3747

Fax: 715.479.3627

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Wisconsin's Healthy Lakes Implementation Plan, Factsheets & Funding

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email: [mashee@co.vilas.wi.us](mailto:mashee@co.vilas.wi.us)  
website: <http://www.vilasconservation.org/>

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From: Lesley Manowske
To: Toshner, Pamela J - DNR
Subject: Healthy Lakes Plan Input from Community
Date: Sunday, July 06, 2014 9:24:23 AM

Hi Pamela:

I am Lesley Manowske a resident of Fond du Lac County. I live on Lake Winnebago and believe in doing whatever we can to help with water quality in the lake. I like the initiatives you have mentioned in the Healthy Lakes plan. However, in our area the runoff is so bad that the initiatives in the plan would not work. If you are thinking of making this a "cookie cutter" plan that everyone on the lake must follow it will be a challenge. No rain garden, swales or native plants will hold the runoff back. That is how bad it is here.

We have been working on this issue with various agencies but the same old saying comes up: there is no money. I would suggest making a call to Paul Tollard, FDL County Land and Soil Conservation and/or Ryan Rice. They would tell you about the issues on this part of the lake. Very nice people.

In addition to the runoff (we have many photos if you would like them) we have very high winds here. As a matter of fact there is a wind farm down the road. When people try to grow native plants by the lake they simply get crushed by the wind. And we have all tried many times to grow plants. So to help with your research I would suggest working with various agencies to develop specific ideas to specific areas. What works in one village is not going to work in another. It seems like agencies work out of a silo and we get stuck trying to figure out what to do. I would also rewrite the Healthy Lakes plan so it is easier to understand. I would suggest 4th grade level. I know that sounds crazy but that is what we all have to do in our profession because people do not comprehend details very well.

Im glad the DNR reached out to the community to get input. Again, I support any ideas to keep our beautiful lake clean. Please keep us in the loop and keep asking us questions. Thanks for all your hard work! It is appreciated.

Sincerely,
Lesley Manowske
N10152 Gulig Road
Malone, WI 53049
920-948-7757

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**From:** Strom Hiorns, Kathryn M - DNR  
**To:** Toshner, Pamela J - DNR  
**Subject:** Healthy Lakes Implementation Plan - official comments from Fisheries Management Bureau  
**Date:** Tuesday, July 01, 2014 12:06:59 PM  
Hi Pam –

# Program Guidance Review Summary

## Wisconsin's Healthy Lakes Implementation Plan, Factsheets & Funding

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I met with Ron Bruch this morning who approved of the comments, below, related to the Healthy Lakes Implementation Plan. I ran it by the fish sticks Lean team last week, too. Everything you guys put together looks really good! When the guidance is final, I plan to send out information on the general permit and grant opportunities to all fish biologists so they can share with others as needed. Thanks for keeping the emphasis on fish sticks and helping out our Lean team, too! – Kate

From the Fisheries Management Bureau Director Ron Bruch:  
The Fisheries Management Bureau supports the new draft guidance: Wisconsin's Healthy Lakes Implementation Plan. The Fisheries and Watershed Management bureaus recently conducted a Lean government project that created a new general permit for fish sticks projects, clarified policy on when DNR fisheries biologists will lead a fish sticks project, and developed detailed guidance for both staff and private riparians on how to do fish sticks large woody habitat work. Another recommendation from the project was to encourage state and federal grant funding opportunities for fish sticks projects in order to develop more woody habitat in lakes statewide. The Healthy Lakes Implementation Plan does that by promoting fish sticks projects as a best practice for "in-lake management zones." Healthy Lakes state grant funding is available specifically for fish sticks projects. If state grants are obtained, the fish sticks general or individual permit fees would then be waived – even more incentive for riparians to do these beneficial projects. Fisheries and Watershed will work with the lakes grants staff to evaluate the use of both the new general permit and the Healthy Lakes Plan to get fish sticks in lakes.

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**Kate Strom Hiorns**

Policy Specialist – Bureau of Fisheries Management  
Wisconsin Department of Natural Resources  
Phone: (608) 266-0828  
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[kathryn.stromhiorns@wisconsin.gov](mailto:kathryn.stromhiorns@wisconsin.gov)  
[dnr.wi.gov](http://dnr.wi.gov)

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From: [Brenda L Nordin](#)
To: [Toshner, Pamela J - DNR](#)
Cc: [Niebur, Alan D - DNR](#)
Subject: Info on shoreline lean 6 sigma streamlined process
Date: Monday, June 30, 2014 6:25:43 PM

Hey Pamela, just dropping a line to get a little more info on the new streamlined shoreline grant program. I was talking to our Fish Biologist about it a little today and we had a couple of questions. We were mainly wondering what the cap is and what the eligibility requirements are, in addition to what projects this can fund. Al (the Fish Biologist) will be meeting with a lake group next week that may be investigating these grants and I will be unable to meet as I will be on vacation (yes a vacation within a vacation J). I'm hoping these grants will take off!

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Wisconsin's Healthy Lakes Implementation Plan, Factsheets & Funding

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**From:** [philsuefoster@lakeland.ws](mailto:philsuefoster@lakeland.ws)

**To:** Toshner, Pamela J - DNR

**Subject:** Re: FW: Streamlined shoreland health grants - looking for feedback

**Date:** Monday, June 30, 2014 12:17:58 PM

Hi Pam

Thanks for chance to review. It looks like we need to have almost shovel ready projects to apply for these grants. Is that right? If so, can we then apply for them anytime during the year. If so, what would be the turnaround time? I hope we would not just have the Feb 1 deadline as that would not work well at all if we need to have the properties identified. so confused about this. If better to call and discuss, I will do

thanks

Phil Foster

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From: Jim Giffin

To: Toshner, Pamela J - DNR

Cc: Malischke, Jane C - DNR

Subject: Proposed Healthy Lakes Imple Plan

Date: Friday, June 27, 2014 5:50:15 PM

Thoroughly enjoyed the NW Lakes conf again this year. You and Alex were great to share your slides from last year's presentation. I used a number of them in presenting at our lake's annual meeting in 2013. This year Buzz Sorge shared his with me and this weekend I will be using a number of them as I once again present at our annual lake meeting. I have also incorporated pieces from Dan McFarlane's presentation. I tailor these directly to issues pertinent to Lake Minnesuing.

RE the proposed plan. This could be very useful here our Lake Minnesuing. We have development going on with lots of landscaping, unfortunately most tending away from the natural habitat. In fact I will pitch the story about loss of natural vegetation this weekend to our waterfront owners. In our case I'm reading the proposal and **I'm trying to figure out what role our lake association and our lake sanitary district can play in this.** We are very fortunate to have both groups here. LMSD handles the CBCW grant and would be the go to organization for additional cooperative efforts with the DNR/State as far as grants. Our association is very active but doesn't qualify for example for CBCW grants.

Can you give me an example of a "grant sponsor" (see C 2)? Is this perhaps a landscaper doing work for several property owners? or a qualifying lake group? Suspect you may be familiar with Minnesuing Acres here on our lake. They have generally been pretty good stewards. However they do have a lot of mowed grass and some shoreline with little buffer. Would a grant be available to them if they wanted to do something?

Thanks. BTW this proposal is dynamite for places like Lake Minnesuing. I hope we can do something with it.

Jim Giffin, Treasurer

Lake Minnesuing Sanitary District

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Treasurer, Lake Minnesuing Association
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**From:** [Sandy Gillum](#)  
**To:** [Toshner, Pamela J - DNR](#)  
**Subject:** VCLRA Shoreland Stewardship Covenant  
**Date:** Friday, June 27, 2014 11:14:38 AM  
**Attachments:** [Shoreland Stewardship Covenant.pdf](#)  
[ATT00001.htm](#)  
[Shoreland Covenant letter to shoreland owners.pdf](#)  
[ATT00002.htm](#)

Again thanks, Pam, for your work and the efforts of your team. Hopefully one path or another will cumulatively provide incentives, motivation, and opportunities for shoreland owners to take positive steps. As promised, attached are copies of the letter of invitation we are sending to shoreland owners in Vilas County and also attached is a copy of the Vilas Shoreland Stewardship Covenant. The grant we are working under is with Vilas County Lakes and Rivers Association. Rollie Alger is the liaison and I am the coordinator. If you have suggestions for us as we move forward, please do share them with us.

Best regards,  
*Sandy*

Sandy's verbal comments:

- Page 1: Change "fireworks" to "moonlight."
- 10 x 30 should be 10 x 35 to correspond with statewide shoreland zoning minimum buffer depth. Let property owners choose how to orient it – 35 feet back from shore or along shore, and emphasize this flexibility in the Plan and factsheet.
- Factsheets: be consistent and provide links when mentioned in the doc and at the end rather than having them only at the end of the factsheet.
- Concerned with language. Some people think a rock infiltration is a French drain rather than them being 2 separate best practices. Suggestion: have a rock infiltration pit and rock infiltration pit with drain tile or pipe (rather than French Drain) – perhaps all in one fact sheet.
- Deliverables in Plan: who will monitor and enforce the projects/practices: Suggestion: take a friendly approach rather than a compliance/hatchet approach.
- Promotion in Plan: add "towns and municipal units" to partner list.
- Native planting factsheet: call Mike Meyer to get specific suggestions on types and height of fencing that work.
- "Very well done. The initial marketing will be key."

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From: [Scherer, Jeanne S - DNR](#)
To: [Toshner, Pamela J - DNR](#)
Subject: RE: Healthy Lakes comments
Date: Thursday, June 26, 2014 7:33:15 AM

Hi Pam,
Thanks for the reply and call. We were on our way to Kemps Station for a training when I

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got your message. Back today but blurry eyed!

I'm going to forward this on to some folks to help them along with their thoughts on the grant in case they'd like to make comments. I can see where these grants will be hugely helpful. We were out on a Columbia county lake Monday that has very resistant riparian owners to doing anything to their mowed to the lawn shorelines. Maybe this could help edge them to a starting point for improvement. I need to go back and find the original email about the comment period, so I can send it to their lake organization president who went out with us as a volunteer. I believe they're looking at a larger grant also to do fish sticks.
Jeanne

From: Toshner, Pamela J - DNR
Sent: Tuesday, June 24, 2014 2:58 PM
To: Scherer, Jeanne S - DNR
Subject: Healthy Lakes comments

Hi Jeanne!

Thanks for your voicemail. The cost share for the total grant award (max \$25,000) is 75% state and 25% sponsor with a maximum of 10% of the state share for technical assistance/project management. That being written, there is not required individual landowner cost-share but rather a cap of \$1000 per practice. So...a grant sponsor, applying on behalf of multiple landowners, could provide the match through cash contribution or inkind or design their own cost share program on a parcel or practice basis.

As far as incorporating Wisconsin's Healthy Lakes Plan into a local lake management or comprehensive plan, yes – absolutely – a group could choose to do so. On the backend, though, we'd only fund the practices listed in the statewide plan and integrated/adopted into the broader plan via the Healthy Lakes \$25,000 grant. Alternatively, the group could apply for funding for other implementation activities, along with the Healthy Lakes practices, through the broader Plan Implementation category with a \$200,000 cap. In other words, Healthy Lakes grants are stand-alone for the practices listed in the statewide plan, but the traditional Plan Implementation grants could fund those practices along with other activities.

Please give me a call if you have any questions.

Best regards,

P Pamela J. Toshner

Lake & River Management Coordinator
Northern Region - West
Wisconsin Department of Natural Resources
810 W. Maple Street
Spooner, Wisconsin 54801
() **phone:** (715) 635-4073
() **fax:** (715) 635-4013
(+) **e-mail:** pamela.toshner@wisconsin.gov

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Wisconsin's Healthy Lakes Implementation Plan, Factsheets & Funding

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**From:** Paul Osterholm  
**To:** Toshner, Pamela J - DNR  
**Cc:** Matthews, Megan - LEGIS; Lakin, Tim - LEGIS; Lesley Manowski; Jim Southard  
**Subject:** WI Healthy Lakes Implementation Plan  
**Date:** Monday, June 23, 2014 8:08:08 AM

Good morn'n Pamela,  
My name is Paul Osterholm. I am a home landowner/taxpayer . My wife and our two children live in Pipe-down the road from Columbia Park on Gulig Road. We appreciate all you are considering doing to help keep Lake Winnebago healthy. My question is : (1) How do we prevent runoff from large parcels of land/farm fields without working with large parcel land owners?

Recently in Pipe, heavy rains and rains have washed and flooded homes-farm manure and top soil 'flows' ( we have lots of pictures) have contaminated our harbor, wells, land, campsites, wildlife refuge and Lake Winnebago. We would love to partner and work together to keep a healthy Lake Winnebago. Please come out and visit us! We would love to show you first-hand our problems and show you the beauty of Lake Winnebago. We would love to put in rain gardens, natural plants, planting trees and plants to help stop soil erosion, restore the shoreline, and create natural habitat for our wildlife with YOUR help J We look forward to working with you J I have cc'd Rep. Jeremy Thiesfeldt and State Senator Rick Gudex's office and two friends & neighbors.

Thank you for your time and consideration. We look forward to hearing from you and partnering with you.

Together~ restoring and protecting Lake Winnebago,  
Paul, Janet, Paul Jr. and Maggie Osterholm

Paul Wm. Osterholm  
Executive Director  
Habitat for Humanity of Fond du Lac County  
150 S Brooke Street  
Fond du Lac, WI 54935  
Office : 920-921-6623  
Fax : 920-322-0778  
Cell : 920-979-1734  
Email : [paul@habitatfdl.org](mailto:paul@habitatfdl.org)  
Website : [hfh-wi-fdl.huterra.com](http://hfh-wi-fdl.huterra.com)

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Friday June 20, 2014 Northwest Lakes Conference – follow up to conversation with Kristy Maki who shared Kelly Nechuta's comments:

From: Kelly Nechuta
To: Toshner, Pamela J - DNR
Subject: RE: Healthy Lakes comments
Date: Monday, July 14, 2014 3:27:56 PM
Hi Pamela,

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That was my only comment, I think it will be a fabulous program and I look forward to seeing it rolled out!

I didn't know if there was a reason for the 10x30 area, perhaps because that is what Bone Lake used, or simple 300 sq ft area, but I know we would get questions about that remaining 5 feet, when a buffer zone depth is required to be 35'.

Thanks!

Kelly

-----Original Message-----

From: Toshner, Pamela J - DNR [<mailto:Pamela.Toshner@wisconsin.gov>]

Sent: Thursday, July 03, 2014 1:24 PM

To: Kelly Nechuta

Cc: Kristy Maki

Subject: Healthy Lakes comments

Hi Kelly! Thanks for joining us for the shoreland inventory and mapping workshop a couple weeks ago. Kristy mentioned you had some comments on Wisconsin's Healthy Lakes Implementation Plan and the new grant to support it. I want to be sure to capture your feedback before Monday's deadline.

Here's what I remember:

* Increase the 10x30 native plantings to 10x35 to correspond with the statewide minimum shoreland zoning depth.

Anything else?

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**From:** Neeb, Bruce J - DNR

**To:** Toshner, Pamela J - DNR; Malischke, Jane C - DNR; Schaal, Carroll - DNR

**Cc:** Hanson, Kathleen M - DNR; Teves, Mary R - DNR

**Subject:** FW: Streamlined shoreland health grants - looking for feedback

**Date:** Friday, June 20, 2014 8:58:51 AM

**Attachments:** [Healthy Lakes - cover sheet, plan, and 5 factsheets.pdf](#)

This is great information, and some wonderful work! Congratulations on the idea and follow through. Thanks, Bruce

*Bruce Neeb*

*DNR Government Outreach/Grants*

*West Central Region, Eau Claire*

*(715) 839-3713*

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From: [jon bergquist](#)

To: Toshner, Pamela J - DNR

Subject: Comments on Wisconsin's Healthy Lakes Implementation Plan

Program Guidance Review Summary
Wisconsin's Healthy Lakes Implementation Plan, Factsheets & Funding

Date: Thursday, June 19, 2014 10:49:18 AM

Good Day Ms Toshner:

I just finished reading your draft "Wisconsin's Healthy Lakes Implementation Plan" and it looks very good to me. I am pleased to see that you consulted with Ms. Clemmons on the plan.

I have just one comment and that deals with the French Drain. In your write up, you noted that it should only be used in certain soil types. I suggest that you say it is not suitable if the site is clay soils. I put 2 such drains in about 30 ft apart and one has worked just fine (the base soil was what I call a loam) and the when I dug the 2nd ditch, I noted that soil at the bottom of the ditch was more clay like. During periods of moderate to heavy rainfall, water would bubble up to the surface.

Again, thank you for the opportunity to comment on the draft guidance.

Jon R. Bergquist, CWB, Retired
220 2nd St
Amery, WI 54001
7152685584

~~~~~  
**From:** [jon bergquist](#)

**To:** [Toshner, Pamela J - DNR](#)

**Subject:** Comments on Wisconsin's Healthy Lakes Implementation Plan

**Date:** Thursday, June 19, 2014 10:37:41 AM

Good Day Ms Toshner:

I just finished reading your draft "Wisconsin's Healthy Lakes Implementation Plan" and it looks very good to me. I am pleased to see that your consulted with Ms. Clemmons on the plan.

I have just one comment and that deals with the French Drain. In your write up, you noted that it should only be used in certain soil types. I would suggest that you say it is not suitable if the site is clay soils. I put 2 such drains in about 30 ft apart and one has worked just fine (the base soil was what I call a loam) and when I dug the ditch for the second site I noted a more clay type soil. That one did not work as well in heavy rains, the water bubbled up from the site. Thus, my suggestion is you specifically say it is not appropriate if the soil at the specific site is clay.

Again, nice job and thanks for your fine work.

Jon R. Bergquist, CWB Retired  
220 2nd St  
Amery, WI 54001  
7152685584

~~~~~  
Wednesday June 18, 2014, Lakes Social Science Seminar feedback

Dick Lamers: give preference /ranking points to impaired waters.

Cheryl Clemens: opposed to 10% technical assistance cap.

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**From:** [Kakuska, Michael](#)

**To:** [Toshner, Pamela J - DNR](#)

# Program Guidance Review Summary

## Wisconsin's Healthy Lakes Implementation Plan, Factsheets & Funding

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**Subject:** RE: Wisconsin Healthy Lakes Implementation Plan Comment

**Date:** Wednesday, June 18, 2014 10:19:00 AM

Specifically "injection wells," deeper than they are wide (NR 815).

**From:** Kakuska, Michael

**Sent:** Wednesday, June 18, 2014 9:13 AM

**To:** 'Pamela.Toshner@Wisconsin.gov'

**Subject:** Wisconsin Healthy Lakes Implementation Plan Comment

Hi Pam,

I see numerous references to French Drains in the draft guidance. My understanding is that French Drains are explicitly illegal in Wisconsin under the groundwater law (you may want to consult with someone over in that division). While I very much support the concept because of their effectiveness (maybe too effective because of potential groundwater contamination), you may want to simply or routinely call it something else to avoid potential conflict of interest. Works great for infiltrating clean rooftop runoff.

Mike

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**From:** Carol Lebreck

**To:** Toshner, Pamela J - DNR

**Subject:** RE: Streamlined shoreland health grants - looking for feedback

**Date:** Tuesday, June 17, 2014 2:45:01 PM

**Attachments:** [Feedback Response.doc](#)

Hi Pamela,

Read through the document and made a list of some ideas, questions, thoughts. Hope they help...

### Healthy Lakes Initiative – Feedback on the Proposal – from Carol LeBreck

(1) "Fish Sticks may be a stand-alone grant activity only if the parcel complies with local zoning. If not, the property owner must commit to leaving a **10 x 30 square foot area** un-mowed at the base of the cluster(s) or implement native plantings (Practice 2)." **Does this mean 10' along the shore & 30' deep or vice versa??**

(2) "Zone 2: Transition

Practice 2 - 10 X 30 feet **[in which direction? Same issue as above. Perhaps there will be a drawing to indicate which dimension is 'along the shoreline' vs 'depth']** Native Plantings: template planting plans **(awkward phrase)** with corresponding lists of native plants suited to the given function of the plan. Native planting functions include the following: lakeshore **protection?**, bird/butterfly, wet meadow, woodland, and critical **habitat??** areas. " **I'm not sure the listed items are "functions". Are they?**

(3) **VII. Evaluation of Results**

**Have you considered photographic documentation? Pre- and post-photos of areas involved in plan implementation. I would support such an effort.**

(4) **"Purpose:**

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This fish and wildlife habitat best practice creates food, shelter, and breeding areas for all sorts of creatures from small aquatic insects, to fish, to turtles, ducks, and songbirds. Fish Sticks can also help prevent bank erosion – protecting lakefront properties and your lake.” [and help protect submerged, emergent & floating vegetation in the littoral/near-shore area??]

(5) **“5. Construct the practice**

Installing Fish Sticks on ice is the most practical and inexpensive method. Identify an ice road and maintain with snow plowing until ice is adequate thickness for installation (18”). Cut live trees from outside the shoreline vegetation protection area, which is usually at least 35 feet from the water’s edge. Transport and place the trees in criss-cross clusters or stacks and then cable and anchor them to a live tree on shore.” I’m assuming there will be several diagrams and/or photos to be sure folks understand the full concepts of “criss-cross clusters or stacks”. Right??

(6) **“FACTSHEET Practice 2: 10x30 Native Plantings**

**Description:**

Native plantings (Figure 1) are template planting plans designed for a contiguous area of at least 300 square feet within the transition zone, also known as a shoreland vegetation protection area or buffer. Each template has a corresponding list of native plants suited to the given function of the plan, including lakeshore, bird/butterfly, wet meadow, woodland, and critical area options.” Same concerns expressed earlier re this “practice”.

Given the further description of “critical area” in the next paragraph of the proposed document, might I suggest that something like “denuded” or “disturbed” area might be better than “critical area”. Just a thought!

(7) **“1. Find a location**

Native plantings should begin at the typical water’s edge (i.e. Ordinary High Water Mark) and be at least 10 feet wide. [This is the first reference to “width”. So my interpretation now is that it could be 10’ wide x 30’ deep OR any variation up to 30’ wide x 10’ deep. Is that what will be allowed??]

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From: Paul Skawinski

To: Toshner, Pamela J - DNR

Cc: Schaal, Carroll - DNR

Subject: Re: Streamlined shoreland health grants - looking for feedback

Date: Tuesday, June 17, 2014 11:37:47 AM

Hi Pam and Carroll,

A few comments:

Under "FACTSHEET Practice 2: 10x30 Native Plantings", "1 - Find a location":

I'd suggest changing the wording from "a piece of turf grass..." to "an area of turf grass..."

On the same page under "4. Choose your plants":

Another minor wording suggestion - maybe add "for our native wildlife" to the end of this sentence - "Native plants should be used because they are best adapted for our climate and provide ideal habitat."

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Last comment - "Implementation" is misspelled (as "implemation") on the document title page and in a few headers.

Well done, Pam and team!

[Paul Skawinski](#)

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**From:** [philsuefoster@lakeland.ws](mailto:philsuefoster@lakeland.ws)

**To:** Toshner, Pamela J - DNR

**Cc:** Cheryl Clemens

**Subject:** bone lake 10 by 30's

**Date:** Tuesday, June 17, 2014 8:22:18 AM

Hi Pam

Bone Lake has elected not to utilize the proposed DNR 10 by 30 funding program as part of our existing grant. One of the reasons was the covenant provision. Cheryl mentioned a possible 10 year covenant requirement for your new program. If possible to change, I would suggest not having any covenant requirements. I believe that is one of the reasons that Bone Lake property owners use a 10 by 30's - nocovenants.

Also another key to the success is having suggested plantings for people to use. Cheryl put together a great handout giving people suggestions based on their soil type. This brochure available on our website [www.bonelakewi.com](http://www.bonelakewi.com).

Thanks for all your work

Phil

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June 16, 2014

Timothy M. Plude

To: Pamela Toshner

Draft Lake Protection Grant subprogram for incentivizing improved shoreland conditions; comments:

Overall the Draft guidance looks well written and thought out, however I have some important comments for discussion. The time commitment for these projects is only 10 years as I would understand the current draft guidance. The time period of ten years is inconsistent with other similar programs (Burnett County 25years, Vilas County in perpetuity/or revolving, Northwoods Land Trust is in perpetuity).

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I understand that there is likely reasoning behind the 10 year time period, perhaps it is to gain interest and involvement. There are also reasons behind the lengthier commitments too (more important reasons, personally speaking), like establishment of vegetation, wildlife resident time, human viewpoints changing (within generations or individuals).

Ten years is a very small snapshot of time when considering environmental damage remediation. What would ten years of restoration set in place accomplish compared to the multiple decades of degradation and pollution that have been occurring and will likely continue? Many lake residents are retired and elderly and when they pass down the land to the next generation; not all values, if many at all, are passed down with the land acquisition. This could completely reverse any efforts made and money spent.

Another point to extend the Conservation Commitment time frame is the economic value and up-front costs. There might be instances where we can end up paying the riparian to install a vegetative strip that should have been in place just to follow the law; in this case we are giving the individual money to improve their private property and to get them to conform with the law. Why would we only want a ten year commitment for an above listed situation; seems like they need to be at least conforming with the current and proposed NR 115 standard before we can consider any funding for those sites. I feel that this needs to be a requirement for the program; all applicants' property need to conform to current NR 115 and county shoreland standards before we allow grant money to be allotted to those applicants.

The Practice 2, Transition allows for a 10x30 foot area to be restored with native vegetation. This area of 300 square feet does not conform to any standard. All other shoreland protective documents (NR 115, WI Biology Technical Note 1: Shoreland Habitat, NRCS Code 643A Shoreland Habitat) explicitly list the depth from OHWM, 35 feet upland. Again, this Practice should not be intended to get riparian owners up to date with the laws (which it might as it is currently written) but, instead to reward the individual that is already doing the right thing but maybe wants to improve the habitat.

I really like the idea of streamlining grants and cutting back on unnecessary red tape but, the immediate shoreline is a sensitive area not only for wildlife but from an anthropogenic standpoint. We really want people to protect and love their lake front property but viewpoints need to change too. After listening to many others talk about the struggles of remediation and restoration the main point that I took home was that Education is the only true way instill appreciation for the shoreland and then if this appreciation can be spread then we could see protection and preservation unfold without provocation.

To conclude, I would like to see this Plan/guidance follow specifications of existing code and standards (NR 115, NR 198, NRCS 643A, WI Tech. Bulletin 1: Shoreland habitat); and be used as an incentive after the property conforms. I feel that a long-term commitment is needed for multiple reasons (shows intent to preserve, not just temporarily; wildlife long-term stability, can be used as great stewardship rewards and examples). If someone is truly looking to protect their lake and investment then they should have no problems with a longer term and actually should desire it, and we need to see that because this could potentially use a lot of state money to protect lake health but also private property, and should not be used as a tool to improve the salability of a lake-front home. Also, the education of land owners may be the only way to gain

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appreciation and interest; I just don't want to see this Plan be abused with nothing left to show after 10 years. Maybe a direct approach (large-scale lake-wide grant) to get land owners up to date with code and standards might be the better first step before offering a small grant for individuals.

Thanks for listening

Tim M. Plude

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From: Kirsop, Patrick L - DNR

To: Schaal, Carroll - DNR; Toshner, Pamela J - DNR

Cc: Malischke, Jane C - DNR

Subject: RE: Streamlined shoreland health grants - looking for feedback

Date: Monday, June 16, 2014 11:18:26 AM

Carroll, Pamela and Jane,

Looks great. A tremendous amount of work done by you and your team. I hope that the feedback helps with the overall work in the future.

Pat