



July 30, 2018

Mayor Lois Bressette  
City Hall  
50 Tenth Street  
Clintonville WI 54929

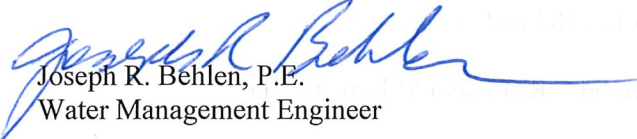
Subject: Dam Repair Approval      WP-IP-2017-69-02990  
Field file 68.02                      DKSJN 222

Dear Mayor Bressette:

This letter is to notify you that the drawdown plan for Pigeon Lake is approved as an addendum of the plans and specifications for the repair of the Clintonville Dam submitted by Peter Haug, P.E. of Ayres Associates on September 12, 2017. The addendum for the draw down has conditions. They are described in the attached Approval Document.

Thank you submitting the required information for the drawn down of the impoundment.

Sincerely,

  
Joseph R. Behlen, P.E.  
Water Management Engineer

C:      Kray Brown – City of Clintonville  
         Peter Haug, P.E. Ayres Associates  
         Scott Koehnke – WDNR Water Management – via e-mail  
         Jason Breeggemann – WDNR- via e-mail  
         Jesse Weininger – WDNR- via e-mail

**BEFORE THE  
DEPARTMENT OF NATURAL RESOURCES**

In the matter of Plan Approval Addendum for the repair of the Clintonville Dam  
WP-IP-2017-69-02990

**Findings of Fact**

1. The Clintonville dam was assumed to be authorized under the “Mill Dam Act” and was constructed about 1855 as a grist mill. The dam is located across the Pigeon River in Section 23, Township 25N Range 14 East, City of Clintonville in Waupaca County.
2. The Pigeon River is a navigable river at the location of the dam.
3. The dam was rebuilt as a planing mill prior to 1915 and was owned by D.J. Rohrer. The power house had a 42-hp. runner.
4. In 1936 order 2-WP-268 was issued establishing a minimum water level for the impoundment at 86.42 ft. Public Service Datum.
5. In 1955 abandonment permit 2-WP-1011 was dismissed when the dam was sold and transferred to Walter A. Olen.
6. Sometime between 1955 and 1958 the dam ownership was turned over to the City of Clintonville.
7. Plans for dam repairs were approved by the Department in 1984 and 1994.
8. The Pigeon River in Clintonville is mapped as floodplain on FIRM Panel 55135C0094D
9. A dam failure analysis was approved by the Department in 1994. The dam was determined to be submerged (The elevation of the river is the same upstream of the dam as downstream of the dam.) during a 100-year storm event. The dam has a low hazard rating.
10. There are floodplain zoning requirements downstream of the dam.
11. Plans for repairing the dam and a stability analysis were approved by the Department in 2001.
12. An Emergency Action Plan was submitted to the Department in April of 2013.
13. Wisconsin Administrative Code NR333 *Dam Design and Construction* is applicable to the Clintonville Dam because it meets the definition of a large dam based on the height of the dam and the amount of water impounded.
14. Plans and specifications for the repair of the dam were received from Peter Haug, P.E, Ayres Associates on September 12, 2017 and approved on December 6, 2017.

**CONCLUSION OF LAW**

1. The Department has the authority under State Statute Chapter 31 to issue the Plan Approval addendum requested, subject to the conditions in the Order which follows:

**APPROVAL and ORDER**

**I. DRAW DOWN CONDITIONS**

1. The City or the City's contractor is responsible for obtaining any other local, state, or federal permits or approvals that may be required for this project.
2. Driving motorized equipment on the exposed bed of the impoundment is prohibited.
3. Any riparian wanting to conduct work at or below the ordinary high watermark should contact Water Management Specialist, Scott Koehnke before commencing any work.
4. The City must notify the public of the draw down at least 14 days prior to the start of the draw down.
5. The draw down cannot exceed 6 inches per 24-hour timeframe.
6. The water level shall be lowered in a manner that does not cause downstream flooding of structures or erosion.
7. The final pond drawdown elevation must be achieved prior to October 1 of any given year.
8. The draw down cannot take place prior to May 15 in any given year.
9. Contact WDNR fisheries biologist Jason Breeggemann at 715-526-4227 to discuss potential fish rescue possibilities if there is a possibility of fish entrapment during the draw down.
10. Contact WDNR Conservation Biologist Jesse Weinzinger at 608 397-0198 at least 14 days prior to the draw down. If there is a potential for mussels being stranded the rate of draw down maybe lowered from the standard 6 inches per 24-hour period a lower rate to accommodate the movement or relocation of clams.

**II. FILLING REQUIREMENTS**

1. Filling cannot take place until the repairs to the dam are complete and the Department notifies you that filling can take place.
2. The rate of filling cannot be greater than 6 inches per day.
3. The final pool elevation upon refill, may not exceed the ordered maximum for the lake.
4. The dam must pass 25% of the flow low at all times, even during filling of the impoundment.

*NOTICE OF APPEAL RIGHTS*

*If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which request to review Department decisions must be filed.*

*To request a contested case hearing pursuant to section 227.42, 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. 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.*

*This notice is provided pursuant to section 227.42 (2), Stats.*

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
For the Secretary

By  Dated 

Joseph R. Behlen, P.E.  
Water Management Engineer