



Dane County

Minutes - Final Unless Amended by Committee

Yahara Chain of Lakes - Lake Levels Task Force

Consider:

Who benefits? Who is burdened?

Who does not have a voice at the table?

How can policymakers mitigate unintended consequences?

Monday, March 18, 2019

5:00 PM

City-County Building - Room 354
210 Martin Luther King Jr Blvd
Madison WI 53703

City-County Building - Room 354

A. Call To Order

- Present** 12 - Chair MICHELE RITT, Supervisor SHELIA STUBBS, Supervisor TANYA BUCKINGHAM, Supervisor DAVE RIPP, Supervisor CHUCK ERICKSON, Supervisor YOGESH CHAWLA, Chair PAM PORTER, TOPF WELLS, ROB PHILLIPS, STEFANIE BROUWER, ERIC VIETH, and DAVID PFEIFFER
- Excused** 1 - Supervisor PATRICK MILES

Supervisor MILES was not present at the beginning of the meeting but was present as noted below.

Staff Present: Jeremy Balousek, Laura Hicklin, Kyle Minks, John Reimer

Others Present: Shelly Allness, Rob Davis, Eric Shasta, Robert Smith, Allan Levin, R. Carter, Dea Larsen Converse (Clean Lakes Alliance), Forbes McIntosh, Eric Katte, Jeff Spitzer-Resnick, Joanne Grassman, John Kulcyk, Jean Whitcomb, Mary Zillman, Ron Shutvet, Dick Lathrop (UW Center for Limnology), Chin Wu, Greg Fries, Renee Lauber, Grant Foster, Ed Minihan, Mike Rupiper, Si Widstrand, Dave Janda

Meeting called to order by Co-Chairs PORTER & RITT at 5 pm.

B. Consideration of Minutes

[2018
MIN-509](#)

LAKE LEVELS TASK FORCE MINUTES_3-5-19

Attachments: [2018 MIN-509_LL Task Force Minutes_3-5-19.pdf](#)
[2018 MIN-509 Registration before Co Committee_3-5-19.pdf](#)

A motion was made by WELLS, seconded by RIPP, that the minutes of March 5, 2019 be approved. The motion carried by a voice vote:12/0

MILES arrived at 5:05 pm.

Present 13 - Chair MICHELE RITT, Supervisor SHELIA STUBBS, Supervisor TANYA BUCKINGHAM, Supervisor DAVE RIPP, Supervisor CHUCK ERICKSON, Supervisor YOGESH CHAWLA, Supervisor PATRICK MILES, Chair PAM PORTER, TOPF WELLS, ROB PHILLIPS, STEFANIE BROUWER, ERIC VIETH, and DAVID PFEIFFER

The task force moved to public comment (Item "D") next.

D. Public Comment

- a. Ron Shutvet spoke in support of starting any dredging or other action downstream and encouraged any development of a whitewater course near Stoughton to start further north.*
- b. Dea Larsen Converse, representing the Clean Lakes Alliance, spoke in support of holistic watershed solutions that address both flooding and water quality.*
- c. Jeff Spitzer-Resnick encouraged continuous attention to the matter, including target dates for evaluation, and the use of creative funding mechanisms.*
- d. Dick Lathrop shared historical data showing that the lower lakes can't get rid of water regardless of how far or when Lake Mendota is drawn down in the fall and winter.*

C. Action Items

Draft Task Force Recommendations

[2018
ACT-378](#)

DRAFT LL TASK FORCE RECOMMENDATIONS_3-15-19

Attachments: [2018 ACT-378 Draft LL Task Force Recommendations 3-15-19.pdf](#)
[2018 ACT-378 Final LL Task Force Recommendations 3-18-19.pdf](#)

A motion was made by PORTER, seconded by RITT, to approve the Draft Lake Level Task Force Recommendations.

The task force discussed the draft and a series of amendments were made.

A motion was made by WELLS, seconded by CHAWLA, to amend the Public Engagement section to the following:

- County to commit to an annual status review of adopted task force recommendations as determined by County Executive, County Board Chair and County Board of Supervisors.**
- Provide quarterly updates to the Land Conservation Committee, Environment, Agriculture & Natural Resources Committee and the Lake & Watershed Commission on status of task force recommendations, current water levels, slow no wake status, aquatic plant harvesting, number of days per year each lake is within its prescribed range, status of coordination with Stoughton on the operation of their dam, and other relevant information pertaining to lake levels and flow for the Yahara Lakes.**
- Develop a protocol to inform the public when significant operating or management changes are made to the Tenney Dam and other county-owned dams along with the reasoning behind the change(s).**
- Continue to support a robust website with data and reports.**

The motion carried by a voice vote: 13/0

A motion was made by ERICKSON, seconded by RIPP, to amend the Dredging section to the following:

Short-term

•In collaboration with the DNR and other units of government, Dane County should determine which locations are of highest priority and work to obtain permitting to dredge the Yahara River as needed from Lake Mendota to the Stoughton Dam, seeking to increase flow, maintain seasonal minimums, and improve the health of the river whenever feasible.

•Develop a dredging plan that occurs in phases over several years based on multiple factors including impact on flow, permitting, and dredging logistics. The Yahara River is an important and valued resource that provides important spawning, migratory, and nursery habitat for a variety of fish and is home to a number of fish and other species on a more permanent basis and any dredging should recognize that dredging is an opportunity to improve the resource and not just a means of draining the lakes and that habitat improvements should be incorporated into plans. Downstream dredging will be prioritized where possible and within project control.

•Planning and implementation should focus on cooperation with the DNR regulators, fish biologists, and other staff to first identify and dredge those segments of the river in which dredging would be most helpful in managing flow and would be the most beneficial or least harmful to the river itself.

•DNR and Dane County should facilitate discussions with the Ho-Chunk Nation and Wisconsin Historical Society regarding the Fish Weir and corduroy bridge near Dyreson Road on the Yahara River in order to inform dredging that may take place near culturally sensitive features.

Long-term

•Establish and fund an ongoing maintenance dredging schedule as necessary to maintain flow capacity in collaboration with the DNR and other units of government.

The motion carried by a voice vote: 13/0

A motion was made by MILES, seconded by STUBBS, to amend the Dam Management section to the following:

- Operations should continue to be coordinated between DNR, Dane County (owner of the Tenney, Babcock, and LaFollette dams), and the City of Stoughton (owner of the Stoughton Dam).
- Collaborate with the City of Stoughton as they assess sediment accumulation near their structure and as they explore options for modifying or removing the dam to accommodate increased recreational access to the river.
- Ensure the integrity of Tenney Dam and embankment through improvements that make it capable of holding water to the 100-year water level (1% annual chance of flooding) on Lake Mendota.
- Implementation of water level/flow monitoring at the LaFollette Dam.

The motion carried by a voice vote: 13/0

A motion was made by RIPP, seconded by BROUWER, to amend the Pumping section to the following:

- Proceed with a feasibility study to evaluate the hydraulic and environmental impacts of pumping water from Lake Waubesa.
 - o Reject routes that would negatively impact the Waubesa Wetlands, fish habitats, and environmentally and economically significant conservation easements.
 - o Reject planning that would significantly increase flooding problems experienced by residents and agricultural producers in the Badfish Creek watershed.
 - o Examine whether it is feasible to share existing infrastructure.

The motion carried by a voice vote: 13/0

A motion was made by BROUWER, seconded by PFEIFFER, to amend the Aquatic Plant Harvesting section to the following:

Short-term

- Dane County should continue early, vigilant, and ecologically-sound mechanical aquatic plant harvesting in compliance with DNR permits to ensure that water flows through the Yahara Chain of Lakes.
- Incorporate aquatic plant harvesting south of the LaFollette Dam into the aquatic plant management plan and DNR permit, rather than relying on an emergency permit.

Long-term

- Continue with mechanical aquatic plant harvesting as needed.

The motion carried by a voice vote: 13/0

A motion was made by CHAWLA, seconded by ERICKSON, to amend Lake Levels short-term to the following:

- Dane County will continue to implement any tools that may be available to lower lake levels to DNR designated seasonal minimum levels as soon as possible and work to maintain lakes at that level. This directive will be implemented where possible and to the extent that managing any given lake will not create flooding on other lakes or other unintended consequences.

- o Land Conservation Committee; Environment, Agriculture & Natural Resources Committee; and the Lakes & Watershed Commission shall review this directive on an annual basis and make a recommendation to the County Board.

The motion carried by a voice vote: 13/0

A motion was made by RIPP, seconded by BROUWER, to amend Lake Levels long-term to the following:

- Re-evaluate lake levels after new data is available from mitigation actions.

- After new data is available from mitigation actions, if warranted, request DNR review 1979 lake levels in the context of climate change and greater rain events.

- Continue to evaluate lake levels and modeling of watershed hydraulics to measure results of mitigation actions and to identify future improvements if necessary.

The motion carried by a voice vote: 13/0

A motion was made by BUCKINGHAM, seconded by BROUWER, to amend Lake Level Management Guide short-term to the following:

- Update the Lake Level Management Guide for the Yahara Chain of Lakes.

- o Address reinforcement of the Tenney Dam, which allows for management at higher water levels.

- o Incorporate the recommendations for the 7/12/12 peer review as applicable.

- o Eliminate any confusion in the guide that flood protection may not take priority over other factors.

The motion carried by a voice vote: 13/0

A motion was made by MILES, seconded by CHAWLA, to delete the Lake Level Management Guide long-term recommendation.

The motion carried by a voice vote: 13/0

A motion was made by WELLS, seconded by MILES, to amend Stormwater and Infiltration and Other Recommendations to the following:

Short-term

The Task Force encourages policy makers to strengthen stormwater and infiltration practices including but not limited to the following:

- Move quickly to implement the recommendations in the Stormwater Technical Advisory Committee (TAC) Report.

- In 2019, fund a consultant to work with the CARPC and Lakes & Watershed Commission work group to implement the recommendation of the TAC Report to develop a detailed framework for a stormwater credit trading system.

- Work with County Board designee or County Lobbyist and WCA to provide flooding at-risk municipalities an exemption to current law that restricts implementation of stormwater retention practices in excess of state standards.

- Dane County and municipalities should prioritize wetland and land purchases to improve storm water infiltration.
 - o Promote programs for landowners to protect property and install practices (e.g. wetland reserve program).
 - o Evaluate the feasibility of implementing stormwater practices on acquired properties.
 - o Work with the Nature Conservancy to use their web-based wetlands and watershed explorer tool to identify and acquire wetland sites to be protected or restored.

- Implementation of stringent policy regarding land use planning and future development to prevent increased runoff rate and runoff volume in the watershed.

- Model and evaluate infiltration practices (wetlands, permeable pavement, rain barrels, rain gardens, etc.) to reduce runoff in the watershed.

- Develop a watershed-wide approach with purchase and restoration of new and historic wetlands; protection of agricultural lands and buffer strips along creeks and rivers; increased infiltration in urban areas with rain gardens, green rooftops, and grassy swales; purchase in fee or easement areas suited for underground infiltration basins.

- Pursue the restoration of wetlands throughout the Yahara River sub-watersheds but especially in the Upper Mendota watershed.

- Continue to study and implement practices designed to restore historic wetlands in Cherokee Marsh.

- Explore purchase and strategic use of Water Infiltrable Property Protection devices. Review the Town of Westport's use of Water Infiltrable Property Protection devices during the 2018 flood.

Long-term

- Evaluate funding mechanisms to share the responsibility and costs as a community.
 - o Possibly special assessments are needed to provide additional funding for dredging and other flood mitigation projects.
 - o Possibly a fee on property sales.

The motion carried by a voice vote: 13/0

A vote was taken on the original motion as a amended.

The motion carried by a voice vote:13/0

D. Public Comment

Task Force continued with Public Comment:

- a. Robert Smith asked if there has been or should be an inventory and evaluation of existing tools to reduce flooding and to ensure that the most state-of-the-art tools are made available to implement task force recommendations.
- b. Eric Shasta encouraged the task force to give staff flexibility to manage lake levels and to remain cognizant of reduced flexibility and drawbacks associated with managing at the lower end of the range.

E. Presentations - None

F. Reports to Committee - None

G. Announcements

none

H. Future Meeting Items and Dates

Having concluded their business, the Task Force agreed by verbal consensus not to hold a meeting on April 1st.

I. Such Other Business as Allowed by Law

none

J. Adjourn

A motion was made by WELLS, seconded by MILES, that the meeting be adjourned. The motion carried by a voice vote: 13/0

Meeting adjourned at 7:38 pm

Respectfully submitted by Laura Hicklin. Minutes are subject to committee approval.