

**State of Wisconsin**  
**DEPARTMENT OF NATURAL RESOURCES**  
141 NW Barstow Street Room 180  
Waukesha WI 53188

**Tony Evers, Governor**  
**Preston D. Cole, Secretary**  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



October 17, 2023

IP-NE-2022-15-01961

Door County  
Attn: Mr. Wayne Spritka  
Facilities and Parks Director  
421 Nebraska Street  
Sturgeon Bay, WI 54235-2225

Dear Mr. Spritka:

The Department of Natural Resources has received a request from the Friends of the Forestville Dam, Inc., c/o Andrew Skwierawski, to establish a minimum water level management order on the Forestville Millpond Dam, located in the Village of Forestville, Door County, WI.

The request is to establish a minimum water level order on the Forestville Millpond Dam.

Attached is a copy of your new water level order which lists the conditions which must be followed. Please read your water level order conditions carefully so that you are fully aware of what is expected of you.

If you have any questions about your permit, please call me at (920) 420-5960.

Sincerely,

A handwritten signature in black ink, appearing to read 'J Seidl'.

Jared Seidl  
Water Management Specialist  
WI DNR

ecc: U.S. Army Corps of Engineers  
Village of Forestville  
Friends of Forestville Dam, Inc.  
WI DNR Conservation Warden

**BEFORE THE  
DEPARTMENT OF NATURAL RESOURCES**

Application of the Friends of the Forestville Dam, Inc.                 )  
to establish a minimum water level order on the                                 )  
Forestville Millpond, Village of Forestville, Door                                 )  
County, WI.   )                                 IP-NE-2022-15-01961

**FINDINGS OF FACT, CONCLUSIONS OF LAW, PERMIT AND ORDER**

The Friends of the Forestville Dam, Inc., c/o Andrew Skwierawski filed a request with the Department in accordance with Section 31.02 and 31.34, Wisconsin Statutes, on May 31, 2022, for the establishment of a minimum water level order for the Forestville Millpond Dam, located in the Village of Forestville, Door County, WI. Permit granted and order issued.

**FINDINGS OF FACT**

1. The Friends of the Forestville Dam, Inc., c/o Andrew Skwierawski filed a request with the Department in accordance with Section 31.02, Wisconsin Statutes, on May 31, 2022, for the establishment of a minimum water level order for the Forestville Millpond Dam, located in the Village of Forestville, Door County, WI.
2. The Forestville Dam is owned and operated by Door County.
3. The order will conform to the standards of s. 31.02, Wisconsin Statutes. No structural modifications are required to comply with the conditions of this order.
4. Water level orders are considered an integrated analysis action under Section NR 150.20(1m)(sL), Wisconsin Administrative Code and do not require a separate environmental analysis.
5. The Friends of the Forestville Dam, Inc., requested the minimum water level for the Forestville Millpond be set at the existing sill elevation of the dam, elevation 592.00 (NAVD88). The group's reasoning cited in their petition for setting the minimum water level at the existing sill include: riparian and business owners rights to the historic water level that was relied upon when purchasing and developing their properties, concerns about potential future drawdowns without required DNR oversight, to provide the public opportunities to comment and have hearings if future drawdowns are proposed, to maintain an existing Southern Door Fire Department dry hydrant's operability, and concerns about the environmental impacts of any future drawdowns.
6. Door County requested the minimum water level for the Forestville Millpond be set six inches below the existing sill elevation of the dam, elevation 591.50 (NAVD88). The County's reasoning cited in their petition for setting the minimum water level six inches below the existing sill include: to account for seasonal variability, prevent confusion from the public, and allow for maintenance of the sill (i.e. cleaning of the five spillway bays).
7. After weighing the factors in s. 31.02, the Department finds that a minimum water elevation 591.5 (NAVD88) protects the public rights in navigable waters, safety, life, health, property, property values, and economic values.

**CONCLUSIONS OF LAW**

1. The Department has the authority under Sections 31.02, Wisconsin Statutes, and the foregoing Findings of Fact, to issue the water level order requested, subject to the conditions in the order which follows.
2. The Department has complied with the requirements of Chapter NR 150, Wisconsin Administrative Code and Section 1.11, Wisconsin Statutes.

## ORDER

IT IS THEREFORE ORDERED THAT the application of the Friends of the Forestville Dam, Inc., under Section 31.02 and 31.34, Wisconsin Statutes, to establish a minimum water level order on the Forestville Millpond Dam, located in Section 29, Town 26 North, Range 25 East, in the Village of Forestville, Door County, WI, is hereby approved subject to the following conditions:

1. The minimum level of the Forestville Millpond is hereby established at elevation 591.5 feet (NAVD88).
2. A minimum flow, per Section 31.34 requirements, shall be maintained even if levels fall below the minimum set in this order.
3. The Department shall retain jurisdiction indefinitely for the purpose of amending or rescinding this order in accordance with the public interest.

## 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 section 30.209, 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. If you wish to request a stay of the project, you must provide information, as outlined below, to show that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment. If you are not the permit applicant, you must provide a copy of the petition to the permit applicant at the same time that you serve the petition on the Department.


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.

A request for contested case hearing must meet the requirements of section 30.209, Wis. Stats., and sections NR 2.03, 2.05, and 310.18, Wis. Admin. Code, and if the petitioner is not the applicant the petition must include the following information:

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 permit or contract is allowed to proceed.
2. A description of the facts supporting the petition that is sufficiently specific to determine how the petitioner believes the project, as proposed, may result in a violation of Chapter 30, Wis. Stats.;
3. A commitment by the petitioner to appear at the administrative hearing and present information supporting the petitioner's objection.

Dated at the Wisconsin Rapids Service Center, Wisconsin on October 17, 2023.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
For the Secretary

By  \_\_\_\_\_

Jared Seidl  
Water Management Specialist  
WI DNR