

## Rochester Dam Water Level Order Modification

Comments/Questions- Would you like your comment or question read out loud during the informational meeting? ☒ Yes ☐ No

My family has been on the same ground in the town of Norway this year for 175 years. Over the last 100 years this dam has been raised a number of times. Higher water levels mean flooding faster when we flood it can cost my farm 105 to 1005 of thousands dollars. We lose a crop it gone for the whole year. Also when there is or is not a crop the water on the Soil Compacts the Soil, tile lines blow out and there is much more erosion. We are good stewards of the land, I'm just trying to make it

Contact information (email or address):

Living being a good farmer, Brian Lunderson  
My family Heritage,  
4009 Lunderson Farm  
Lunderson Farm  
Waterford, WI 53185 262-206-5590 over →

TO ME HAVE A little respect for us. I don't  
want A level just because I like it or how the  
river looks. The river is still a river. Maybe  
going back to natural is the way to go, which would  
be a lower level, with the dam removal then the  
river would be what it is. If you want a better  
fishery the dam out would be the best.

Brian Gunderson

Rochester Dam Water Level Order Modification

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1. When are the WATERFALL, MINORANCE & ROCHESTER DAMS OPEN MORE THAN 50% OF THE TIME? (4-6 hours) Sygas

2. How MANY TIMES MONTHLY IN THE LAST SEVERAL YEARS THE WATERFALL AND ROCHESTER DAMS BEEN OPEN 50% OR MORE?

3. WHAT DOES "STAND BY MEAN WHEN DUNGS WATER BACK UP?" MEAN? TIME REFERENCE, HOW LONG DOES THIS MEAN?

5. WHAT DOES "NATIONAL WATER LEVEL MEAN?" RELATES TO BEING WATER BACK UP.

Contact information (email or address): [fredrickkoeller@gmail.com](mailto:fredrickkoeller@gmail.com)

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X 3

In a 1982 case regarding the W-DMR Order concerning the  
FACT AND AFFIDAVIT CONCLUSION I saw & Order regarding  
Damage Problems in the district. I just testimony stated  
that the water level in the FDR River does not have a  
correlation to water elevation within the wind take canal.  
We said that the operation of the ~~the~~ Rochester Dam  
has little, if any effect on the damages in the district.  
So why is there State Dam part of this process?

3

Contact information (email or

address): JIM SCHNEIDER 137 @GMAIL.COM

**VILLAGE OF ROCHESTER**

**RESOLUTION NO. 2017-2**

**"A Resolution by the Village of Rochester Board of Trustees offering supporting for DNR permit application IP-SE-2012-52-05673 allowing the temporary dropping of the gates on the Rochester Dam during high flow periods on the Fox River"**

**WHEREAS**, the operational protocols for the Rochester Dam have a significant impact on the flooding potential of properties located in the Village of Rochester and Village of Waterford during high flow periods on the Fox River; and

**WHEREAS**, the operational protocols for the Rochester Dam also subject properties located in the Town of Dover, Town of Norway, City of Muskego, and a small portion of City of New Berlin to increased flooding potential due to surface waters backing up in the Wind Lake Drainage Canal; and

**WHEREAS**, during rainfall events the Wind Lake and Waterford dams are required to open their gates to 50% or more to significantly decrease crop and property loss up stream of these dams, and

**WHEREAS**, it has been determined that this would be of significant benefit to the agricultural and residential properties in the benefitted communities by the faster dispersal of heavy rainfalls and floodwaters; and

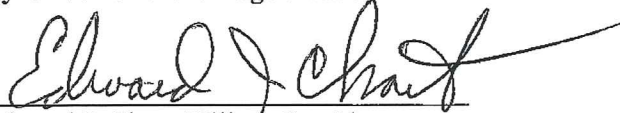
**NOW, THEREFORE BE IT RESOLVED**, by the Village Board of the Village of Rochester, Racine County, that they support the Racine County Drainage Boards application for the proposed water levels and flows at Rochester Dam to temporarily drop the minimum water level elevation to 3.36 during heavy rainfall events.

Introduced: March 13, 2017


Adopted: *March 13, 2017*

**VILLAGE OF ROCHESTER**

**By Order of the Village Board**

  
Edward J. Chart, Village President

**ATTEST:**

  
Betty J. Novy, Clerk-Treasurer



# TOWN OF NORWAY

RACINE COUNTY, WI  
6419 HEG PARK ROAD  
WIND LAKE, WI 53185

Town Clerk	262-895-6335
Treasurer	262-895-2463
Bldg. Insp.	262-895-2732
Fax #	262-895-6601

March 13, 2017

Elaine Johnson, Water Management Specialist  
Dept of Natural Resources  
141 NW Barstow, Room 180  
Waukesha WI 53188

Dear Ms. Johnson:


Attached is a copy of Resolution passed 3-13-17 by the Town Board of Norway, Racine County. The Resolution supports the DNR permit application for an order setting levels of flows on the Fox River in Racine County.

It is our understanding the proposed change is only for modification to operation during high flows. A permanent winter drawdown is not being considered as part of this application.

I have personally worked with the Racine County Board of Drainage Commissioners for 38 years in numerous capacities, as a County Board Supervisor, County Board Chairman, Racine County Executive, and now the Town of Norway Chair. Their work is highly respected by me and supported by those communities benefiting from their operations. There has been a great deal of development in the areas that they are responsible to drain.

The Board has exhibited to the DNR that their proposal for water levels and flows is well planned. The Drainage Commission has my full support and the support of the entire Town Board of Norway to proceed with the permit.

Sincerely,



Jean M Jacobson, Chair  
Town of Norway

jmj

**TOWN OF NORWAY**

**RESOLUTION NO. 2017-02**

**A RESOLUTION IN SUPPORT OF THE RACINE COUNTY DRAINAGE BOARD  
DNR APPLICATION FOR OPENING ROCHESTER DAM**

**WHEREAS**, the Wind Lake Canal was constructed in 1907, and

**WHEREAS**, the Town of Norway land area is very flat and has significant difficulties with drainage and flooding in many areas when heavy rainfall periods occur, and

**WHEREAS**, the drainage basin affects the Town of Norway Pop. 7,973, City of Muskego Pop. 24,555 and a small portion of City of New Berlin, and

**WHEREAS**, the Wind Lake Canal intersects with the Fox River above the Rochester Dam, allowing only one (1) foot of fall for the entire Wind Lake drainage basin into the Fox River during heavy rainfall periods, and

**WHEREAS**, the current minimum water elevation level at the Rochester Dam is 4.23, and

**WHEREAS**, during rainfall events the Wind Lake and Waterford dams are required to open their gates to 50% or more to significantly decrease the crop and property loss up stream of these dams, and

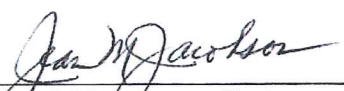
**WHEREAS**, it has been determined that this would be of significant benefit to the agricultural & residential properties in the Town of Norway by the faster dispersal of heavy rainfalls and floodwaters,

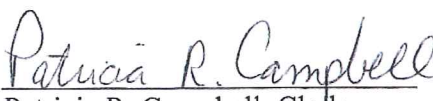
**WHEREAS**, from 1941 to 1981 the minimum water elevation level was 3.36, and

**NOW, THEREFORE BE IT RESOLVED**, by the Town Board of the Town of Norway, Racine County, that they support the Racine County Drainage Boards application for the proposed water levels and flows at Rochester Dam to temporarily drop the minimum water level elevation to 3.36 during heavy rainfall events.

Adopted by the Town Board of the Town of Norway, Racine County, Wisconsin this 13<sup>th</sup> day of March, 2017.

TOWN OF NORWAY

By:   
Jean M Jacobson, Chair

Attest:   
Patricia R. Campbell, Clerk



Village of Waterford  
123 North River Street  
Waterford WI 53185

[Russell.Rasmussen@wisconsin.gov](mailto:Russell.Rasmussen@wisconsin.gov)

February 28, 2017

**Fox River Citizens Group Mtg re: March 14, 2017 Notice of Pending Application for Proposed Water Levels and Flows/Notice of Public Information Public Meeting**

Dear Mr. Rasmussen:

The Fox River Citizens Group met today to review the public notice for the above noted meeting regarding the Racine County Drainage District's request for modifications to the Rochester Dam operations order. The group and the Village are requesting information and clarification from the DNR in advance of the public meeting regarding the following information:

1. "During high flow periods when the Wind Lake and/or Waterford Dams open the gates to 50% or more, the Rochester Dam will be allowed to temporarily drop below the minimum water elevation of 4.20 ft. on gauge\*) - **When are the Waterford, Wind Lake, and Rochester dams open more than 50% of the time?** *First off, the Rochester dam is not part of the 50% operation order request. Waterford and Wind Lake dams may be open 50% or more when extreme weather conditions and lake levels are high with possible flooding upstream of dams. How many times historically - in the last five years, have the Waterford and Rochester dams been open 50% or more? We estimate the gates at Waterford and/or Wind Lake were 50% open 4-6 times in the last 5 years. As stated above, this dam operation order request does not include % opening of the Rochester Dam.*
2. In a 1981 case regarding the WI DNR Order Amending Findings of Fact and Affirming Conclusions of Law and Order regarding drainage problems in the district in relation to the Fox River and Wind Lake, DNR expert testimony stated that the water level in the Fox River does not have a correlation to the water elevation within the Wind Lake canal. He stated that the operation of the Rochester Dam has little, if any effect on drainage in the district. Why is the Wind Lake dam a part of this proposal? *We disagree with your above statement. The wording you used regarding (the operation of the Rochester Dam has little if any effect on drainage) was the words of the hearing examiner, not the expert Dan Holtzman. The expert testimony stated a marginal increase in flow when Rochester is brought to min level which is currently 4.2. The 1981 case findings of facts are in reference to The Operation of the Wind Lake Dam. This order request is to achieve the previous lower limit of the previous order of the Rochester dam at 3.36. This will provide an additional 10+ inches of fall. History of min levels are as follows: 4.2 from 1981 to current, the 3.36 level was the min level from 1941 -1981. Min level from 1915 to 1941 was 2.37 Also the facts of elevations and sizes of Wind lake used by Mr Holtzman to determine his opinion back in 1981 have been found to be inaccurate.*
3. "When the Wind Lake and/or Waterford dams close their gates to less than 50%, the radial gates will be **slowly** (emphasis added) closed to restore operation to the normal water level of 4.70 ft. on gauge\*. **What does "slowly" mean?** *Return to normal operating range after 50% gate opening event is over within a 48 hr. period would be reasonable and would prevent large water level fluctuations. As always Operator will keep records and contact the DNR if issues arise.*



4. The DNR has not allowed the District to fluctuate water levels between October 1 and March 1 for the health and survival of herps and fish populations. In fact, this has been the DNR's position for the last decade and in all discussions between the citizens group and DNR over the issues of drawdown. Based on this information, the District should not be allowed to fluctuate the water between October 1 and March 1. Additionally, outside the October to March period, and based on DNR data, the District should be required to bring the water level to up quickly – within 24 hours. **How quickly will you be requiring the water level be brought back up?** DNR operational order of the Rochester Dam has the same parameters to follow year round. How quickly to return to the normal range is addressed in answer of question #3
5. Between October 1 and March 1 the dam can already be manipulated in a high flow period during the winter months rendering the amendment to the operational order unnecessary. Further, historically this is a low flow period, according to DNR records, and water fluctuations are not needed. **What benefit do these amendments provide the District?** First off the village's comments on Rochester dam operations in #4 and #5 contradict each other and are wrong. The current operational order has guide lines to follow all year round. There is nothing identifying any different operations from Oct 1 thru March 1. Also winter months are not immune from flooding and high lake levels above these dams. Example is 4.9 inches of rain in Nov 2015 (4th wettest back to 1948 and 5.60 inches in Dec 2015 which is a record rainfall dating back to 1948. Feb 2008 also had a record rainfall of 4.92 inches dating back to 1948. Winter rain events have much more influence on water levels in the system since 2000. Prior to that year, Wind lake had a 2ft winter drawdown that provided a large reservoir during winter months. Since our earlier discussions and our possible approval of the District's initial request regarding the Rochester Dam during high flow periods, the language in the request has changed. **Why and who initiated the changes?** The only language change was to clarify that no other part of the current order or operation will change. Instead of referencing returning to 4.7 after the 50% gate opening event is over, the operation must return to the current order operating range. This is what our request was with language clarification help from DNR dam engineers. This same language was used and reviewed with Waterford in a meeting way back on May 18, 2015

Please provide respond to the questions posed by March 10, 2017.

The citizens group does not believe the requests of the District are minor alterations to the operational order, but an attempt to use vague language in the requested amendments to create an environment in which the District may alter the dam levels at their discretion. The proposed alterations to the Rochester Dam operations order in high flow periods could be devastating to the Fox River and we believe have a strong negative affect on the economic health of the Village. We are also concerned that adequate notice was not provided to the public and that a meeting scheduled mid-afternoon limits public participation.

We are opposed to their request in its entirety.

Sincerely,



Tom Roanhouse  
Village President  
on behalf of Village of Waterford and Fox River Citizen's Group

cc. Elaine Johnson, DNR  
Michelle Scott, DNR  
Michelle Hase, DNR  
Cathy Stepp, DNR  
Sen. David Craig  
Rep. Chuck Wichgers  
Sen. Van Wanggaard  
Rep. Robin Vos  
Jonathan Delagrave, Racine County  
Julie Anderson, Racine County

*This is not an operational change request under normal conditions. This additional provision request is to be used and implemented by the dam operator to be able to prevent or minimize flooding of homes, roads and fields during extreme events that require dam gates to be largely opened.*

*For everyone's information, this is the provision being requested to be added to the current order*

During high flow periods when the Wind Lake and/or Waterford Dams open the gates to 50% or more, the Rochester Dam will be allowed to temporarily drop below the minimum water elevation of 4.20 ft. on the gauge to a water elevation no lower than 3.36 ft. on the gauge. When the Wind Lake and Waterford Dams close their gates to less than 50%, the radial gates will then be slowly closed to restore operations to the normal water elevation and will be maintained as nearly as practical, until such a time that another high flow period arises.

## Rochester Dam Water Level Order Modification

Comments/Questions- Would you you're your comment or question read out loud during the informational meeting? Yes ☒ No ☐

*See attached*

Contact information (email or address): \_\_\_\_\_

## March 14, 2017 Notice of Pending Application for Proposed Water Levels ation Public Meeting

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Cathy Stepp, DNR  
Sen. David Craig  
Rep. Chuck Wichgers  
Sen. Van Wanggaard  
Rep. Robin Vos  
Jonathan Delagrave, Racine County  
Julie Anderson, Racine County

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March 20, 2017

Elizabeth Joseph

604 Mink Ranch Road

Burlington, Wisconsin 53105

Dear Elaine Johnson. - Docket Number IP-SE-2012-52-05673

I am not in favor of modification to the Rochester dam. When the Wind Lake and Waterford dams were allowed to do this, it caused a negative effect on my property.

Prior to moving to Rochester in 1998 the natural waterway in the area had been altered. I believe that is when the Wind Lake canal was created. What had been the original waterway is now a marsh. A berm, about 20 feet wide now presides between the Wind Lake Canal and marsh on my property. That land is left untouched, to be used by wildlife. What had been the original waterway is now a marsh on my property. It provides a place for: Belted King Fisher, Blue Heron, Sandhill crane, Green Winged Teal, Hooded Merganser, Mallards, Mc Granger, Northern Shoveler, Wood ducks, Canada Geese, Painted Turtles as well as Snapping turtles, frogs and musk rat.

As I remember, during 2013 a temporary closing of the Wind Lake and Waterford dam was allowed for a project to prevent flooding in the Tishigan area. During this extended period of time (about 1 year) the water in my marsh became scarce and it turned into a big mud hole/ mosquito nursery, a health hazard in my opinion. Once the dams reopened the marsh began to recover, but



it has not been the same since the closing. The musk rats, that kept the cattails to a ~~minimum~~<sup>minimum</sup>, are gone. Now an overpopulation of cattails and marsh grass has taken over the marsh. The bird and duck count has changed dramatically. The Sandhill pair is all I've seen in the past two days. A log is kept and I take photos. Enclosed are several that shows what is happening to the marsh. My land has surely lost value.

I would like to know if the closing or opening of the Rochester dam would be observed by someone other than the person assigned to the task. There should be no conflict of interest as there was at the Wind Lake dam. I also feel a temporary closing of the Rochester dam could lead to a permanent one. The Wind Lake and Waterford dam closing were to be temporary but now are permanent December through March.

I was not able to attend the informational meeting on March 14 due to my brother being taken by paramedics to the Burlington hospital, in critical condition. Following that I had a reaction to a medication and became quite ill. I am very interested in knowing what is happening regarding this matter and the effect it will have on my property. You can contact me in person, postal mail or phone 414-380-4557. I do not have a computer.

Sincerely,  
Elizabeth Joseph







May 23, 2014 ~ Painted turtles on Oak tree trunk  
laying across marsh

Ej

October 27, 2014 - View of marsh from edge of  
back yard.

S.



Elizabeth Joseph  
604 Mink Ranch Rd  
Burlington, Wisconsin  
53105

Elaine Johnson Rm 180  
141 NW Barton St.  
Waukegan, WI 53188

53188-378999

MAILING UNIT 530

21 MAR 2017 PM 11

