

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
1155 Pilgrim Rd.
Plymouth, WI, 53073

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December 23rd, 2021

IP-SC-2021-13-01717; -01719; -03661; -03662

Cherokee Park, Inc.
Dennis Tiziani
5000 N. Sherman Avenue
Madison, WI 53704

Dear Mr. Tiziani:

The Department of Natural Resources has completed its review of your wetland fill, connected enlargement, dredging, and stream relocation individual permit applications for your proposed project discharging dredged or fill material into wetlands, dredging of navigable waterways, creating connected enlargements, and stream relocation in the Town of Westport, Dane County. The project involves a complete reconstruction and redesign of the Cherokee Golf Course. The course will be redesigned, including lengthening holes, widening playing surfaces, and expanding of ponds connected to a tributary of the Yahara River. These activities will result in 2.74 acres of regulated wetland impact by either filling or excavation. The overall elevation of the fairways and playing surfaces will be raised to improve playing conditions and site drainage. Maintenance dredging of the waterways through-out the site will occur along with a rerouting of one section of the tributary stream in the southwest corner of the site. Four main connected enlargements will be constructed by deepening and widening existing ponds and other waterways on site. A total of 192,069 cubic yards of dredge material will be removed from existing waterways and by creating connected enlargements. The dredge spoils will be reused on the course for raising the grade. Additional clean fill material will be brought in from offsite. Numerous perched culverts for the cart path will be removed and replaced with clear span bridges or larger culverts. A total of 1.64 acres of wetland will be created from turning upland areas into wetland, and wetland enhancement activities will occur on the other 33.5 acres of wetland on site.

You will be pleased to know your application is approved.

I am attaching a copy of your permit, which lists the many important conditions that must be followed to protect water quality and habitat. 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 (715) 492-0200 or email Ryan.Pappas@wisconsin.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Pappas', written in a cursive style.

Ryan Pappas
Water Management Specialist

CC: Sam Woboril, U.S. Army Corps of Engineers
Roger Lane, Dane County Zoning Administrator (lane.roger@countyofdane.com)
Tom Wilson, Town of Westport (twilson@townofwestport.org)
Jeff Kraemer, Heartland Ecological Group, Inc.
Charles Sweeney, Axley Brynelson, LLP
Mark Aquino, Wisconsin DNR
Travis Schroeder, Wisconsin DNR
James Brodzeller, Wisconsin DNR
Katherine Hanson, Wisconsin DNR
Conservation Warden

**STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

**WETLAND INDIVIDUAL PERMIT
(IP-SC-2021-13-01717)
DREDGING PERMIT
(IP-SC-2021-13-01719)
CONNECTED ARTIFICIAL POND PERMIT
(IP-SC-2021-13-03661)
STREAM REALIGNMENT PERMIT
(IP-SC-2021-13-03662)**

Dennis Tiziani, authorized representative of Cherokee Park, Inc, is hereby granted under Sections 30.19(4), 30.195(2), 30.20(2), and Section 281.36(3m), Wisconsin Statutes, and 33 U.S.C.S §1341 (CWA §401), a permit to create enlargements of artificial ponds connected to a navigable waterway, to change the course of a navigable stream, to dredge material from the bed of a navigable stream, and discharge dredged or fill material into adjacent wetlands of an unnamed tributary stream to the Yahara River (WBIC: 806300), in the Town of Westport, Dane County, E ½ of Section 24, Township 08 North, Range 09 East, subject to the following conditions:

PERMIT

1. You must notify Ryan Pappas at phone (715) 492-0200 or email Ryan.Pappas@wisconsin.gov 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 **December 23rd, 2024**. If you will not complete the project by this date, you must submit a written request for an extension prior to expiration of the initial time limit specified in the permit. Your request must identify the requested extension date. The Department shall extend the time limit for an individual permit or contract for no longer than an additional 5 years if you request the extension before the initial time limit expires. You may not begin or continue construction after the original permit expiration date unless the Department extends the permit in writing or grants a new permit.
3. This permit does not authorize any work other than what you specifically describe in your application and plans, 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, including those by other DNR programs, local zoning ordinances and 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 for good cause, including 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 completing 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 ss. 30.292 and 281.36(13) Wis. Stats., for any violations of Chapter 30 or s. 281.36, Wis. Stats., 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 technical standards of ch. NR 151, Wis. Adm. Code. The technical standards are found at: http://dnr.wi.gov/topic/stormwater/standards/const_standards.html .
12. All equipment used for the project including but not limited to tracked vehicles, barges, boats, hoses, sheet pile and pumps shall be de-contaminated for invasive and exotic viruses and species prior to use and after use.
13. The following steps must be taken every time you move your equipment to avoid transporting invasive and exotic viruses and species. To the extent practicable, equipment and gear used on infested waters shall not be used on other non-infested waters.
 - a) **Inspect and remove** aquatic plants, animals, and mud from your equipment.
 - b) **Drain all water** from your equipment that comes in contact with infested waters, including but not limited to tracked vehicles, barges, boats, hoses, sheet pile and pumps.
 - c) **Dispose** of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.
 - d) **Wash your equipment** with hot (>140° F) and/or high-pressure water,
- OR -
Allow your equipment to **dry thoroughly for 5 days**.
14. Any part of the project that occurs below the Ordinary High-Water Mark of a navigable waterway shall not occur between March 1st and June 15th in order to minimize adverse impacts of fish movement, fish spawning, egg incubation period and high stream flows.

15. You shall follow plans and remain in compliance with Dewatering Operations Permit, as approved by DNR wastewater permit dated October 7th, 2021, Dewatering Operations WPDES General Permit No. WI-0049344-05-0.
16. After the site is 80% stabilized, or prior to at the direction of the Department, all temporary erosion control measures must be removed and disposed of properly. Any remaining temporary erosion control devices after this point constitute littering and may be enforced as determined necessary by the department.
17. Appropriate erosion control measures must be in-place and effective during every phase of this project.
18. Erosion control measures must be in place at the end of each working day.
19. Erosion control measures must be inspected, and any necessary repairs or maintenance performed, after every rainfall exceeding 1/2 inch and at least once per week.
20. You must not operate any construction equipment below the ordinary high water mark of any waterway.
21. You must restrict the removal of vegetative cover and exposure of bare ground to the minimum amount necessary for construction.
22. Final site stabilization requires the re-establishment of native vegetation and must not contain any exotic species.
23. A copy of the plans and permit must be provided to every contractor working on the project.
24. You must not deposit or store any of the spoils and materials in any wetland or below the ordinary high watermark of any waterway. All removed materials must be placed out of the floodway of any stream.
25. You shall follow all required actions described in your project's Endangered Resources Review (ERR Log # 21-032).

WETLAND PERMIT CONDITIONS

26. The wetland creation, restoration, and enhancement plan must be constructed, maintained, monitored, and managed in accordance with the final revised copy of the plan titled Wetland Restoration Concept Plan-Concept 9 as revised September 2nd, 2021, labeled 'Cherokee

WDNR Response_090221' and subsequent addendums. The project must comply with all other DNR permit conditions and meet performance standards as described in section 5 of the plan detail. Any modifications to the wetland enhancement plan must be reviewed and approved by WDNR. **A monitoring report must be submitted to the DNR office of Ryan Pappas, Ryan.Pappas@wisconsin.gov, 1155 Pilgrim Road, Plymouth, WI 53073 by October 1st of each monitoring year for 5 years following initial planting and treatment.** In the event that the enhancement plan is not meeting performance standards, additional maintenance, monitoring, management shall be required as determined by the department.

27. No other portion of the wetland may be disturbed beyond the area designated in the concept 9 plans labeled 'overall wetland impacts', sheet C211, dated 9-1-2021.
28. The equipment used in the wetlands must be low ground weight equipment as specified by the manufacturer specifications.
29. In any areas where temporary impacts to wetlands are proposed, the wetland must be restored to its original topographic elevations. No mounding or excess fill is allowed unless specified in this permit.
30. You are not allowed to temporarily or permanently stockpile excavated or fill material in the wetland.
31. You shall use construction mats in the manner described according to plan detail labeled 'Cherokee_MatLayoutConcept9_100121.pdf', received in an email from Jeff Kraemer of Heartland Ecological dated 10-1-2021 and associated narrative in concept 9 plan detail labeled 'Cherokee WDNR Response_090221'. The construction mats must be completely removed when construction is finished. All wetland areas associated with the location of the construction matting shall be restored to pre-existing elevations except in areas where permanent wetland fill has been authorized.
32. **Prior to mass site grading, the limits of land disturbing construction activities shall be marked by the placement of silt fence or flagged with high visibility markers every 50 feet. Silt fencing or flagging must be left in place and maintained until the project is completed.** Photos required in condition 9 shall display silt fencing or flagging.
33. You shall follow best management practices as described in the Integrated Pest Management plan as submitted to the Department via email from Jeff Kraemer on 10/28/2021, labeled 'DNR Nutrient Management Plan', and where modified with plan addendum received in an email dated 12/20/2021 labeled 'addendum to Cherokee CC IPM_December 17 2021.pdf', 'Table comparing preventative vs curative treatment for tees and FWYS', 'Cherokee Fairway and tee Chem Program Aug 2023' and 'Cherokee Greens Chem Program Aug 2023'. Additionally, you shall follow best management practices as described in Wisconsin Golf industry BMPs (<https://www.gcsaa.org/docs/default-source/environment/wisconsin-bmps.pdf>) where applicable.

Chemical use shall also follow the requirements on the EPA approved label and any DACTP approved supplemental labels. All applications of Restricted Use Pesticides must be conducted by a certified and licensed applicator. Any applications to waters of the state must be approved by the Department of Natural Resources Aquatic Plant Management Program. In addition:

- a. As stated on page 34 of the applicant's nutrient management plan document, no pesticides may be applied to wetlands or surface waters.
 - b. Pesticides should not be applied to Type 2 Surface Water Management Areas (as listed on page 35 of the nutrient management plan).
 - c. Pesticides may not be applied when a runoff event is expected within 24 hours, such as an intense short duration rainfall event.
34. The Nutrient Management Plan shall follow NR 151 Wis. Adm. Code and DNR Technical Standard 1100 for nutrient application and as described in the nutrient management plan submitted to the Department on 09/02/2021, labeled 'Cherokee WDNR Response_090221, and where modified in plan received on 10/28/2021 labeled 'DNR Nutrient Management Plan' and subsequent plan detail. <http://dnr.wi.gov/topic/stormwater/documents/dnr1100-turfnutrientmanagement.pdf>. In addition:
- a. Only liquid nitrogen and phosphorus, at a rate of no more than 2 lbs/1000 ft², may be applied to Type 2 Surface Water Management Areas (as listed on page 35 of the nutrient management plan).
 - b. Water soluble fertilizers may not be applied when a runoff event is expected within 24 hours, such as an intense short duration rainfall event, unless irrigation is used shortly after the fertilizer is applied.
35. Any material brought to the site and used for filling or grading shall only consist of materials exempt from the requirements of ch. NR 500 to 538, Wis. Adm. Code, as defined in s. NR 500.08(2)(a), Wis. Adm. Code. The fill placement shall also be in conformance with the location and performance requirements of s. NR 504.04(3)(c) and 4(a) to (f), Wis. Adm. Code, as specified in s. NR 500.08(2), Wis. Adm. Code.
36. During any spectator events at the golf course, take practical measures to avoid impacts to remaining wetlands on the site.

DREDGING PERMIT CONDITIONS

37. All of the removed materials must be placed in the location shown on applicant's concept 9 plans provided in emails from Jeff Kraemer of Heartland Ecological dated 9/03/2021, 10/1/2021, and 10/13/2021, and plan sheets and approved by the Department.
38. This permit complies with the substantive requirements of s. 23.24, Stats. and NR 109, Adm. Code.

39. Bottom materials must be removed by equipment, which is designed to minimize the amount of sediment that can escape into the water. Equipment must be properly sized so that excavation conforms to the plans submitted and allows the work to be done from the banks rather than in the waterway.

40. The applicant shall avoid operating equipment on the bed of navigable waters. If required, the applicant must consult with the Department and shall follow the best management practices identified below as appropriate in order to minimize adverse resource impacts:
 - a. Temporary timber matting is used to protect the bed
 - b. Movement on the bed is kept to a minimum
 - c. Equipment is kept on bed for as little time as needed to complete the project and must be removed when not in use
 - d. Properly installed and maintained silt curtains and/or turbidity barriers are used around the perimeter of the project
 - e. Pre-inspection of vehicles/equipment is done for all operating days to avoid leaks
 - f. Biodegradable hydraulic and engine oils are used, OR a spill containment kit is on site in case of spill

41. Removal must not exceed 192,069 cubic yards as specified in the concept 9 application and plans.

42. You must dredge to the dimensions and elevations shown on your approved concept 9 plans.

CONNECTED ENLARGEMENT PERMIT CONDITIONS

43. The pond must be created to the dimensions and elevations shown on your approved concept 9 plans.

44. The applicant must comply with laws for platting of land and sanitation, and with local zoning ordinances, and with standards developed for shorelands and floodplains in NR 115 and NR 116, Wisconsin Administrative Codes.

45. The pond must not be associated with any metallic or non-metallic mining project.

46. Under Wisconsin Law, any pond constructed in the manner proposed is a public waterway. This means the public has the right to boat, swim, fish and exercise other rights of the public on navigable waters as long as access to the waterway is obtained in a legal manner.

STREAM REALIGNMENT PERMIT CONDITIONS

47. Construction must take place during low water periods and no in-water construction can take place between March 1st and June 15th of each calendar year to protect fish spawning, movement, and egg incubation periods.
48. Development in conjunction with this project, such as construction or filling, must conform to local floodplain ordinance and local zoning regulations.
49. The new channel must be constructed in accordance with the approved concept 9 plans.
50. The new channel's banks must be stabilized before it is opened up to receive stream flow. To minimize erosion, the downstream end of the new channel must be opened first. Once the stream flow is passing through the new channel, the existing channel can be filled. The upstream and downstream end of the fill in the old channel must be protected from erosion in accordance with the concept 9 plans and approved by this permit.
51. The old channel must be filled with material excavated from the new channel, or other organic fill sources from on-site. The top of this fill must be stabilized in accordance with the approved plans.

FINDINGS OF FACT

1. Dennis Tiziani, authorized representative of Cherokee Park, Inc. 5000 N. Sherman Avenue Madison, WI 53704, has applied to the Department of Natural Resources for a Wetland Individual Permit for wetland fill or disturbance and associated Individual Permits for the creation of a Connected Enlargement, Dredging, and Stream Relocation of an unnamed tributary stream to the Yahara River (WBIC: 806300), in the Town of Westport, Dane County.
2. The project is located on the Cherokee Country Club at address 5000 N. Sherman Avenue Madison, WI 53704, near the Cherokee Marsh Conservation Park in the E ½ of Section 24, Township 08 North, Range 09 East, in the Town of Westport, Dane County.
3. The project involves a complete reconstruction and redesign of the Cherokee Golf Course. The course will be redesigned, including lengthening holes, widening playing surfaces, and expanding of ponds connected to a tributary of the Yahara River. These activities will result in 2.74 acres of regulated wetland impact by either filling or excavation. The overall elevation of the fairways and playing surfaces will be raised to improve playing conditions and site drainage. Maintenance dredging of the waterways through-out the site will occur along with a rerouting of one section of the tributary stream in the southwest corner of the site. Four main connected enlargements will be constructed by deepening and widening existing ponds and other waterways on site. A total of 192,069 cubic yards of dredge material would be removed from existing waterways and by creating connected enlargements. The dredge spoils will be reused

on the course for raising the grade. Additional clean fill material will be brought in from offsite. Numerous perched culverts for the cart path will be removed and replaced with clear span bridges or larger culverts. A total of 1.64 acres of wetland will be created from turning upland areas into wetland, and wetland enhancement activities will occur on the other 33.5 acres of wetland on site. The approved plans are labeled concept 9.

4. The applicant applied for a non-federal wetland exemption request pursuant to s. 281.36(4n)(b) Wis. Stats. on 8/31/2021 (docket # **EXE-SC-2021-13-03398**), for additional impacts associated with wetlands W-5 (0.19 acres), W-6 (0.43 acres), and W-28 (0.04 acres). These requested wetland features were previously determined to be not federally regulated by the U.S. Army Corps of Engineers, in accordance with the Approved Jurisdictional Determination (AJD) document dated January 19th, 2021. The Department received notice from the U.S. Army Corps of Engineers on December 17th, 2021 that due to a change in a national directive, the AJD could no longer be relied upon for wetlands W-5 and W-6. Wetland impacts associated with these features were then reviewed under the scope of this wetland permit, changing the wetland impact from 2.13 to 2.74 acres. Wetland W-28 was still determined to meet the non-federal wetland exemption standards, and impacts associated with W-28 were determined to be exempt from state wetland regulations.
5. The Department reviewed the applicant's pesticide management plan, and coordinated with Department of Agriculture, Trade and Consumer Protection (DATCP). DATCP indicated that all of the listed products within the pesticide management plan are actively registered with EPA and in Wisconsin through December 31, 2021.
6. The Department deemed the application complete on November 3rd, 2021 and the Notice of Pending Application/Notice of Public Hearing was noticed on the department's website on November 3rd, 2021. The Notice of Pending Application/Notice of Public Hearing published on November 6th, 2021 in the Wisconsin State Journal. The publication met the minimum 10-day notice to the public, for the hearing scheduled November 17th, 2021.
7. A public informational hearing for the proposal was held at 4:00 PM on November 17th, 2021 at the Westport Town Hall-Kennedy Administration Building, located at 5387 Mary Lake Road, Waunakee, WI 53597. In addition to the in-person hearing, there was a concurrent virtual option available on the ZOOM platform for individuals who did not want to attend in person. There were 16 people in attendance at the hearing as counted by hearing appearance slips, and approximately 40 attendees via ZOOM.
8. The Department evaluated the wetland mitigation proposal and determined that the purchase of wetland mitigation bank credits could fulfill the mitigation obligation. The mitigation plan required the applicant to purchase in-kind mitigation credits at a 1.2:1 ratio within the Rock Service Area, with a preference for credits generated within the same HUC-8 watershed as the project where possible. The mitigation plan required the following credits to be purchased:
 - 2.58 Fresh wet meadow credits purchased from Willow Drive Mitigation Bank to account for 2.15 acres of fresh wet meadow impacts

- 0.56 Shrub-carr credits purchased from Willow Drive mitigation bank to account for the 0.46 acres of shrub-carr impact
- 0.07 Floodplain forest credits purchased from Willow Drive mitigation bank to account for the 0.05 acres of floodplain forest impacts
- 0.09 Shallow marsh credits purchased from Sugar River mitigation bank to account for the 0.08 acres of shallow marsh impacts

A total of 3.3 credits to compensate for the 2.74 acres of permanently impacted wetlands. The wet meadow, shrub-carr and floodplain forest credits were purchased from the Willow Drive mitigation bank, and the Affidavit of Bank Credit Purchases from December 13th, 2021 (35A), December 20th, 2021 (35C), and December 22nd, 2021 (35D) were submitted to the Department, fulfilling the wetland mitigation requirement. The shallow marsh credits were purchased from the Sugar River mitigation bank, and the affidavit of bank credit purchase from December 16th, 2021 was submitted to the Department fulfilling the wetland mitigation requirement.

9. No practicable alternative exists which would avoid adverse impacts to wetlands, and the project represents the least environmentally damaging practicable alternative taking into consideration practicable alternatives that avoid wetland impacts. The purpose and need for the proposed project is to modernize and expand the business operations of the existing golf course. The applicant desires to modernize the golf course to meet Tournament Players Club (TPC) standards, improve site drainage issues, and improve water quality throughout the course. Lesser upgrades may not qualify for TPC branding to host PGA feeder events.
10. All practicable measures to minimize adverse impacts to the functional values of the wetland have been taken. The applicant and DNR reviewed a total of 13 alternatives (alternatives 1-7, 8.1, 8.2, 8.3, 8.4, 8.5, 9) for redesigning the course upgrades. The wetland impacts were reduced from 29.2 acres in Concept 1 and ultimately reduced to 2.74 acres in Concept 9. Impacts proposed are focused on the edges of the wetland complexes for the purpose of fairway widening, maintaining safety corridors, hole lengthening, and construction of a hospitality mound for event space. Golf cart paths will utilize elevated boardwalks through wetland areas to minimize impacts. Spectator/hospitality mounds have been significantly reduced and maximize the use of available upland space.
11. The proposed project will not result in significant adverse impacts to wetland functional values, significant impacts to water quality, or other significant adverse environmental consequences. The department found the functional values of the wetlands to be:
 - a) Floristic integrity rated low with the majority of the plant communities on site in a primarily ruderal state with many stressors as conditions exist within the existing golf course. Invasive species coverage was high throughout the assessment area.
 - b) Human use values rated medium-low, as the assessment area is currently used for private golf club recreation, and this property is directly adjacent to public lands (Cherokee Marsh) that have high human use functions, such as trails, wildlife viewing, and scientific and educational uses.

- c) Groundwater processes is rated medium. There were no springs or seeps observed in the assessment area, but the water level in wetlands appears to be closely related with groundwater levels, and hydrologically connected within the Cherokee marsh system organic soils. The wetlands likely serve as a source or sink of groundwater depending on surface water levels.
 - d) Fish and aquatic life habitat is rated medium, as the site is comprised of a series of ponds, shallow waterways, and inundated vegetation in the spring that is connected to the Yahara River. These areas likely serve as a nursery or spawning areas for northern pike and many other species. These areas also provide quality habitat for turtles, frogs, and amphibians. The waterways are separated by undersized perched culverts, making fish passage difficult or not possible at drier times of the year. The waterways are also shallow, limiting the use of some of these areas by resident fish.
 - e) Wildlife habitat rated medium. The assessment area is large size and comprises a good variety of habitat types, including uplands, wetlands, and waterways. The site is adjacent to a large habitat block of the Cherokee Marsh. The functions and values are limited due to ongoing disturbances on the existing golf course, such as regular vegetation maintenance.
 - f) Shoreline protection is rated as low, as the assessment area is low gradient, and contributing watershed is the Cherokee Marsh, resulting in low erosive force potential.
 - g) Flood and stormwater storage is rated medium. The assessment area consists of many wetland areas, and shallow ponds with constricted outlets which provides a considerable amount of stormwater storage. The site lacked signs of flashy hydrology, and the contributing water is coming from the Cherokee Marsh, which is also providing considerable amount of stormwater and floodplain storage.
 - h) Water quality protection rated medium-high. The downstream receiving waterbodies (Yahara River, Lake Mendota, Lake Monona) are 303(d) listed waterbodies for total phosphorus, and the wetlands within the assessment area are subject to sediment and nutrient inputs from the golf course and partially from a residential subdivision. The wetlands slow flood water, store a significant amount of storm and flood water, settle out sediment, and uptake nutrients preventing them from reaching downstream listed waterbodies.
12. A total of 2.74 acres of wetland will be permanently impacted. These direct impacts will be the permanent loss of 2.74 acres of wetlands either from excavation or filling and converting to uplands.
13. The cumulative impacts to wetland functional values includes the potential for other golf clubs may desire to redesign course layouts and may also result in wetland impacts. This specific site was originally created in wetlands before state and federal wetland regulations were in effect, and wetlands exist between nearly each individual hole. The degree to which wetlands exist on this existing golf course is relatively rare when compared to other golf courses in the state. The surrounding areas are the Cherokee Marsh, which are publicly owned wildlife areas preserved for conservation purposes and would not expect to see development pressure.
14. Secondary impacts to wetlands are expected to consist of an improved aquatic habitat, with the planned replacement of numerous undersized, and perched culverts, which should improve the

habitat connectivity for fish and other aquatic organisms. Resetting and replacing these culverts may somewhat reduce stormwater storage benefits in the assessment area. Lateral drainage impacts are not anticipated to occur as the hydrology in the assessment area is closely tied to groundwater levels, and Yahara River water levels. The applicant is also proposing an area of wetland creation, and nearly 35 acres of wetland enhancement by treating invasive species and planting native species. This should benefit the floristic integrity of the wetlands in the assessment area, and throughout Cherokee Marsh. The department recognizes the assessment area has shallow groundwater conditions throughout much of the site. This condition results in a higher potential for groundwater leaching of certain products (i.e. pesticides). The proposed project would result in filling the playing surfaces multiple feet to improve drainage conditions and lengthening the distance between the ground surface and the water table, decreasing the potential for groundwater leaching.

15. DNR has completed a functional values assessment for the project's wetlands. In general, the project's wetlands are providing low-medium functions and values and can be adequately mitigated for through the purchase of wetland mitigation credits and site design requirements, such as storm water management requirements, and by following plans submitted by the applicant. Site design requirements such as vegetated buffers, will continue to provide water quality benefits. A total of 1.64 acres of wetland will be created from turning upland areas into wetland, and wetland enhancements will occur on the other 33.5 acres of wetland on site.
16. Taking into consideration the project, wetland creation, restoration and enhancement plan, best management practices, and compensatory mitigation, the overall project would result in a net positive environmental impact when constructed in accordance with this permit and conditions.
17. The Department has completed an investigation of the project site and has evaluated the project as described in the application and plans.
18. The unnamed tributary stream to the Yahara River (Water Body Identification Code (WBIC): 806300)), and all associated connected enlargements (WBIC: 5574081; 5574071; 5574077; 5574120) are navigable waters, and no bulkhead exists at the project site.
19. 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.
20. The dredging will not be detrimental to the public interest because many of the areas that will be dredged have been previously dredged and are artificial connected enlargements. These areas have filled in with silt over time resulting in a very shallow water depth in most of these areas. Dredging would improve fish and aquatic life habitat and would not negatively impact water quality if done in accordance with the terms and conditions of this permit. There is no known recreation or navigation of the waterbodies on site, but the proposed project would only enhance these opportunities.

21. The connected enlargements will not be detrimental to the public interest because the site already has multiple connected enlargements, and the proposed project would mostly expand these existing connected enlargements in a few different areas. There is no known recreation or navigation of the waterbodies on site, but the proposed project would only enhance these opportunities. The project would not negatively affect water quality if done in accordance with this permit and may improve fish habitat in some areas.
22. The stream relocation will not be detrimental to the public interest because the length of stream relocation is relatively short, and would align more closely to the historic location of the stream channel, that was altered with the original construction of the golf course in the 1960's. The project would not negatively affect water quality if done in accordance with this permit. The proposed channel will not negatively impact fish habitat, recreation or navigation of the waterway. The abandoned channel will not be filled entirely and will be used for additional flood storage providing additional wetland habitat.
23. The proposal complies with all of the laws relating to platting of land and sanitation.
24. No material injury will result to the riparian rights of any riparian owners of real property that abuts any water body that is affected by the activity.
25. The newly relocated stream channel and connected enlargements are considered navigable and public as a result of this authorization and project. The newly relocated stream channel and connected enlargements considered navigable for local zoning purposes and local permits/approvals are required for work proposed within the shoreland zone of this waterway.
26. The activity will not cause environmental pollution as defined in s. 299.01(4).
27. The Department received seven individual written comments during the public comment period, and 13 individual oral comments were received during the public information hearing. Comments and oral statements received on the project were related to: Concerns that Cherokee Country Club will not complete the proposed wetland restorations/enhancement/creation as described in plan detail, concerns for the proposed tree removal plan, concerns for potential flooding to downstream areas of the Unnamed Tributary stream to the Yahara River (WBIC: 806300) alongside Menomonie Lane, and concerns with the Pesticide Management Plan, specifically three products, and their ability to leach into groundwater and/or result in impacts to fish and aquatic life. These public comments were taken into consideration during the Department's review of the proposed project in determining if the proposed project would result in a significant adverse impacts to wetland functional values, result in significant adverse consequences, or if the project would be detrimental to the public interest, and any other standards specific to s. 281.36, 30.19, 30.195, and 30.20 Wis. Stats. These public comments will be addressed below:

- a) Wetland enhancement/restoration/creation plan. As conditioned by the permit, the applicant will be required to follow plans and specs as submitted to the Department, which includes the proposed wetland enhancement/restoration/creation plan, including the submittal of monitoring reports to the Department and meeting performance standards as stated in the plan.
- b) Tree removal. The applicant is removing a variety of trees across the site, primarily in upland locations, that are nearing the end of their life, and trees that are dead/dying due to emerald ash borer infestation. Select trees will remain on the landscape. The applicant is also planning to enhance existing wetlands on site, which would assist with nutrient and stormwater retention. Tree removal in upland areas will not adversely affect wetlands.
- c) Downstream flooding concerns along Menomonie Lane. The applicant will be required to follow all applicable state and federal stormwater management requirements, and floodplain zoning requirements as determined by Dane County Zoning Department. The flooding that occurs downstream of Cherokee Country Club along Menomonie Lane correlates closely with the flood elevations and backwatering on the Yahara River, and not necessarily only a result of stormwater management upstream watershed of the unnamed tributary stream to the Yahara River (WBIC: 806300).
- d) Pesticide management plan. In response to the submitted comments, the Department worked with the applicant, DATCP, and other experts to modify the applicant's pesticide management plan. All products used on the course will be in compliance with DATCP, and EPA regulations for use in golf courses when applied in accordance with the label. Cherokee modified their pesticide management plan in response to the comments to limit the use of certain products with certain groundwater advisories, and alternative products will be used where appropriate. Additional best management practices for pesticide application were included in the modified plan to minimize any potential impacts associated with pesticide use on the course. The applicant will utilize a threshold-based approach based on a design predictive model developed for particular pests as recommended by staff within the Department of Plant Pathology at the University of Wisconsin-Madison.

This is also an existing golf course, and the applicant has indicated that each of the products mentioned in the comments are already in use on the course in accordance with their labels. Considering current pesticide practices, the proposed pesticide management plan appears to be an improvement. Part of the project also consists of raising fairways and green elevations to widen the distance between the groundwater table and ground surface elevation. The proposed project would result in filling the playing surfaces multiple feet to improve drainage conditions and lengthening the distance between the ground surface and the water table, decreasing the potential for groundwater leaching.

28. The Department of Natural Resources has determined that the agency's review of the proposed project constitutes an integrated analysis action under s. NR 150.20(2), Wis. Adm. Code. The Department has considered the impacts on the human environment, alternatives to the proposed projects and has provided opportunities for public disclosure and comment. The

Department has completed all procedural requirements of s. 1.11(2)(c), Wis. Stats., and NR 150, Wis. Adm. Code for this project.

29. 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 ss. 30.19, 30.195, 30.20, 281.36, Wis. Stats. and Chapters NR 103, 310, 343, 345, and 347 of the Wisconsin Administrative Code.

CONCLUSIONS OF LAW

1. The Department has authority under ss. 30.19, 30.195, 30.20, and 281.36, Wis. Stats., and 310, 343, 345, and 347 Wis. Adm. Code, to issue a permit for the construction and maintenance of this project.
2. The Department has complied with s. 1.11, Wis. Stats.

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 of any individual permit decision pursuant to s. 30.209, or 281.36(3q), 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. The petition must meet the requirements of ss. 30.209 and 291.36(3q), Wis. Stats., and s. NR 2.03, Wis. Adm. Code, and shall contain all of the following:

1. A description of the objection that is sufficiently specific to allow the department to determine which provisions of this section may be violated if the proposed discharge under the wetland individual permit is allowed to proceed.
2. A description of the facts supporting the petition that is sufficiently specific to determine how the petitioner believes the discharge, as proposed, may result in a violation of the provisions of this section.
3. A commitment by the petitioner to appear at the administrative hearing and present information supporting the petitioner's objection.

4. 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.

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.

Dated at the Plymouth Service Center, Wisconsin on December 23rd, 2021

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary



By:

Ryan Pappas

Water Management Specialist