



WATERFORD VILLAGE

Village of Waterford
123 North River Street
Waterford WI 53185

April 21, 2015

SENT VIA E-MAIL: jknuteson@khqlaw.com and kwilliams@khqlaw.com

John Knuteson
Racine County Farm Drainage District
500 College Avenue
Racine, WI 53403-1058

Re: Opposition to Racine County Drainage District Request for Draw Down

Dear Mr. Knuteson:

In 2010 the Waterford Village Board issued a letter of support for drawdown of the Fox River in the absence of knowing the public response to the proposed request and absent park and open space planning efforts under taken by the Village of Waterford over the last three years. This letter is notification that the Village has heard from the public, reviewed our municipality's engagement with the Fox River waterway and the Village Board moved on April 13, 2015 to oppose the requested permanent drawdown from October 1 to March 1 each year requested by the Racine County Farm Drainage District.

The Village Board has been approached by a citizen group to partner in communicating the opposition to the proposed drawdown, see attachment. As a first step in communication, Village Board members and a small representative group of citizens request to meet with you to discuss a more cooperative common ground so that all parties can utilize the river as a resource.

Please let us know if you are available to meet on April 28, 29 or 30 at 6:00 p.m. at Village Hall to discuss future cooperative efforts regarding this matter. Please contact Administrator Rebecca Ewald at rewald@waterfordwi.org or 262-534-7912 to finalize the meeting date by Friday, April 24 at noon.

Sincerely,



Thomas E. Roanhouse
Village President

Cc: Rochester Village Board bnovy@rochesterwi.us
Julie Anderson, Director of Public Works & Development Services Julie.Anderson@goRacine.org
Jonathan Delagrave, Racine County Executive Jonathan.Delagrave@goRacine.org
Elaine Johnson, Wisconsin Department of Natural Resources elaine.johnson@wisconsin.gov
Michelle Scott, Wisconsin Department of Natural Resources michelle.scott@wisconsin.gov
Mary Lazich, State Senator Sen.Lazich@legis.wisconsin.gov
Dave Craig, State Representative Rep.Craig@legis.wisconsin.gov

**MEMORANDUM IN OPPOSITION TO VILLAGE OF WATERFORD CONDITIONAL APPROVAL OF
RACINE COUNTY DRAINAGE DISTRICT REQUEST FOR ANNUAL DRAWDOWN OF THE FOX
RIVER ROCHESTER IMPOUNDMENT**

Submitted To:

The Waterford Village Board

April 7, 2015

Submitted By:

Karen and Fred Koeller

Brent Hess

Patrick Goldammer

Bob and Joyce Wojciechowski

Jim and Joan Schneider

Adam and Kristy Lyman

Eric Ewald

Jared and Kara Geiger

Robert Biedrzycki

(6 of the above are from the village of Waterford, 1 from the Village of Rochester, and 1 from the Town of Spring Prairie)

INTRODUCTION

The purpose of this document is to communicate the desire of the public to oppose an annual drawdown of the Fox River Rochester Impoundment.

OBJECTIVE

Our objective is to communicate the desire of the public regarding the proposed annual drawn down of the Fox River Rochester Impoundment from Oct 1 through March 1 each year. We are requesting the following actions from the Waterford Village Board:

1. Request the previous motion supporting a permanent drawdown from October 1 to March 1 of each year be rescinded, and request the Village to take a firm stance in opposition of an annual drawdown.
2. Request that the Waterford Village Board provide a letter to the Racine County Drainage District (RCDD) and the WDNR in opposition to a permanent drawdown of the Fox River Rochester Impoundment from October 1 to March 1.
3. Request that the Waterford Village Board coordinate with residents in meeting with top representatives of the WDNR and State Legislature to communicate our position, and seek additional resources for a more cooperative common ground so that all parties can utilize the river as a resource.

We trust that you will consider that this request is not only coming from this small group, but also consider the input from almost 100 people who attended the public meeting at the Waterford Village Hall on March 23, 2015.

BACKGROUND

The water levels of the Fox River Rochester Impoundment have historically been maintained and controlled by the RCDD with approval from the WDNR. In 2010 Alan Jasperson of the RCDD made a request that the Village of Waterford support an annual draw down from October 1 to March 1. Jasperson explained that the request was made to facilitate yearly maintenance and restoration projects. Jasperson also expressed, historical water levels and drainage had been achieved by a drawdown of Wind Lake, however, the residents of Wind Lake strongly opposed RCDD's practices, and through the efforts of opposition the drawdown was reduced from 2 feet to 6 inches. At that time, the Village Board did not feel the drawdown would positively or negatively impact the Village, and it was approved June 14, 2010, on the condition that reconsideration would be necessary if there was overwhelming opposition or negative feedback from Village residents. Beginning October 1, 2014, the RCDD with conditional approval of the WDNR aggressively lowered the water level in the Fox River Rochester Impoundment by approximately 3 feet, and has formally requested approval from the WDNR to continue doing so annually. The Village residents received minimal notice prior to the drawdown and were unaware of the magnitude, which has resulted in a considerable amount of complaints and concerns.

STATE OF CURRENT AFFAIRS

The Village views the Fox River as a vital part of the community, and therefore has directed considerable effort into various restoration projects and is currently addressing goals of increased public access. Working in a parallel path as the Village administration, residents have voiced their concerns about the aggressive drawdown to the RCDD, Racine County Public Works Department, State Legislatures, and the WDNR. The concerns range from loss of use, shoreline erosion, and the resulting effects to the fishery and ecosystem. Due to the number of inquiries received from residents, the Village organized a public meeting and invited the Racine County Public Works Department, WDNR, and RCDD. This meeting represented the public's first opportunity to discuss their concerns regarding the aggressive nature of the drawdown, which this year was approximately 3 feet. 150 property owners and residents (and even some residents from neighboring communities) attended the meeting to voice their concern and strong opposition. Two members of the State Legislature were also in attendance due to the number of phone calls, letters, and emails received from their constituents. An overwhelming majority of the public strongly oppose the proposition of continued drastic fluctuations in the river's level at the whim of the RCDD.

SUPPORTING CONCERNS

Economic Impact to the Village

In the Village of Waterford the river has been the foundation of the community for many decades, personal and public histories and identities have developed around this body of water. These attachments are imbedded in the life fabric of many local citizens, and therefore when the waterway is drawdown, it generates an emotional response which has a direct negative financial impact on our community.

Additionally, as noted in the sections above, the Village has invested in the river, including a riparian buffer and shoreline restoration at the 10 Club Park, kayak portage on the Waterford / Rochester dams, and new plantings located within Whitford Park. All of these investments are intended to make Waterford a destination for all seasons. Guests to our village spend money on food and entertainment. If the waterway undergoes an annual drawdown, tourism will diminish, as no one will come to a shallow creek.

Future plans for tourism and obtaining a National River Trail would be greatly diminished with an annual draw down.

Quality of Life Issues

- Many residents of Waterford & Rochester enjoy year round fishing, kayaking, canoeing, boating, and more in the Fox River. With the recent draw down, all such activities have been impossible to perform and this beautiful river resource was reduced to a small, shallow, unusable creek. Therefore, users and owners have almost no access to the river for almost one half of the entire year.
- Many residents purchased property along the river for the activities noted above, and permanently changing this resource has a drastic impact on property values and the quality of life that residents have chosen for their families.

RCDD

- The RCDD claims that without a drawdown, retreating ice on the canal will pull topsoil from the farmer's fields, however there are many responsible practices that landowners can and should apply to more naturally prevent erosion, including the elimination of farming up to the river bank, and the application of riparian buffers to contain erosion at points where these extremes are present.
- This year the waterway was drawn down from October 1 to March 13 to facilitate dredging. The RCDD did not submit their dredging plans to the DNR in a timely manner and no dredging occurred. A drawdown to facilitate maintenance projects should require the guidance of a certified and professional consultant to ensure proper planning and to insure that the dredging is absolutely necessary. The RCDD has publically stated that all the dredging could be accomplished within a 45 day time period. It would appear, that this year's involved poor planning, mismanagement, lack of oversight, and subsequently this resource was taken from the public for almost 6 months.
- To avoid erosion along the canal that results in increased maintenance the RCDD has stated the need for a permanent drawdown beginning October 1 of each year. This claim is founded by the personal opinion of the RCDD from their visual observations. Many other waterways have engaged professional experts to assist in planning and executing their waterway maintenance plans. The final solution is ultimately RCDD's sole discretion; however, it should be formed from professional advice.
- The Drainage District indicated that they have not dredged the canal since the 1950's and it is still operating properly. Their comments certainly establish precedence to support that it takes a substantial amount of time for sediment to build up in the canal. History would dictate that they should be able to drawdown the waterway, dredge, and be in good shape for the next 50 years. Dredging the canal is a temporary endeavor and the RCDD is requesting a permanent drawdown.
- During periods of heavy rain, owners of agricultural land on the canal pump water laden with debris and sediment directly into the canal. This practice can significantly contribute to sediment build-up within the canal. It is not clear if this violates WDNR rules.

- The RCDD's unorthodox practices also include a lack of formal communication as highlighted by the efforts the Village has had to take to stay abreast of the district's projects and future management practices. In 2014, the Village was forced to reach out to the DNR to request they be informed of any permitting requested by the RCDD. The Village Board was subsequently concerned about communications and the availability of public information regarding the RCDD's activities.

Environmental Impacts

- The impoundment is a thriving ecosystem. Eagles, turtles, frogs, deer, Musky, Large Mouth Bass, Walleye, Northern Pike, Perch, Crappie, Drum, Catfish, Bluegill, Warmouth, Teal, Golden Eyes, Wood Ducks, Mallards, the list goes on. For an ecosystem to thrive to this extent, everything has to be in perfect order. Nature's hand is at work here. Drawing down this waterway is singular in purpose, and puts more than undue stress on the ecosystem; it threatens to destroy it.
- When river levels are normal, the fish typically have the ability to seek out deeper water. In the areas impacted by the drawdown (between the dams), the deepest spot during the drawdown is 3' with many places less than 1'. During sustained periods of freezing temperatures, the fish are trapped and have a limited ability to go downstream. If they can retreat downstream, they cannot return due to the dam, and with a potential maximum frozen depth of less than 1', the likelihood of winter survival is greatly reduced.
- Migrating waterfowl use the canal extensively, as it is always the last in the area to freeze. During the drawdown, the vegetation that the ducks feed on dies due to low water levels. This year, migrating waterfowl did not stop in the canal and completely by-passed it. If a yearly drawdown is in place, it will change the migratory patterns of a considerable amount waterfowl.
- Bank erosion on the river has been noted by a number of land owners. It is not clear what affect the drawdown has, but in the areas near Rochester, where the soil is less dense, owners have seen erosion when the water level returns as the soil is dry and loose.

CONCLUSION

In addition to the quality of life and ecosystem concerns detailed above, there is overwhelming public opposition to an annual drawdown of this waterway. Approximately 100 people were in attendance at the March 23, 2015 informational meeting wholly in opposition of the RCDD's recent drawdown practice and desire to continue. Moreover, the RCDD has offered no reasonable rationale other than their observations to support such a drastic measure.

PROPOSED RECOMMENDATION

With conclusions deliberated from the above information, we once again request the Village Board to take the following actions:

- 1 Request the previous motion supporting a permanent drawdown from October 1 to March 1 of each year be rescinded, and request the Village to take a firm stance in opposition of an annual drawdown.
- 2 Request that the Waterford Village Board provide a letter to the Racine County Drainage District (RCDD) and the WDNR in opposition to a permanent drawdown of the Fox River Rochester Impoundment from October 1 to March 1
- 3 Request that the Waterford Village Board coordinate with residents in meeting with top representatives of the WDNR and State Legislature to communicate our position, and seek additional resources for a more cooperative common ground so that all parties can utilize the river as a resource.