



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-3128
FAX 414-263-8606
Telephone 414-263-8500
TTY Access via relay - 711

September 29, 2009

Thomas Day, Chair
Eagle Spring Lake Management District
PO Box 196
Eagle, WI 53119

NOTICE OF VIOLATION/ NOTICE OF CLAIM

The Department of Natural Resources has reason to believe that you are in violation of the following regulations regarding dams. These violations were first observed on August 25, 2009 by Michelle Schneider, Water Management Engineer at the Wambold Dam in Eagle, Wisconsin.

- S. 31.18, Wis. Stats., states “**Obligations of owners of bridges and dams.** (3) Except when emergency shall require the same for the protection of life, health or property, no substantial alteration or addition shall be made to any dam heretofore or hereafter constructed without obtaining an order therefor from the department, which order may be issued only after an investigation and upon a finding that the proposed alterations or additions will not impair the sufficiency of such dam or any existing public rights in such waters.”
- S. 31.34, Wis. Stats., states “**Flow of water regulated.** Each person, firm or corporation maintaining a dam on any navigable stream shall pass at all times at least 25% of the natural low flow of water of such stream, except as otherwise provided by law.”
- S. NR 333.05, Wis. Adm. Code, states “**Submission of plans, specifications and analyses.** (1) Plans and Specifications. Plans and specifications prepared by a professional engineer registered in the state of Wisconsin shall be submitted to and approved by the department prior to the construction of a new dam or reconstruction of an existing dam.” In s. NR 333.03, Wis. Adm. Code, “Reconstruction” is defined as the alteration of an existing dam in a manner which affects its hydraulic capacity or structural integrity.

The Eagle Spring Lake District indicated that work was completed on the dam on July 16, 2009. The water level was drawn down behind the Wambold Dam to facilitate concrete work. The District has indicated that gates were shut off and water was passed through two small pipes to the Mukwonago River. A coffer dam was constructed behind the gate and dewatering measures were used. Extensive concrete work was done on the dam. The hydraulic capacity of the dam has potentially been reduced.

The reconstruction of the Wambold Dam was done without approval from the Department.

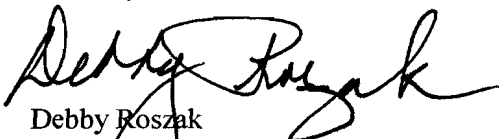
During a September 17, 2009 enforcement conference, representatives of the District agreed to submit detailed information about the reconstruction of the dam by October 31, 2009. The submittal of plans and specifications for the reconstruction of the Wambold Dam will allow DNR to determine whether the hydraulic capacity and stability of the dam was changed.

The Department is authorized to seek forfeitures for reconstruction of the Wambold Dam without Department approval.

The Department is very concerned with the potential reduction in hydraulic capacity, threat to safety and environmental impacts of the unauthorized work completed on the Wambold Dam.

If you have any questions, contact me at (414) 263-8671 or Michelle Schneider at (262) 574-2127.

Sincerely,



Debby Roszak
Environmental Enforcement

c: Michelle Schneider Waukesha
Bill Sturtevant WT/3
Conservation Warden Doug Zeihen