



**Dairyland Reservoir  
Shoreline Management Plan (SMP)  
and  
Shoreline Development  
Permit Application System**



February 15, 2019

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## 1.0 SHORELINE MANAGEMENT PLAN OVERVIEW

### 1.1 Background on Hydroelectric Project #1960 (Dairyland Reservoir) and Shoreline Management Plan

The Dairyland Reservoir (Flambeau Hydroelectric Project), operated by Dairyland Power Cooperative (DPC), is licensed by the Federal Energy Regulatory Commission (FERC) under license #1960. It was relicensed on April 15, 2004 for a period of 33 years. The reservoir created by the Flambeau Hydroelectric Project, as well as all of the shoreline as far upstream as the Big Falls Hydroelectric Project, is included within the FERC project boundary and is managed by DPC under authority of the FERC.

**Under Standard Article 5 of the FERC license, the “Licensee [DPC] shall acquire title in fee or the right to use in perpetuity all lands, other than the lands of the United States, necessary or appropriate for the construction, maintenance, and operation of the project.”**

Prior to construction of the Flambeau Hydroelectric Project, DPC acquired sufficient lands to allow the construction and operation of the hydro project to include lands on the lake bottom of the Dairyland reservoir. Currently, DPC owns approximately 56% of the Project shoreline in fee. DPC also holds flowage rights on property not owned by DPC on private lands that consist of approximately 43% of the shoreline, with the last 1% being owned by government entities.

Under its federal license, DPC MUST maintain its authority within the Project Boundary to issue or deny permits for any proposed non-project uses and occupancies of project lands or waters. Denial of a proposed use would occur when the non-project use would be inconsistent with the purposes of the Project, primarily the safe production of hydroelectric power. FERC also requires DPC to establish conditions in issued permits to ensure consistency with Project purposes, including providing for the public safety and protecting and/or mitigating adverse effects on project resources and environmental values.

The purpose of this Plan is to establish a program of regulation by DPC as Licensee of the shoreline land and waters within the Flambeau Hydroelectric Project boundary. The Plan broadly exempts most private, small, seasonal docks within the Project boundary, as long as all conditions for exemption set forth in the Plan are met. A DPC permit will be required for docks or piers that do not meet the exemption criteria, as well as marinas, non-commercial landings, dredging, bulkheads, placement of fish habitat structures, rip rap along shorelines, or placement of sand mats.

DPC's authority is in addition to, and does not substitute for, otherwise applicable State laws governing navigable waters and local zoning law. Prior to applying for such a permit, the landowner must contact the Wisconsin Department of Natural Resources (WDNR), the Rusk County Zoning Agency, and the US Army Corps of Engineers (USACE) for information and acquisition of any applicable permits and authorizations. Only after securing your permit or other authorization from the WDNR and other agencies as appropriate, can you apply for a permit from DPC.

**This document addresses non-project uses and occupancies of project lands or waters. If you have any questions, please contact the Manager, Renewable and Combustion Turbine Generation, Dairyland Power Cooperative at 3200 East Avenue South, PO Box 817, La Crosse, Wisconsin 54602-0817 or call 608-788-4000.**

## **1.2 Shoreline Management Plan**

The Shoreline Management Plan for the Dairyland Reservoir on the Flambeau River entails two primary programs: First, the lands owned by DPC (comprising 56% of the reservoir shoreline) will remain in their current natural state for the preservation and protection of wildlife habitat and aesthetics. The remaining shoreline (approximately 43% of the Project) is currently in private ownership. With minor exceptions, the "Project Boundary" extends along the high water mark bordering those private lands. The Shoreline Management Plan and associated permit system applies to structures and activities on and adjacent to these private lands. This program will afford the necessary control over Project lands and waters to comply with FERC license obligations and also protect the environmental values of the lands and waters within the Project boundary. The Plan will cover any requests for docks/piers or any other projects requested by riparian landowners for dredging, shoreline stabilization, and similar activity that occurs on land or water within the Project boundary.

It should be noted that DPC does not feel that there is a specific "problem" at this time or with what has been done in the past regarding placement of docks or piers by riparian owners within the Project, and notes that the Wisconsin DNR has done a very good job of regulating those structures and facilities in the past, consistent with Wisconsin's comprehensive navigable waters laws. Nevertheless, there is history on other FERC-licensed hydro projects that show that there may be a potential for use conflicts to occur and therefore a very real need to have in place a well-understood permitting process to prevent future problems on the Dairyland Reservoir.

It is the desire of DPC to institute this permitting program while not placing undue burdens on our riparian landowners along the Dairyland Reservoir. Public meetings and informational letters will be provided to explain the new program and take the public's comments into consideration. DPC does not foresee unusual problems for the public or the riparian landowners during or after implementation of the permitting program.

## **2.0 DPC REGULATION OF SHORELAND STRUCTURES AND FACILITIES**

**All structures and facilities placed and maintained within the Project Boundary must comply with all applicable local, state, and federal regulations. Prior to beginning any construction within the Project Boundary, the applicant must obtain all necessary governmental permits or approvals as well as written authorization from DPC.**

DPC will assist the applicant in responding to questions and determining the location of the Project boundary in relation to the applicant's property. An approximation of the Project boundary on private lands around the Dairyland reservoir is the normal high water mark.

Contact must be made with the WDNR, USACE, and Rusk County Zoning Agency to determine whether they will require a permit or other authorization prior to applying to DPC. Contact information for all agencies is provided in Appendix C.

### **2.1 Permitting Categories**

#### **2.1.1 Exemptions**

Under Chapter 30 of the Wisconsin statutes, certain activities in navigable waters are exempt from formal permit requirements. DPC, in cooperation with the WDNR, has adopted the same language in this Plan.

##### **2.1.1.1 For Small, Seasonal Docks:**

Small seasonal private docks that meet the criteria in this subsection will not require a DPC permit.

**Your proposed pier or dock will not require a permit from DPC if your project will meet all of the following conditions:**

- The pier or dock is placed and maintained seasonally only by the riparian owner (an authorized agent or contractor may do the work on behalf of the riparian).
- The pier or dock extends into the water from the shoreline to a depth of no greater than 3 feet or to an adequate depth

for mooring a boat or using a boat hoist or lift, whichever is greater. A pier may also extend to the locally authorized pierhead line. The depth of water necessary for non-fixed keel sailboats shall be measured with the centerboard or dagger boards raised.

- The pier or dock does not exceed 6 feet in width. An “L” or “T” or catwalks are allowed as part of the pier, provided no parts of the pier exceed 6 feet in width.
- Any pier or dock with a loading platform (any area wider than 6 feet in width) must meet all of the following criteria:
  - The pier or dock is not located in an “Area of Special Natural Resource Interest” (ASNRI). See the Designated Waters Search on WDNR’s Surface Water Data Viewer to determine if your waterway is an ASNRI.
- The loading platform is located at the waterward end of the pier.
- The loading platform does not exceed the dimensions of 8 feet long by 8 feet wide.
- The Pier or dock has no more than two boat slips for the first 50 feet of shoreline footage and no more than one additional slip for each additional full 50 feet of shoreline footage.
- The pier or dock may not be a solid structure or constructed on rock-filled cribs or similar size and type devices serving as a foundation.
- The pier or dock may not totally enclose any portion of a navigable waterway.
- The pier or dock may not interrupt the free movement of water nor cause the formation of land by deposition of littoral drift upon the bed of the waterway.
- The pier or dock may not be constructed or maintained with a screen or similar structure underneath or in any manner which would trap or accumulate aquatic plants or other debris.
- Subject to the boat slip limitations above, the pier or dock may have an associated seasonal boat shelter, lift, or hoist that meets the requirements of Chapter NR 326 of the Wisconsin Administrative Code (see Exemption Checklist for Boat Shelters, Lifts, or Hoists).
- The pier or dock and any boats, boat shelters, hoists or lifts associated with it shall be located entirely within the riparian’s zone of interest.

#### **2.1.1.2 For Riprap Installed on Unmodified Shoreline:**

Riprap installed on a shoreline that meets the following criteria will not require a DPC permit:

1. Riprap in an amount not to exceed 200 linear feet that is placed in the Dairyland Reservoir, and to which all of the following apply: The riprap is clean fieldstone or quarry stone with a diameter of no less than 6 inches and no greater than 48 inches.
2. The toe of the riprap does not extend more than 8 feet waterward of the ordinary high-water mark.
3. The final riprap slope is not steeper than one foot horizontal to 1.25 feet vertical.
4. The riprap does not reach an elevation higher than 36 inches above the ordinary high-water mark or above the storm-wave height, as calculated using a method established by the department by rule, whichever is higher.
5. No fill material or soil is placed in a wetland and, aside from riprap and, under subd. 7, gravel, no fill material or soil is placed below the ordinary high-water mark of any navigable waterway.
6. The riprap follows the natural contour of the shoreline.
7. Filter fabric or clean-washed gravel is used as a filter layer under the riprap.

***If your project does not meet ALL of these conditions, you must submit a permit application to DPC and you must have obtained any required permit or other approvals from the WDNR and/or Rusk County Zoning.***

### **2.1.2 Projects Requiring an Individual DPC Permit:**

- Landscape plantings (within the project boundary)
- Non-commercial piers, landings, boat docks, or similar structures and facilities that can accommodate no more than 10 watercraft at a time which are intended to serve single-family dwellings, except that those qualify for exemption under 2.1.1.
- Embankments, bulkheads, retaining walls, or similar structures for erosion control to protect the existing shoreline
- Food plots and other wildlife enhancement (within the project boundary)

### **2.1.3 Projects Requiring FERC Approval:**

Structures, facilities and uses in this category are those that are larger and more involved than can be permitted by DPC under the Land Use Article of its FERC license, and consequently require FERC review and approval. These include the following:

- Any commercial applications such as dredging and associated shoreline amenities and services, such as marine gas-filling stations, human waste pump-out stations, and boat ramps are examples of non-project use applications filed with FERC
- Any dock over 10 slips, private or commercial

## **2.2 Grandfathering, Permit Transfers, Enforcement/Inspections and Fee Schedule**

### **2.2.1 Grandfathering**

“Existing structures and facilities” are those structures and facilities which have been placed or maintained seasonally within the Project Boundary for at least one out of the two years prior to the adoption of this Shoreland Management Plan (January 1, 2012), and which are exempt from WDNR permitting or for which a general or individual permit has been issued by WDNR prior to the adoption of DPC’s Shoreland Management Plan. Such “grandfathered” structures and facilities may continue to be placed seasonally for their useful lives, as long as they are in compliance with the size, locations and type of requirement set forth in the DPC, WDNR, USACE, and Rusk County zoning regulations.

Structures and facilities which do not meet the above definition of an “existing structure and facility” must be brought into compliance with the regulations in this Shoreland Management Plan.



Should major repairs of an existing structure or facility be necessary, involving more than 50% of the structure as determined solely by DPC, the structure or facility must be repaired so as to be in compliance with DPC's current general guidelines and specifications within the Shoreland Management Plan. This will include a review of repairs by DPC to assure that the structure or facility is compliant once completed. If a previously WDNR permitted structure is removed, destroyed, or damaged by fire, natural disaster or other means, the replacement structure or facility must be in compliance with DPC's current general guidelines and specifications within the SMP.

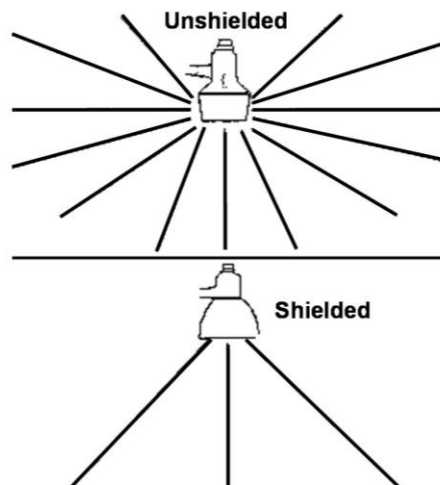
### **2.2.2. Your Responsibilities as a Riparian Owner Within the Project Boundary**

- Your structure must conform to the conditions listed above in Section 2.1.1 if you wish to install a dock and avoid formal permitting.
- Structures and facilities for which a permit has been issued must conform to the location, specifications and all other conditions of your WDNR permit, USACE (if applicable), and Rusk County zoning regulations, as well as all specifications, requirements and conditions which DPC may determine to be appropriate subsequent to permitting of your structure or facility.
- Dock flotation must be securely attached and the dock properly anchored and secured at all times. Loose flotation material and loose or derelict docks can present a serious navigational hazard. DPC may have loose docks secured or removed at the dock owner's expense, as it deems necessary under the circumstances.
- Closed cell (extruded) polystyrene or approved encapsulated foam bead (expanded) polystyrene is required on all floating facilities.
- Hollow containers, metal covered or injected drum flotation will not be allowed.
- All facilities must be securely anchored and connected to the shore. DPC considers any unattended dock that floats away from shore as a public hazard.
- It is the responsibility of the dock owner to ensure that the dock is properly maintained and when the dock is constructed, modified or replaced that the waste material is disposed of in an environmentally acceptable manner.
- Any alterations, additions, or relocation of structures or facilities require prior approval from DPC if you have a permit. If your structure is exempt, you must conform to the exemption conditions completely.

- Dock owners are to ensure their permitted facilities and structures are not constructed or maintained, and activities are not performed, on project lands or waters that would be detrimental to navigation or endanger health, create a nuisance, harm the environment, or otherwise be incompatible with overall project recreational use.
- All electrical work shall be in accordance with the current version of the National Electrical Code (N.E.C.) Standards for Wet Location, Marinas, and Boatyards, the National Electrical Safety Code and all other federal, state and local electrical codes. **It is exclusively and specifically the responsibility of the applicant/Permittee to ensure that all electrical work so complies.**
- A Notification of Non-Compliance from DPC will require your facility be brought back into compliance within a maximum of 60 days.

#### 2.2.2.a. Recommended Practices

- Only low-watt, yellow-colored lighting that does not create a hazard to boaters should be used on any type of facilities. Low-pressure sodium lights with time or motion sensors to turn lights off when not needed are preferred. All lights should be pointed downward and shielded so to prevent visibility of the bulb within 50' of the Reservoir side of the structure or facility.



- Reflectors or reflective tape should be placed and maintained by the applicant on the furthest corners of the dock that extends into the water and placed along the sides of the structure from the end back toward the shore.
- All facilities should be equipped with a throwable personal flotation device. A properly-sized, fully-charged A-B-C fire extinguisher or one with a U/L classification of 20B is recommended.

### **2.2.3. Permit Transfers**

Permits are non-transferable. If the permitted structure or facility is sold or if the ownership is transferred, the Permittee shall promptly notify DPC. New owners can obtain a new permit for a previously permitted facility so long as;

- The structure or facilities have been maintained in good repair and comply with all applicable state and local health and safety standards.
- The current Permittee has complied with the current permit conditions and regulations.
- The dock owner has submitted a complete application to DPC.

### **2.2.4. Enforcement and Inspections**

DPC conducts and has documented (photos and GPS coordinates) an annual shoreline inspection which has established a baseline since 2009. This inspection is updated every year and any new structures or facilities will be checked against the baseline and permitting system. All structures not grandfathered or permitted will be subject to enforcement of the Plan.

All structures and facilities are subject to periodic inspections by DPC personnel during construction and/or assembly as well as after permits are issued to ensure compliance with permit conditions. Unauthorized facilities, derelict docks, or any other structure or facility that creates a public hazard will not be allowed.

In the event the Permittee fails to comply with any of the conditions and requirements of their permit, DPC may revoke the subject permit as well as all rights and privileges, both current and future, associated with the permitted structure or facility and all other permitted facilities and all future proposed facilities. Any structure or facility maintained without a permit is deemed to be a nuisance, and DPC may remove the structure or facility at Permittee's expense. Permittee shall be responsible for legal fees, costs and expenses of enforcement by DPC.

In the event a facility is constructed or placed on DPC’s reservoir without a required permit and does not meet the exemption conditions, DPC will take appropriate action to assure that the facility is either permitted or removed from the reservoir. Any cost incurred by DPC, including but not limited to, legal costs, removing cost, towing cost, storage cost, or any disposition cost, will be costs for which the landowner/exemptee/Permittee is responsible, and for which legal action may be taken to recover same. Any application submitted after the fact may be subject to an increased processing fee.

**2.2.5 Permit Fee Schedule**

DPC shall charge reasonable fees to cover the cost of administering its shoreline permitting program. DPC, at this time, **only charges a one time, non-refundable permit fee** sufficient to defray the cost of permit review. Fees will be regularly reviewed and are subject to change to reflect the actual cost of implementing DPC’s permit program.

**Permits not requiring FERC review:** \$ 30.00

**Permits requiring FERC review:** \$ 300.00

**2.3 Permit Process**

1. If you have determined (based on the exemption checklist in Section 2.1.1.) that a permit is required for your project, you must secure any applicable permits and authorizations for your project from WDNR, Rusk County Zoning, and U.S. Army Corps of Engineers.
2. Complete an application in the form provided below and submit the application and permit with permittee-required areas completed, together with the required fee, to: **Manager, Renewable and Combustion Turbine Generation, Dairyland Power Cooperative at 3200 East Avenue South, PO Box 817, La Crosse, Wisconsin 54602-0817.**
3. DPC will act on your application within 60 days and will issue a permit substantially in the form attached as Appendix B unless the permit requires approval from FERC.

4. For those projects listed in Section 2.1.3., the applicant and DPC will submit a joint application for approval to FERC.
  - Upon review of the application, FERC will determine if a public notice is required.
  - FERC may deny permits due to public interest, safety, environmental, navigation, or other concerns.
  - If the application is approved, FERC issues an Order Approving Non-Project Uses of Project Lands. Once approved, the licensee may issue the necessary permit or conveyance instrument for that use.
  - Are treated as amendments to the license
  - Include information regarding the affected environment, the environmental impacts associated with the proposal, and documentation of consultation with the resource agencies
  - The licensee is responsible for overseeing and monitoring the ensuing construction related to this approved action and future use and maintenance of the facilities within the project boundary.

**APPENDIX A**

**PERMIT APPLICATION**

**Permit Application** (use as cover sheet for your application)

All activity related to shoreline construction on the Flambeau Hydroelectric Project must be pre-approved and permitted by DPC or must meet the permit exemption conditions listed in Section 2.1.1 of the Plan. DPC, as the holder of the FERC license for this project, has the authority and obligation under the FERC license to manage the reservoir waters and lands within the project boundary through this permitting system.

Please contact the DPC hydro office at 608-788-4000 prior to beginning any construction along the shoreline or within the waters of the Dairyland reservoir. A representative of DPC will be available to discuss or meet with you to review the application process and proposed work. If necessary, you may contact DPC to set up an appointment for a site visit. Please provide general directions to your property and a phone number where you can be contacted. If it is found that you meet all exemption conditions, you may not need a permit or a site visit.

**IF YOU DO NOT MEET THE CONDITIONS THAT WOULD ALLOW A DOCK TO BE INSTALLED WITHOUT A PERMIT, YOU MUST SECURE A PERMIT. NO PERMITS WILL BE ISSUED, AND NO CONSTRUCTION WILL BE STARTED, WITHOUT A FULLY EXECUTED PERMIT APPLICATION AND ALL SUPPORTING DOCUMENTS BEING PROVIDED TO DPC. (Supporting documents would include a deed copy, signed sketch, zoning approval, signed permit request, WDNR permit, etc.)**

These general guidelines are implemented by DPC to allow it to provide for orderly and reasonable shoreline management of this reservoir.

Permittee agrees that the use of the premises is subject to such orders, rules and regulations as the FERC or its successors have issued or may issue for the Project.

**Applicant Statement: I have received, read, and understand and agree to abide by the General Guidelines for Shoreline Permitting.**

**Signed:** \_\_\_\_\_  
**Applicant**

**Date:** \_\_\_\_\_

DPC Permit No. \_\_\_\_\_  
(For DPC use only)

**Dairyland Power Cooperative  
Permit Application Form  
Dairyland Reservoir**

Please select one:

Dock/Pier \_\_\_\_\_ Shoreline Stabilization \_\_\_\_\_  
Excavation \_\_\_\_\_ Dredging \_\_\_\_\_ Other \_\_\_\_\_  
(Type of Project)

This permit application form is to be utilized if a riparian land owner wishes to perform any of the above-listed projects on or affecting the waters of the Dairyland Reservoir.

**Applicant Information**

First	MI	Last	
Street	City	State	Zip
Phone	Cell	E-Mail	
Reservoir Lot or Fire Number where the work will occur			
Start Date (DD/MM/YY)		Est. End Date (DD/MM/YY)	

Is this a private or a commercial project? \_\_\_\_\_

**List two riparian landowners adjacent to your property:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

I hereby certify that the information contained herein is true and accurate. I have read and understand the Shoreline Management Plan. I also certify that I am entitled to apply for this permit, or that I am the duly authorized representative or agent of the applicant who is entitled to apply for the permit. Any inaccurate information submitted may result in permit revocation, the imposition of a forfeiture(s) and requirement of restoration.

Signature: \_\_\_\_\_

Applicant Information

First	MI	Last
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**Please List All Permits Applied for or Received:**

Wisconsin Department of Natural Resources: Phone: (715) 532-3911	_____	_____
	Yes	No
Rusk County Zoning Agency: Phone: (715) 532-2156	_____	_____
	Yes	No
U.S. Army Corps of Engineers: Phone: (202) 761-5903	_____	_____
	Yes	No
Other: _____	_____	_____
Name	Yes	No

**Copies of all permits or permit applications must be attached to this application.**

DPC and/or FERC may request additional information as needed to make a determination for approval or denial of permit.

Please send completed permit application forms to:

Dairyland Power Cooperative  
 Attn: Manager, Renewable and Combustion Turbine Generation  
 3200 East Ave. South  
 PO Box 817  
 La Crosse, WI 54602-0817

**Please remember to include:**

- 1. A check for permit fees, as denoted in Section 2.2.5.**
- 2. A copy of the Permit, signed and notarized.**



State of Wisconsin  
County of Rusk

DPC Permit No: \_\_\_\_\_

**PERMIT**

THIS AGREEMENT, made and entered into the \_\_\_\_\_ day of \_\_\_\_\_ between Dairyland Power Cooperative, a corporation under the laws of the State of Wisconsin, with principal offices in La Crosse County, Wisconsin (hereinafter referred to as the "Cooperative"), whose Post Office address is 3200 East Avenue South, PO Box 817, La Crosse, Wisconsin 54602-0817 and

\_\_\_\_\_  
(Hereinafter referred to as the "Permittee", whose Post Office Address is \_\_\_\_\_)

**WITNESSETH:**

WHEREAS, DPC is the holder of a FERC license #1960, which authorizes the hydro project which creates the Dairyland Reservoir in Rusk County, Wisconsin and owns and operates a dam known as the Flambeau Hydroelectric Project in connection with the Reservoir, the waters of which are used or intended to be used by DPC in its own business and for the purpose of generating electrical energy (sometimes collectively referred to herein as the "Project"); and

WHEREAS the Permittee has requested permission to erect and maintain a dock, boat ramp, or other structure(s) on property or waters of DPC (shoreline in fee or Reservoir bottom), said structures and facilities to be located on property of DPC substantially as shown on a plat hereto attached as Exhibit "A" and made part hereof by reference thereto; and

WHEREAS it is proper that an agreement be entered into so that there will be no misunderstanding as to the ownership and control of the Reservoir and lands in, on, or adjacent thereto, or of said dock, boat ramp, or other structure(s).

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the sufficiency of which are hereby acknowledged, DPC hereby grants to the Permittee, subject to the use of the land or waters by DPC for Project purposes, a permit to erect and maintain a recreational structure on the following described lands or waters in, on and/or adjacent to the Dairyland Reservoir.

This permit is granted by DPC and accepted by the Permittee subject to the following terms and conditions:

1. This permit is a personal privilege and will not be used by the Permittee for any commercial or business purpose.
2. Plans for any recreational structure to be built or constructed in, or and/or adjacent to the Reservoir shall be approved in writing by DPC in advance of construction.
3. Permittee shall not permit the discharge of sewage or other objectionable matter into the water of said Reservoir and shall comply with all federal, state, and local laws, ordinances, and regulations.
4. Subject to the rights herein granted, Permittee shall use all necessary precautions to protect the environmental features of the area including measures to prevent soil erosion and protect existing vegetative cover and the water quality of the Reservoir.
5. Permittee shall not use the above described premises in such a manner as to endanger health, create a nuisance, or otherwise be incompatible with overall Project use.
6. All electrical work shall be in accordance with the current version of the National Electrical Code (N.E.C.) Standards for Wet Location, Marinas, and Boatyards, the National Electrical Safety Code and all other federal, state and local electrical codes.
7. Permittee agrees that the use of the premises is subject to such orders, rules and regulations as the FERC or its successors has issued or may issue for the Project.
8. Permittee acknowledges that, subject to FERC authority and consistent with its license, DPC has full, unconditional, unrestricted and complete right and privilege to raise or lower, restrict, control, store, retain, withhold, increase, decrease, retard, stop, obstruct, divert or use the waters of the Dairyland Reservoir in any manner DPC, its successors and assigns may deem expedient; and the erection, operation and maintenance by the Permittee of a permitted structure or facility shall in no way interfere with the use, regulation or control of the Reservoir by DPC, its successors or assigns, and the rights and privileges granted by this permit are subordinate to the use, regulation and control of said Reservoir by DPC, its successors and assigns.
9. Permittee agrees that the Permittee does not now nor will the Permittee, the Permittee's heirs, administrators, successors or assigns, hereafter set up any claim or property rights in or to submerged lands or to lands or property owned in fee by DPC in, on and/or adjacent to the Reservoir by reason of the occupancy or use of said property under this Agreement.
10. The authority hereby granted is not exclusive, is not transferable or assignable by the Permittee without the written consent of DPC, and is subject to revocation or cancellation at any time by DPC or by Permittee; such revocation or cancellation may be either verbal or written and is to be effective immediately and

without further notice. If this permit is revoked, any improvements or structures and facilities on said described property are to be removed within a reasonable time, not exceeding sixty (60) days from the date of notice, at the expense of the Permittee; and if not so removed by the Permittee, the recreational structures and facilities shall forthwith become the property of DPC and without expense or cost to DPC.

11. The Permittee agrees to indemnify, hold harmless and defend DPC, its directors, officers, shareholders, agents, servants, and employees from and against any action, cause of action, claim, cost or expense of any kind and nature relating to the construction, maintenance, occupancy and use of the permitted structure or facility, by any person whomsoever, including without limitation, third parties, subcontractors of the Permittee or Cooperative, and agents and employees of them, including but not limited to, claims for personal injury, property damage, or product damages, and reasonable attorney fees, environmental consultant fees, and the costs of investigating and defending against any claims or proceedings that may be incurred by DPC relating to or arising out of the use of the above described lands by the Permittee as herein provided, excepting only those situations where the personal injury or property damage claims have been directly caused by reason of the sole negligence of DPC, its agents or employees.

12. Within the Project Boundary, the Permittee must abide by the following covenants: (i) the use of the lands conveyed shall not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use; (ii) the grantee shall take all reasonable precautions to ensure that the construction, operation, and maintenance of structures or facilities on the conveyed lands will occur in a manner that will protect the scenic, recreational, and environmental values of the project; and (iii) the grantee shall not unduly restrict public access to project waters.

\_\_\_\_\_  
PERMITTEE

**ACKNOWLEDGMENT**

STATE OF WISCONSIN            )  
  )    ss.  
Rusk County                    )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
the above named \_\_\_\_\_ to me known to be the person who  
executed the foregoing instrument and acknowledge the same.

Notary Public, State of Wisconsin  
My Commission expires \_\_\_\_\_.



## APPENDIX C

### WDNR, Rusk County Shoreland, and USACE Contact Information

#### WDNR Permit Information

For detailed information on permitting docks or piers through the WDNR, you can utilize the internet at: <http://dnr.wi.gov/topic/waterways>

All necessary forms are available at that web page.

Or you may call toll free at 1-888-936-7463 between 7:00 a.m. and 10:00 p.m.

#### **Rusk County Shoreland Zoning Information**

Shoreland/Wetland Zoning affects all areas of Rusk County that are within 1,000 feet of any lake, pond or flowage, or within 300 feet of any river or stream. Shoreland Zoning is administered by Section 17.57 of the Rusk County Code, which limits the development of wetlands and Shoreland areas in order to protect water quality.

Among other things, Shoreland zoning also protects fish spawning grounds, wildlife habitat and lake and river ecosystems. Permits are required for construction and other land uses. For applications and setback information, you can go to the web site <http://www.ruskcounty.org> or call the zoning office at (715) 532-2156.

#### **US Army Corps of Engineers (USACE)**

The USACE (Minneapolis Region) may be contacted to determine whether they have specific jurisdiction or interest at the location of your project at 202-761-5903.