



Douglas La Follette, *Secretary of State*  
Kurt Schuller, *State Treasurer*  
J.B. Van Hollen, *Attorney General*  
Tia Nelson, *Executive Secretary*

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Madison, WI 53708-8943

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**Managing Wisconsin's trust assets for public education**

## AGENDA

June 5, 2012

2:00 P.M.

Board of Commissioners of Public Lands  
101 E. Wilson Street, 2<sup>nd</sup> Floor  
Madison, Wisconsin

1. Call to Order
2. Approve Minutes – May 15, 2012
3. Approve Loans
4. Proposed Submerged Lands Lease – Dairyland Power Cooperative
5. Executive Secretary's Report
6. Adjourn

**BOARD MEETING  
JUNE 5, 2012**

**AGENDA ITEM 2  
APPROVE MINUTES**

Attached for approval are the minutes from the May 15, 2012, board meeting.

Board Meeting Minutes  
May 15, 2012

**ITEM 1. CALL TO ORDER**

Board Chair La Follette called the meeting of the Board of Commissioners of Public Lands to order at 2:00 p.m.

Present were:

- |                                 |  |
|---------------------------------|--|
| Doug La Follette, Board Chair   | Secretary of State                     |
| Kurt Schuller, Commissioner     | State Treasurer                        |
| J.B. Van Hollen, Commissioner   | Attorney General                       |
| Tia Nelson, Executive Secretary | Board of Commissioners of Public Lands |
| Tom German, Deputy Secretary    | Board of Commissioners of Public Lands |
| Richard Sneider, Loan Analyst   | Board of Commissioners of Public Lands |

**ITEM 2. APPROVE MINUTES – MAY 2, 2012**

**MOTION:** Commissioner Van Hollen moved to approve the minutes; Commissioner Schuller seconded the motion. The motion passed 3-0.

**ITEM 3. APPROVE LOANS**

Executive Secretary Nelson said the loans had received legal review.

| Municipality   | Municipal Type                           | Loan Amount  |
|--|--|--------------|
| 1. Frederic<br>Polk County<br>Application #: 02012123<br>Purpose: Finance street reconstruction and repair       | Village<br>Rate: 4.00%<br>Term: 20 years | \$200,000.00 |
| 2. Gillett<br>Oconto and Shawano Counties<br>Application #: 02012120<br>Purpose: Refinance football stadium debt | School<br>Rate: 2.75%<br>Term: 5 years   | \$154,000.00 |
| 3. Gillett<br>Oconto and Shawano Counties<br>Application #: 02012121<br>Purpose: Refinance BCPL Loan #2007081.01 | School<br>Rate: 3.50%<br>Term: 10 years  | \$472,016.03 |
| 4. Jacksonport<br>Door County<br>Application #: 02012124<br>Purpose: Purchase water rescue boat                  | Town<br>Rate: 2.75%<br>Term: 1 year      | \$27,895.00  |
| 5. Primrose<br>Dane County<br>Application #: 02012116<br>Purpose: Refinance other outstanding debt               | Town<br>Rate: 2.75%<br>Term: 5 years     | \$125,000.00 |
| 6. Reeseville<br>Dodge County<br>Application #: 02012113<br>Purpose: Refinance bank loans                        | Village<br>Rate: 4.00%<br>Term: 16 years | \$939,000.00 |

|              |   |   |                       |
|--------------|---|---|-----------------------|
| 7.           | River Falls<br>Pierce County<br>Application #: 02012114<br>Purpose: Finance road maintenance and construction     | Town<br>Rate: 2.75%<br>Term: 1 year     | \$125,000.00          |
| 8.           | River Falls<br>Pierce County<br>Application #: 02012115<br>Purpose: Purchase plow truck and equipment             | Town<br>Rate: 2.75%<br>Term: 3 years    | \$102,000.00          |
| 9.           | Washburn<br>Bayfield County<br>Application #: 02012118<br>Purpose: Refinance BCPL Loan #2007028.01                | School<br>Rate: 3.50%<br>Term: 10 years | \$515,378.61          |
| 10.          | Washburn<br>Bayfield County<br>Application #: 02012119<br>Purpose: Finance school operation and maintenance costs | School<br>Rate: 3.00%<br>Term: 10 years | \$129,000.00          |
| 11.          | West Bend<br>Washington County<br>Application #: 02012117<br>Purpose: Finance TIF district projects               | City<br>Rate: 3.00%<br>Term: 10 years   | \$432,400.00          |
| <b>TOTAL</b> |   |   | <b>\$3,221,689.64</b> |

**MOTION:** Commissioner Van Hollen moved to approve the loans; Commissioner Schuller seconded the motion. The motion passed 3-0.

**ITEM 4. EXECUTIVE SECRETARY’S REPORT**

Executive Secretary Nelson reported that agency staff had met with State of Wisconsin Investment Board personnel to discuss investment options for Trust Fund monies that are not encumbered.

She also said that she has been offered a full-tuition scholarship to attend the week-long Yale University Conservation Finance Camp in June. The course will focus on forest economics and finance. The agency would be responsible for transportation and lodging.

Finally, she said the \$2.7 million check presentation to the Village of Necedah on May 14 went well. Village officials, Representative Brooks and Senator Schultz expressed their appreciation for the Board’s actions on the matter.

**ITEM 5. ADJOURN**

**MOTION:** Commissioner Van Hollen moved to adjourn the meeting; Commissioner Schuller seconded the motion. The motion passed 3-0.



Tia Nelson, Executive Secretary

These minutes have been prepared from a tape recording of the meeting. The summaries have not been transcribed verbatim. Anyone wishing to listen to the tape may do so at the Board of Commissioners of Public Lands, 101 E. Wilson Street, 2<sup>nd</sup> Floor, Madison, Wisconsin.

**BOARD MEETING  
JUNE 5, 2012**

**AGENDA ITEM 3  
APPROVE LOANS**

| Municipality   | Municipal Type                          | Loan Amount    |
|--|---|----------------|
| 1. Cadiz<br>Green County<br>Application #: 02012139<br>Purpose: Purchase tractor with loader                                   | Town<br>Rate: 2.75%<br>Term: 3 years    | \$75,000.00    |
| 2. Calumet<br>Fond Du Lac County<br>Application #: 02012122<br>Purpose: Finance road construction                              | Town<br>Rate: 2.75%<br>Term: 5 years    | \$375,000.00   |
| 3. Calumet<br>Fond Du Lac County<br>Application #: 02012130<br>Purpose: Refinance BCPL Loan #2011149.01                        | Town<br>Rate: 2.75%<br>Term: 4 years    | \$157,319.09   |
| 4. Calumet<br>Fond Du Lac County<br>Application #: 02012131<br>Purpose: Refinance BCPL Loan #02011149.02                       | Town<br>Rate: 2.75%<br>Term: 4 years    | \$135,206.81   |
| 5. Calumet<br>Fond Du Lac County<br>Application #: 02012132<br>Purpose: Refinance BCPL Loan #2010197.01                        | Town<br>Rate: 3.00%<br>Term: 8 years    | \$306,101.07   |
| 6. Coleman<br>Marinette and Oconto Counties<br>Application #: 02012134<br>Purpose: Finance school renovation projects          | School<br>Rate: 2.75%<br>Term: 5 years  | \$176,000.00   |
| 7. Combined Locks<br>Outagamie County<br>Application #: 02012135<br>Purpose: Finance street construction                       | Village<br>Rate: 2.75%<br>Term: 5 years | \$1,026,056.00 |
| 8. Elkhart Lake-Glenbeulah<br>Sheboygan County<br>Application #: 02012138<br>Purpose: Finance re-roofing of district buildings | School<br>Rate: 2.75%<br>Term: 5 years  | \$675,000.00   |

| Municipality  | Municipal Type                                 | Loan Amount  |
|---|--|--------------|
| 9. Lake Hallie<br>Chippewa County<br>Application #: 02012133<br>Purpose: Purchase defibrilators   | Village<br>Rate: 2.75%<br>Term: 5 years        | \$150,000.00 |
| 10. Laona<br>Forest County<br>Application #: 02012128<br>Purpose: Refinance BCPL Loan #2009135.01   | School<br>Rate: 4.50%<br>Term: 16 years        | \$456,639.00 |
| 11. Laona<br>Forest County<br>Application #: 02012129<br>Purpose: Refinance other outstanding debt  | School<br>Rate: 2.75%<br>Term: 3 years         | \$600,000.00 |
| 12. Little Green Lake Pro &<br>Rehab Dist<br>Green Lake County<br>Application #: 02012125<br>Purpose: Finance sewer facilities operations and maintenance | Lake District<br>Rate: 3.00%<br>Term: 10 years | \$50,000.00  |
| 13. Little Green Lake Pro &<br>Rehab Dist<br>Green Lake County<br>Application #: 02012126<br>Purpose: Purchase weed harvester                             | Lake District<br>Rate: 3.00%<br>Term: 10 years | \$179,394.00 |
| 14. Little Green Lake Pro &<br>Rehab Dist<br>Green Lake County<br>Application #: 02012127<br>Purpose: Refinance BCPL Loan #02011158.01                    | Lake District<br>Rate: 3.00%<br>Term: 10 years | \$149,805.00 |
| 15. Neenah<br>Winnebago County<br>Application #: 02012137<br>Purpose: Purchase fire truck   | Town<br>Rate: 3.00%<br>Term: 10 years          | \$260,000.00 |
| 16. Superior<br>Douglas County<br>Application #: 02012136<br>Purpose: Purchase tractor/mower  | Town<br>Rate: 3.00%<br>Term: 10 years          | \$99,500.00  |

| Municipality  | Municipal Type                        | Loan Amount           |
|---|---------------------------------------|-----------------------|
| 17. Woodruff<br>Oneida County<br>Application #: 02012140<br>Purpose: Purchase fire truck              | Town<br>Rate: 3.00%<br>Term: 10 years | \$176,202.00          |
| 18. Woodruff<br>Oneida County<br>Application #: 02012141<br>Purpose: Refinance BCPL Loan #02010105.01 | Town<br>Rate: 3.00%<br>Term: 7 years  | \$174,684.26          |
|   | <b>TOTAL</b>                          | <b>\$5,221,907.23</b> |

**BOARD MEETING**

**JUNE 5, 2012**

**AGENDA ITEM 4**

**PROPOSED SUBMERGED LANDS LEASE - DAIRYLAND POWER COOPERATIVE**

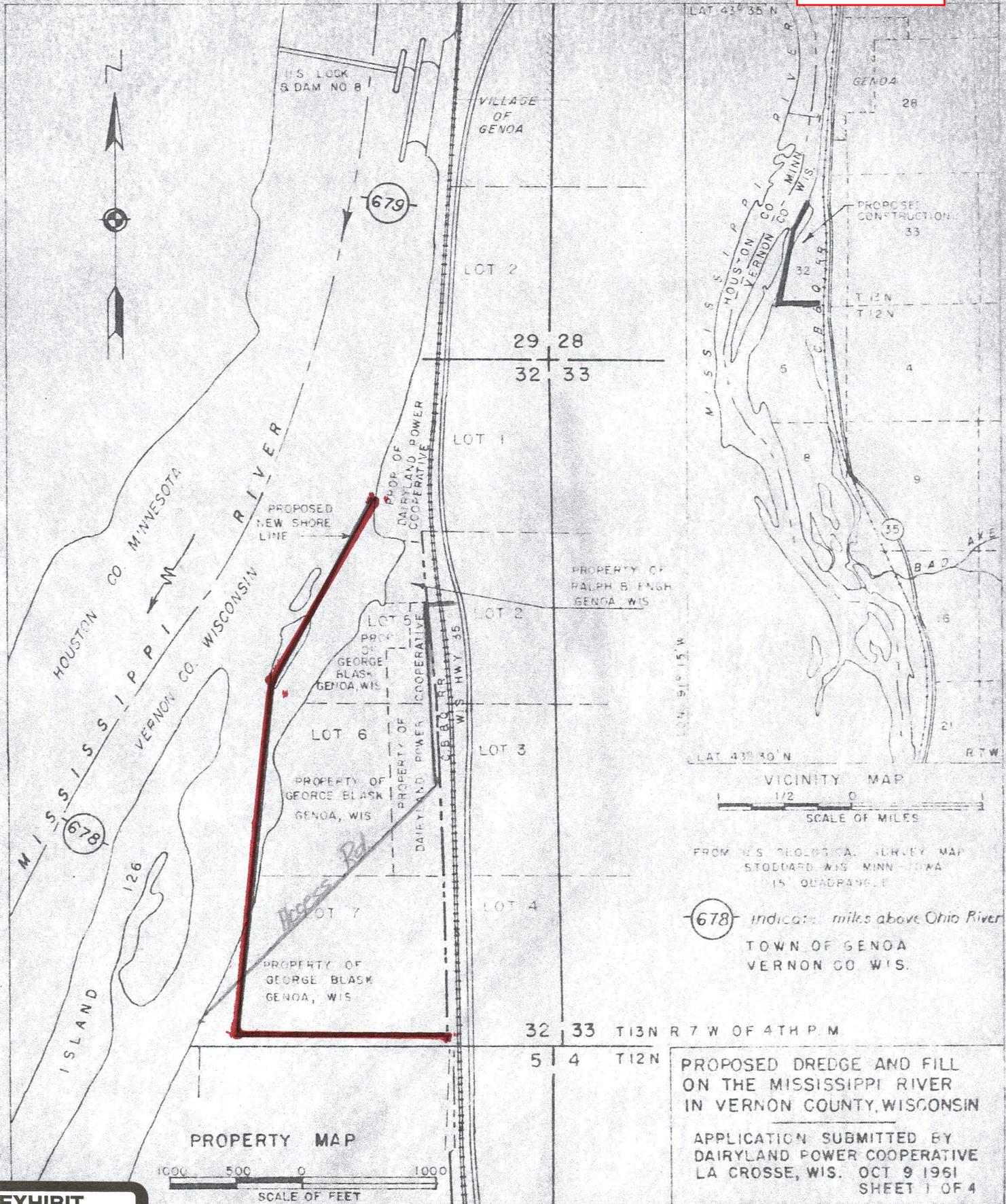
- A. The Board of Commissioners of Public Lands previously entered into a fifty-year Submerged Lands Lease (Lease #134) with Dairyland Power Cooperative (“Dairyland”) on August 1, 1962 (the “1962 Lease”). The area subject to the 1962 Lease is approximately 15 acres of land lying under the Mississippi River in the town of Genoa, Vernon County Wisconsin, illustrated on the map attached as Exhibit A.
  
- B. The Public Service Commission of Wisconsin issued Findings of Fact and Statutory Findings #2-WF-1589 that Dairyland’s proposal for a Submerged Land Lease for the purpose of “improving navigational facilities as well as a site for related facilities for generation of electricity” was found consistent with the public interest. A copy of these findings is attached as Exhibit B.
  
- C. Pursuant to the 1962 Lease, Dairyland filled certain areas of the Mississippi River bed and constructed navigational improvements and also provided public access to the Mississippi River through certain improvements constructed in a separate area. Dairyland spent over \$100,000 to construct the public access improvements. This was a material part of the consideration provided by Dairyland under the Lease.
  
- D. Dairyland desires to enter into a new 50 year lease with the Board of Commissioners of Public Lands for the same area currently subject to the 1962 Lease as described on Exhibit A.
  
- E. On April 6, 2012, the DNR issued findings pursuant to Section 30.11 Wisconsin Statutes relating to a Proposed Lease to Dairyland Power Cooperative – Genoa Station. The findings noted that the DNR had completed an investigation of the lease site and had evaluated Dairyland’s proposal. The findings stated that, “The proposed Lease extension will not result in any physical changes in the area, such as additional filling of submerged lands and the public access required by the Original Lease remains available and in good repair...The Department has determined the proposed Lease will not adversely affect water quality, will not increase water pollution in surface waters and will not cause environmental pollution as defined in Wis. Stats. s 283.01 (6m), provided Dairyland Power Cooperative complies with existing federal and state environmental and energy regulations.” The Findings concluded that, “**The Lease is consistent with the public interest in the navigable waters of the Mississippi River ...**” A copy of the Findings are attached hereto as Exhibit C.

- F. The issuance of the above Findings by the DNR allows BCPL to enter into a new Submerged Lands Lease with Dairyland if BCPL so chooses.
- G. BCPL staff recommends that the Board authorize a new fifty-year Submerged Lands Lease with Dairyland at a beginning rental rate of \$2,300 per year with regular, scheduled rent increases over the term of the lease to a rate of \$5,423 per year and further require that Dairyland continue to provide suitable public access facilities to allow the general public access to the Mississippi River. The proposed initial lease rental rate for the new lease has been calculated by taking the original rental rate for the 1962 lease and increasing it by the changes in the Consumer Price Index over that period of time. As noted above, a significant consideration by Dairyland in the 1962 Lease was the provision of public access facilities allowing the public to access the Mississippi River. This provision of public access is also a significant consideration required of Dairyland under the new proposed Lease.

### **PROPOSED RESOLUTIONS**

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Commissioners of Public Lands authorizes a new fifty-year Submerged Lands Lease with Dairyland Power Cooperative in accordance with Section 24.39 of the Wisconsin Statutes with a beginning rental rate of Two Thousand Three Hundred Dollars (\$2,300.00) per year with regular scheduled rent increases over the term of the Lease to a rate of \$5,423 per year and a requirement that Dairyland provide suitable public access facilities to the Mississippi River and on such other terms and conditions as the Executive Secretary determines to be reasonable and necessary. The Executive Secretary is authorized and directed to execute any documents reasonably necessary to complete such transaction.

- Exhibit A: Map of area to be leased*  
*Exhibit B: WI Public Service Commission Findings 1962*  
*Exhibit C: WI DNR's Findings of Fact*



**EXHIBIT**

A

tabbles

11-26-62

BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN

Application of Dairyland Power Cooperative for Approval of a Proposed Lease of Rights on the Mississippi River from the Wisconsin Commissioners of Public Lands in Connection with Construction of an Atomic Reactor and Generating Station near Genoa, Vernon County

2-WP-1589

FINDINGS OF FACT AND STATUTORY FINDINGS

The Dairyland Power Cooperative filed an application with the Commission on January 12, 1962 under sections 24.39(4) and 30.11(5), Statutes (created by Chapter 535, Laws of 1961), for approval of a proposed lease of rights in the Mississippi River at a location near the generating plant south of Genoa, Vernon County. Proposal found consistent with the public interest. Order issued.

Pursuant to due notice, hearing was held March 15, 1962 at Viroqua before Examiner Maurice H. Van Susteren.

Appearances:

Dairyland Power Cooperative, by

Floyd Wheeler and  
Charles Van Sickle, attorneys  
Madison

In Opposition:

Vic Navrested, Viroqua  
Bonny Mehren, Viroqua, et al. (123 others), by

Peter Pappas, attorney  
La Crosse

George and Jack Blask  
Genoa, by

William F. Skemp, attorney  
La Crosse

Wayne B. Schlantz and Ole Gulbrandsen, attorneys  
Viroqua

Ralph Engh, Genoa

EXHIBIT

B

tabbles

**Appearances: (Continued)**

**In Opposition: (Continued)**

**Lone Rock Rod and Gun Club, by**

**Harold Nelson, Genoa**

**As Interest May Appear:**

**Wisconsin Conservation Department, by**

**Lewis Posekany**

**Wisconsin Department of Resource Development, by**

**Donald Wood  
Madison**

**Wisconsin Committee on Water Pollution, by**

**Theodore F. Wisniewski  
Madison**

**Badger State Sportsmen Club, by**

**Emmett Benson  
La Crosse**

**Monroe County Conservation Clubs, by**

**John Lakowski  
Sparta**

**Of the Commission Staff:**

**W. H. Cartwright, engineering department**

**Findings of Fact**

**THE COMMISSION FINDS:**

1. The Dairyland Power Cooperative filed an application with the Commission on January 12, 1962 for approval of a proposed lease of rights in the bed of the Mississippi River as is more particularly stated in said application. Generally the application herein is to lease a waterway area and to fill and use the filled area for the purposes of improving navigation facilities and enlarging the site for related facilities for generation of electricity by both coal fuel and atomic reactor plants. Thereafter the

Public Service Commission set the matter for public hearing at Viroqua, Wisconsin, on March 5, 1962. On January 29, 1962 the Commission mailed a copy of the notice of investigation and hearing to the clerks of the town of Genoa and Vernon County wherein the property is located, to the director of the Wisconsin Conservation Department, the Department of Resource Development, the State Board of Health, the U. S. Army Corps of Engineers, and others.

2. The area of river bed involved in the application is adjacent to Government Lots 1, 5, 6, and 7 of section 32, township 13 north, range 7 west which abut on the Mississippi River. Dairyland Power Cooperative has started condemnation actions to acquire the upland property not now owned by it. Order determining necessity and granting petition on condemnation was issued by the judge of the Circuit Court for Vernon County, Wisconsin, on March 29, 1962.

3. Dairyland Power Cooperative has a coal-fueled steam plant for electric generation located on Government Lot 1 of said section 32. Government Lots 5, 6, and 7 (in that order), are adjacent and south of Government Lot 1. The property is located on part of Thief Slough which is a part of the Mississippi River waterway.

4. Dairyland Power Cooperative anticipates increasing requirements for capacity to generate electric energy, facilities for which will be installed at this location (Genoa plant) and more specifically on Government Lots 5, 6, and 7 of said section 32. The first step proposed for such increase in electric generating capacity would be for applicant to contract with the U. S. Atomic Energy Commission for a 50-megawatt atomic reactor plant. The A.E.C. requires that such a plant be located a minimum

of 500 feet from the shoreline of any stream. Other generating capacity requirements will be provided by conventional generating units of 200 megawatts, each using coal fuel, with the first unit scheduled for installation in 1968.

5. Space is needed for the generating units, docks for coal barges, coal storage, and ash pits. It is proposed to enlarge the upland property by leasing adjacent waterway rights and filling to a line described as follows:

Beginning at the northeast corner, section 5, township 12 north, range 7 west, thence west along the north line of said section 2,340 feet, thence north  $5^{\circ} 20'$  east for 2,740 feet, thence north  $28^{\circ} 40'$  east for 1,770 feet to join the existing shoreline. The net water area between the above-described line and the existing shoreline is 15.3 acres.

6. The initial development proposed is to dike along the outer lease line from the existing steel bulkhead at the shoreline near the Genoa plant southwesterly to a point near the east-west line between Government Lots 5 and 6 extended, thence southeasterly to the railroad right-of-way. It is proposed to fill the area to elevation 639.0 feet, mean sea level datum, with material excavated from the bed of the adjacent Mississippi River. The dikes will be protected by rock riprap at and below elevation 620.0 feet, the flat pool level, and elevation 653.8 feet, the high-water level.

Subsequent development will be to construct a dike south along the outer lease line to the south line of Government Lot 7, thence east to the railroad right-of-way, thence north along the right-of-way to a drainage canal.

The canal will run southwesterly through Lots 6 and 7 from the railroad bridge presently in place. Dikes will be provided on both sides of the canal. The dike on the side of the canal will be used as a roadway, for access to a boat landing, and a parking area. The roadway and boat landing will be open to public use. It will be constructed with the first part of the improvement. It will also be used by applicant for the transfer of heavy waterborne equipment for construction and operation of the plant.

7. Facilities will be provided along the dike to moor barges and to unload coal. The river bottom area to be leased, which will be filled, will be used for the purpose of improving navigational facilities as well as a site for related facilities for generation of electric energy by use of coal fuel and atomic reactor plants. The navigation will involve transportation of fuel and other items by water to the facilities which will be provided, and the return movement thereof. Thief Slough will still be available as a harbor refuge.

8. The application was opposed principally by persons who use existing boat landings and related services which are operated for revenue by the individuals who own the property now being acquired by the Dairyland Power Cooperative through condemnation.

#### Conclusion of Law

#### THE COMMISSION CONCLUDES:

That it has authority under section 30.11(5), Statutes, and in accordance with the foregoing findings of fact to find the proposal herein consistent with the public interest.

**Statutory Findings**

**THE COMMISSION THEREFORE FINDS:**

1. The proposed physical changes in the area contemplated as a result of the execution of such proposed lease are consistent with the public interest in the navigable water involved.

2. The Commissioners of Public Lands should include in any lease executed between them and the Dairyland Power Cooperative provisions for adequate and suitable harbor and landing facilities for the public in the navigable water involved and means for adequate and suitable public access thereto.

3. That no lease should be executed until Dairyland Power Cooperative furnishes satisfactory evidence to the Commissioners of Public Lands that it is the owner of Government Lots 5, 6, and 7 of section 32, township 13 north, range 7 west, Vernon County.

Dated at Madison, Wisconsin, this 26th day of  
April, 1962.

By the Commission.

Edward T. Kaveny

Secretary

**DEPARTMENT OF NATURAL RESOURCES FINDINGS  
PURSUANT TO SECTION 30.11, WIS STATS.  
RELATING TO A PROPOSED LEASE FOR  
DAIRYLAND POWER COOPERATIVE - GENOA STATION**

The Department of Natural Resources ("Department") has reviewed the proposal to reissue a Submerged Lands Lease ("Lease") from the State of Wisconsin Board of Commissioners of Public Lands ("Lessor") to Dairyland Power Cooperative ("Lessee") as required under Wis. Stat. §§24.39 and 30.11(5), and hereby makes the following findings:

A. On April 26, 1962, the Public Service Commission of Wisconsin (the Department's predecessor agency) issued findings and authorized a lease with docket number 2-WP-1589. Subsequent to the Commission's April 26, 1962 finding of consistency with the public interest, the original Submerged Land Lease was entered into between the Board of Commissioners of Public Lands and Dairyland Power Cooperative on August 1, 1962 for a term of fifty years (the "Original Lease"). The current reissuance requests to lease the same submerged land along the shoreline at Dairyland Power Cooperative's Genoa Station located in the Town of Genoa, Vernon County, also described as Section 32, Township 13N, Range 7W that was leased in the Original Lease.

B. The Original Lease was issued to Dairyland Power Cooperative, the riparian owner, for the construction of a generating station and related utility, and associated storage and transportation facilities on the previously submerged parcel. The 1962 application and the Original Lease also contemplated and required construction and maintenance of public boat ramps, a parking area and an access road.

C. The Lessee, by letter dated August 9, 2009, requested to begin the application process to extend the term of the Lease for an additional 50 years. As required by Wis. Stat. § 30.11(5), and via letter dated May 9, 2011, the Department provided notice to the clerk of Vernon County, clerk of the Town of Genoa and the Army Corps of Engineers. The Department has completed an investigation of the lease site and has evaluated the proposal. The proposed Lease extension will not result in any physical changes in the area, such as additional filling of submerged lands and the public access required by the Original Lease remains available and in good repair. The Lease reissuance would provide continued maintenance of public navigational access and harbor improvements as defined in Wis. Stat. § 30.01. The Department has determined that the proposed Lease will not adversely affect water quality, will not increase water pollution in surface waters and will not cause environmental pollution as defined in Wis. Stat. § 283.01(6m), provided Dairyland Power Cooperative complies with existing federal and state environmental and energy regulations.

D. The Lease is consistent with the public interest in the navigable waters of the Mississippi River provided that it includes and requires the Lessee to comply with all of the following conditions:

1. The Lessee shall follow all conditions in the Original Lease.
2. The Lessee shall comply with all applicable Nuclear Regulatory Commission regulations and orders. The original 1962 lease conditions regarding the Atomic Energy Commission's role remain in effect except with the Nuclear Regulatory Commission as the successor agency.

**EXHIBIT**

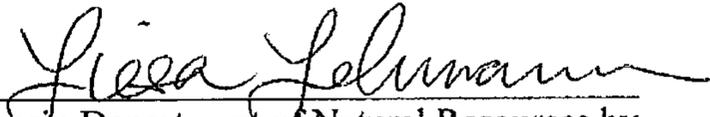
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3. The Lessee shall continue to maintain the existing boat landing, boat landing harbor, parking area, and access road as a public access, free of charge to the public, or to provide and maintain an equivalent or superior replacement public access site and facilities pursuant to the Lease.
4. The Lessee shall comply with all applicable Department environmental regulations and permits, including any permits that may be required for modification or relocation of the public access site.

E. The Department hereby finds, on the basis of the previous findings listed above, that the proposed physical changes in the navigable waters of the Mississippi River as a result of the execution of a submerged lands lease are consistent with the public interest upon compliance with the conditions specified in Finding D.

Docket # FOR-WC-2011-63-10220

Dated this 6<sup>th</sup> day of April, 2012.



Wisconsin Department of Natural Resources by  
Liesa Lehmann, Waterways and Wetlands Section Chief  
Bureau of Watershed Management