



3/11/2015

Rebecca Ewald
Administrator -Village of Waterford
123 North River Street
Waterford, WI 53185

Dear Ms. Ewald:

The Department of Natural Resources (DNR) is in receipt of your letter dated February 5, 2015 conveying concerns on behalf of the Village Board about communications and the availability of public information relative to permits requested by the Racine County Drainage District- Norway Dover (RCDD). Upon receipt of your letter, staff contacted you to explain the DNR permitting process for waterway and wetland activities regulated under Chapter 30, Wisconsin Statutes. As requested in your letter, we also confirmed the DNR would attend a meeting with the Village Board at the Waterford Village Hall on March 23, 2015 at 5:30 pm to explain the waterway permitting process. This letter provides a written response to your concerns.

Waterway and wetland permit applications that are submitted to the Department can be tracked and viewed by the public online by visiting our website at <http://dnr.wi.gov/permits/water/>, hitting the "track" button, and entering the DNR permit docket number in the search criteria. The RCDD applied for two DNR Chapter 30 waterway permits on 12/7/2012. One permit application is for the dredging of the Wind Lake & Goose Lake Branch Canals (DNR permit docket number IP-SE-2012-52-05674). The second is a requested change to the operational order of the Rochester Dam (DNR permit docket number IP-SE-2012-52-05673) to allow for an annual run-of-river winter drawdown and lower minimum water levels during certain high flow events. The application materials can be viewed online via the aforesaid website.

The Department reviewed the application materials and issued a Notice of Incompleteness on 1/7/2013 to the RCDD requesting additional information. The Village of Rochester was copied on the letter, as they are the Village in which the activity is located. The Department has been working with the RCDD on permitting requirements since that time.

Both projects are required by law to be processed under Individual Permit applications. DNR reviews local fishery, wildlife and water quality data, navigation patterns, habitat and similar features of the site. Individual permits require a 30 -day comment period and the public is notified by a website and newspaper notice and mailing to interested parties. Chapter NR 310.14 (2) of the Wisconsin Administrative Code indicates interested parties are 1) The adjacent riparian on each side of the property on which the activity is located, 2) The designated contact for any local lake or river organization for the waterway where the project is located, 3) The Clerks of the county and the town, village, or city in which the activity is located, 4) Any person who submits to the Department a written request for notification, 5) Any additional interested member of the public identified by the Department. During the comment period, an informational hearing may be requested. DNR staff conducts the informational hearing to gather observations and facts from others to consider in addition to its own data in making a decision. As requested in your letter, the Department will provide future notices to the Village of Waterford as they relate to the above projects.

The RCDD permit applications have not been determined to be complete by the DNR, which is why a public notice has not been sent or published by the Department, and a public hearing has not been scheduled. The DNR will schedule a public hearing and the public may comment on the project at that time. If a permit is issued for the proposed projects, the RCDD will be required to adhere to the conditions of the permit.

Wisconsin Statutes do allow for any interested person to file a petition with the Department for administrative review within 30 days after any issuance, denial, or modification of any individual permit. A request for contested case hearing must meet the requirements of section 30.209, Wisconsin Statutes and sections NR 2.03, 2.05, and 310.18 of the Wisconsin Administrative Code.

More information on the DNR waterway permitting process can be found on our website at <http://dnr.wi.gov/topic/Waterways/Permits/PermitProcess.html>.

Because the RCDD is requesting a change to the operating order for Rochester Dam, the DNR Dam Safety Program requested additional information to include in the Environmental Impact Statement (EIS) about the stability of the dam. In particular, we asked for a stability analysis that looks at overturning, sliding, uplift and frost heave under normal, flooding, and flooding with ice load conditions, as well as a winter drawdown. The stability analysis is a detailed analysis of the structural stability of the dam. In this analysis each section of the dam is evaluated and assigned a factor of safety during multiple potential water levels conditions.


GRAEF prepared the Rochester Dam Water Control Structure Stability Report (August 2014) on behalf of Racine County and the RCDD. The Department issued a technical approval of the stability analysis in January 2015.

The stability analysis indicates that Rochester Dam appears to have sufficient capacity to resist the anticipated river flow conditions under current and proposed operating conditions, including a winter drawdown. This summary will be included in the EIS. Other items considered in the EIS are historical information, hydrologic and hydraulic studies, and comments provided during project review by DNR fisheries staff, wildlife biologists and streams biologists.

A temporary winter drawdown was requested by the RCDD in 2014 to facilitate their proposed dredging project. However, the Chapter 30 permit was not issued this winter for the dredging work as the project plans have not been finalized. The Department authorized the drawdown beginning on October 1st through February 15th, with an extension to February 28th. The drawdown was not allowed beyond the February 28th date as recommended by fisheries staff due to spawning periods. An approval was issued for the winter drawdown; however a public hearing and public notice are not required for a temporary drawdown. The DNR still published an online news release online as credence to the residents. The owner of the dam is responsible for notifying the public. If the request to change the operating order for Rochester Dam and/or the dredging permit is approved, a drawdown for 2015/2016 is likely.

I hope this helps clarify aspects of the DNR waterway permitting process. Please feel free to contact me if you have additional questions. We look forward to meeting with you on March 23rd.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle M. Scott". The signature is fluid and cursive, with the first name "Michelle" and last name "Scott" clearly distinguishable.

Michelle M. Scott
Waterways & Wetlands Field Supervisor
(262)574-2122, Michelle.Scott@wisconsin.gov