

1/24/2011

Linda Van Pay  
Water Management Specialist  
Wis. Dept. of Natural Resources,  
2984 Shawano Ave  
Green Bay, WI. 54313-6727

Dear Linda Van Pay

This is to inform you that the Pigeon Lake Rehabilitation and Protection District, has appointed a committee, headed by Board Member Jerre Cummings with PLRPD member TJ Tooley, to look into the status of their "Miscellaneous Structure Permit Application" for Fairway Lake, regarding the installation of a "Circul-O2-Rater™" attached to a "Waterway Marker".

We have in hand your acknowledgement of receipt of application for a Miscellaneous Structure Permit in Fairway Lake (Pigeon Lake Impoundment) in Section 23, T25, R14E in the City of Clintonville in Waupaca County – dated the 3rd day of Nov., 2010.

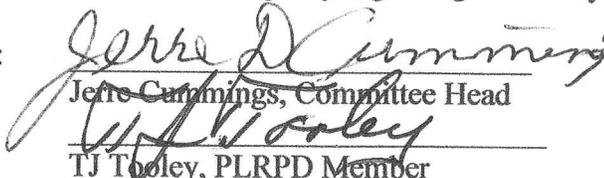
In accordance with Wisconsin Statutes and Chapter NR 310, Wis. Administrative Code, Subchapter IV --- Individual Permits, Notices, Hearings and Administrative Review. NR 310.14 Individual permit applications; the following administrative rules and law apply regarding "NR 310.14 Individual permit applications" as follows:

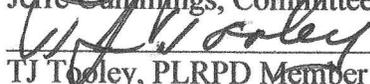
- (4) *Initial Determination of Completeness (application date + 30 days or less).*
- (a) *Within 30 days after an individual permit application is submitted, the department shall initially determine whether the application is complete and notify the applicant as follows.*
- 1. If the application is complete, the department shall notify the applicant in writing that the application is complete.*
  - 2. If the application is incomplete, the department shall notify the applicant in writing that the application is incomplete, identify all specific items of information needed to complete the application, and advise the applicant that the department may dismiss the application if the information needed to complete the application is not received within 45 days after the department provides notice that the application is incomplete.*

We believe the Department is out of compliance with Wisconsin Statutes and Administrative Rules by not notifying the PLRPD of Initial Determination of Completeness within the time frame required.

We are very concerned that this Permit Application is not getting the attention required by law. We have a sense of urgency regarding the ability to go forward with this project.

SIGNED:

  
Jerre Cummings, Committee Head

  
TJ Tooley, PLRPD Member

COPY TO BE DELIVERED TO:  
PLRPD BOARD