



**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

Jim Doyle, Governor  
Scott Hassett, Secretary  
Lloyd Eagan, Regional Director

South Central Region Headquarters  
3911 Fish Hatchery Rd  
Fitchburg, Wisconsin 53711  
Telephone 608-275-3266  
FAX 608-275-3338  
TTY 608-275-3231

December 5, 2005

IP-SC-2005-13-6068LR

Si Widstrand  
City of Madison Parks Division  
215 Martin Luther King, Jr. Blvd.,  
Madison, WI 53701

Don Peterson  
Madison Gas and Electric  
P.O. Box 1231  
Madison, WI 53701

Dear Si and Don:

Re: Amendment to Permit for structure on the bed of Odana Pond, Dane County

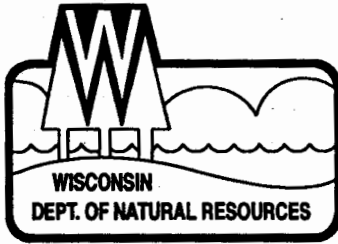
There was an error in the appeal language in the previous permit sent out. That permit is no longer valid and is replaced with the attached amended permit. The only changes are the new appeal language and the effective date of the permit, which is now December 5, 2005.

If you have any questions about this permit amendment, please call me at 608-275-3208.

Sincerely,

Cami Peterson  
Water Management Specialist

cc: Daryl Wierzbinski, Project Manager, (262)547-1876, Waukesha, WI U.S. Army Corps of Engineers  
Dane County Zoning Administrator  
Conservation Warden  
Steve Gaffield, Montgomery Associates



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Dear Si and Don:

We have reviewed your application for placement of a pump for water withdrawal on the bed of Odana Pond, located in the City of Madison, Dane County. You will be pleased to know your application is approved with a few limitations. As a result of Department and public concerns about adverse impacts to wildlife habitat based on lower water levels, the Department has set a minimum water level and overflow water level that will maintain the integrity of existing habitat. Data from four water years were used (one dry year, two fairly typical years and one wet year) to simulate stages under current conditions and conditions set under this permit. The result is the annual maximum stage would be approximately the same as for current conditions, annual median stage would be the same or slightly higher, and annual minimum stage would be 0.2-0.3 feet lower than current conditions.

I am attaching a copy of your permit which lists the conditions which must be followed. A copy of the permit must be posted for reference at the project site. Please read your permit conditions carefully so that you are fully aware of what is expected of you.

Please note you are required to submit photographs of the completed project within 7 days after you've finished construction. This helps both of us to document the completion of the project and compliance with the permit conditions.

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

If you have any questions about your permit, please call me at 608-275-3208.

Sincerely,

Cami Peterson  
Water Management Specialist

cc: Daryl Wierzbinski, Project Manager, (262)547-1876, Waukesha, WI, U.S. Army Corps of Engineers  
Dane County Zoning Administrator  
Conservation Warden  
Steve Gaffield, Montgomery Associates

**STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES**

**AMENDMENT  
Infrastructure PERMIT  
IP-SC-2005-13-6068LR**

City of Madison Parks Division and MG&E is hereby granted under Section 30.12(1), Wisconsin Statutes, a permit for a structure on the bed of Odana Hills Pond, City of Madison, Dane County, also described as the NE¼-NE¼ S31, T7N, R9E, subject to the following conditions:

**PERMIT**

1. You must notify Cami Peterson at phone 608-275-3208 before starting construction and again not more than 5 days after the project is complete.
2. You must complete the project as described on or before November 1, 2006. If you will not complete the project by this date, you must submit a written request for an extension prior to the expiration date of the permit. Your request must identify the requested extension date and the reason for the extension. A permit extension may be granted, for good cause, by the Department. You may not begin or continue construction after the original permit expiration date unless the Department grants a new permit or permit extension in writing.
3. This permit does not authorize any work other than what you specifically describe in your application and plans dated July 21, 2005, August 4, 2005 and November 10, 2005, and as modified by the conditions of this permit. If you wish to alter the project or permit conditions, you must first obtain written approval of the Department.
4. You are responsible for obtaining any permit or approval that may be required for your project by local zoning ordinances or by the U.S. Army Corps of Engineers before starting your project.
5. Upon reasonable notice, you shall allow access to your project site during reasonable hours to any Department employee who is investigating the project's construction, operation, maintenance or permit compliance.
6. The Department may modify or revoke this permit if the project is not completed according to the terms of the permit, or if the Department determines the activity is detrimental to the public interest.
7. You must post a copy of this permit at a conspicuous location on the project site, visible from the waterway, for at least five days prior to construction, and remaining at least five days after construction. You must also have a copy of the permit and approved plan available at the project site at all times until the project is complete.
8. Your acceptance of this permit and efforts to begin work on this project signify that you have read, understood and agreed to follow all conditions of this permit.
9. You must submit a series of photographs to the Department, within one week of completion of work on the site. The photographs must be taken from different vantage points and depict all work authorized by this permit.
10. You, your agent, and any involved contractors or consultants may be considered a party to the violation pursuant to Section 30.292, Wis. Stats., for any violations of Chapter 30, Wisconsin Statutes or this permit.

11. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters. Erosion control measures such as silt fence and straw bales must meet or exceed the standards in the Wisconsin Construction Site Best Management Practices Handbook.
12. The pump shut-off elevation on the pond is set at 976.2 ft. NGVD 29 with the overflow on the outlet structure starting at elevation at 977.2 ft. NGVD 29.

#### FINDINGS OF FACT

1. City of Madison Parks Division and Madison Gas and Electric (MG&E) has filed an application for placement of a structure (a water pump) on the bed of Odana Hills Pond, located in the City of Madison, Dane County, also described as in the NE¼ of the NE¼ of Section 31, Township 7 North, Range 9E.
2. The purpose of the project is to place a pump on the bed of Odana Pond and install a new outlet structure on the pond to create a recharge system using water withdrawn from the Odana Pond. This project is part of mitigation for a water withdrawal permit from Lake Mendota for operation of the MG&E cogeneration plant on the University of Wisconsin campus.
3. A public informational hearing on the project was held on Thursday, September 29, 2005 at the Odana Hills Golf Course clubhouse. Written comments were taken until October 10, 2005.
4. Based on Department and public comments, the pump shut-off and overflow elevations in the original application were modified and documented in a November 10, 2005 letter from Montgomery Associates, consultants for the project.
5. The Department has completed an investigation of the project site and has evaluated the project as described in the application and plans.
6. The proposed project, if constructed in accordance with this permit will not adversely affect water quality, will not increase water pollution in surface waters and will not cause environmental pollution as defined in s. 283.01(6m), Wis. Stats.
7. The proposed project will not adversely impact wetlands if constructed in accordance with this permit.
8. The Department of Natural Resources and the applicant have completed all procedural requirements and the project as permitted will comply with all applicable requirements of Sections 1.11, 30.12(1), Wisconsin Statutes and Chapters NR 102, 103, 115, 116, 117, 150, 299 and 329 of the Wisconsin Administrative Code.

#### CONCLUSIONS OF LAW

1. The Department has authority under the above indicated Statutes and Administrative Codes, to issue a permit for the construction and maintenance of this project.

## NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions shall be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 30.209, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources, P.O. Box 7921, Madison, WI, 53707-7921. The petition shall be in writing, shall be dated and signed by the petitioner, and shall include as an attachment a copy of the decision for which administrative review is sought. If you are not the applicant, you must simultaneously provide a copy of the petition to the applicant. If you wish to request a stay of the project, you must provide information, as outlined below, to show that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

A request for contested case hearing must meet the requirements of section 30.209, Wis. Stats., and NR 310.18, Wis. Adm. Code, and must include the following information:

1. A description of the Department's action or inaction which is the basis for the request; and,
2. A description of the objection that is sufficiently specific to allow the department to determine which provisions of Chapter 30, Wis. Stats., might be violated; and
3. A description of the facts supporting the petition that is sufficiently specific to allow determination of how you believe the project may result in a violation of Chapter 30, Wis. Stats.; and,
4. Your commitment to appear at the contested case hearing, if one is granted, and present information supporting your objection.
5. If the petition contains a request for a stay of the project, the petition must also include information showing that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment.

This notice is provided pursuant to section 227.48(2), Wis. Stats.

Dated at South Central Region Headquarters, Wisconsin on December 5, 2005.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

For the Secretary

By



Cami Peterson  
Water Management Specialist