

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Dean Falkner (Village of Mukwonago)
Robert Bartholomew (Town of Vernon)
Barb Holtz (Town of Mukwonago)
Randy Craig (Town of Vernon)
Ken Miller (Town of Waukesha)
Chad Sampson (Racine County)
Michelle Scott (Wisconsin DNR)
Tom Slawski (SEWRPC)
Mary Pindel (Town of Waterford – Alternate)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Francis Stadler (Village of Big Bend)
Doug Koehler (City of Waukesha)
Alan Barrows (Waukesha County)
Shelley Tessmer (Town of Waterford)
Jim Ritchie (Wisconsin DNR)
Randy Meier (Town of Waterford)
Ron Peterson (Village of Big Bend)

Also present: Michael Schwar a resident of the Town of Vernon, Barb Messick of the Village of Waterford, Dan Treloar of Kenosha County, Max Perrault of Racine County and Jeff Lang of the Town of Burlington.

At 1:03 PM, Chairman Al Sikora called the SEWFRC meeting to order. The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the July 10, 2015 meeting were reviewed. It was motioned by Bob Bartholomew that the minutes be approved and the motion was seconded by Chad Sampson. The minutes were approved unanimously.

Treasurer Reports – The Treasurer’s Reports for July 2015 was reviewed. In summary we started July with \$98,795.73 in our money market account. We made a deposit of \$22,271.40 from the WDNR which is the final payment from ENUM-18. We received an interest payment of \$19.83 leaving us with a final balance of \$121,086.96 at the end of July. The undedicated grant funds left in ENUM-19 amounts to \$46,182.29. However Chad Sampson pointed out that the project cost for the STH 164 ravine repair had not been updated from \$10,000 to \$22,400 as was approved a couple meetings ago. It was motioned by Ken Miller that the treasurer’s report be accepted with the correction noted by Chad Sampson and it was seconded by Randy Craig. The motion carried unanimously. Jim Pindel pointed out that he sent a scanned copy of the Financial Assistance Application to Jim Ritchie today, which is the first step in getting our new ENUM grant. Later it was noted by Tom Slawski that the 2016 Fox River Summit was

not listed as an Active Project needing completion. With these two corrections/additions the grant funds available from ENUM-19 goes down to \$28,282.29.

Old Business

- a) Fox River Partnership Summit: Tom Slawski said that there was not much to report at this time. He is looking for speakers and topics for the summit and asked for input or suggestions from the commission. No one had any input for Tom.
- b) Mukwonago River shoreline restoration at WE Energies Site. Alan Barrows was not present and Dean Falkner who said he would attend was not present at this time. When Dean showed up a little later, we forgot to revisit this item.
- c) Big Bend Boat/canoe launch retaining wall fence & vegetation – Francis Stadler was not present. Mary Pindel stated that in a phone conversation with Francis, he told her that he would be at this meeting, which obviously didn't happen. But he did say that the meeting with Alan Barrows concerning alternate solutions didn't occur. So at this point Francis was considering looking to other contractors to do the work.
- d) Wood Drive Erosion Control Project – Chad Sampson reported on this project and the Malchine Farm project together. The construction plan is complete and he has it out to a number of contractors for bids. He has not received any bids at this time. Chad mentioned that before the meeting Jim Pindel told him that he saw a backhoe or some other construction equipment at the site. So Chad said he will stop by the site on his way home after the meeting to see what might have happened. Chad said that once he gets the bids progress should go very fast and he hoped that the projects would be under construction before our next meeting.
- e) Malchine Farm field Erosion Control – This project report was made in conjunction with the previous report in (d) above.
- f) Highway 164 Ravine repair Project: - Chad Sampson said he has a contractor ready to go. He said he applied for permits from the WDNR about a month ago and asked Michelle Scott if she knew anything about the applications. He said the WDNR has 30 days within which to respond and the deadline must be close. The names on the applications are Terry Betz and the second is under the name of Shirley Schmidt or under the her daughter Valarie (last name unknown). Michelle asked Chad to email her with the names and said she would look into it. Chad said he expected this project to be underway before our next meeting.
- g) Waterford Impoundment ESR Project Dredging Permit: - No one from the WWMD was present and so Jim Pindel reported that he knew that the WWMD was having a meeting next Monday to discuss the piping route from the river to Super Mixes gravel pit. They would also discuss the easements that would be necessary for the piping along the way. Jim said that most of the piping would

run on Town and Village right of ways and also involved some private individuals. Jim also said that the WWMD was trying to meet with Jack Pease of Super Mix to finalize their agreement. Michelle Scott added that she knew that Brian Schneider of Graef contacted Elaine Johnson last week concerning whether the WWMD had to have all the easements in place before they submitted the permit application. Michelle said that they can move ahead if they have the majority of the easements in place, but at this time they don't have any easements in place. She said that she was happy to hear they are meeting next Monday on this topic so that the permit process can move forward. Michelle said that she thought that they had 8 or 9 easements to get in place.

- h) Schuetze Playground Storm Water Abatement: - David Burch was not present but Jim Pindel stated that just before this meeting he received an email report from David Burch which stated that the project play area site is under construction with preliminary layout, concrete/trike path perimeter walk completed. The new play equipment is scheduled for a "community build" installation on August 27-28, 2015. The current play ground is remaining until the new play equipment and resilient surfacing is installed; the existing play equipment and surfacing will then be removed to make way for the rain garden and storm water treatments. The rain garden design is in the process of being finalized, along with the proposed deck/interpretive signage. This work will be scheduled for this fall or next spring. The Park Foundation of Waukesha, Inc. has requested a cash advance of 50% of the \$25,000 we agreed to provide. Jim Pindel noted that we had agreed as a group that we would provide but hopefully limit cash advances to 50% of a projects cost. It was motioned by Bob Bartholomew and seconded by Ken Miller that we provide the cash advance. The final item in the report from David Burch asked if we would consider funding an additional \$10,000 to accommodate the expected costs related to the overlook deck and interpretive signage. During the discussion that ensued we recalled that we had stated that our grant funds had to be used for erosion control and storm water abatement issues. We believed that we discussed the overlook deck and felt it was not suitable for grant funds. Depending on what the signage involved, if it was educational material about the Fox River or environmental issues we might be able to help, but if it was simple signage we would not be able to help. Jim Pindel said he would forward David's email to Jim Ritchie and ask for his determination on this issue.

New Business

- a) Consideration of expanding the Commission's jurisdiction south to the Illinois border Jim Pindel said that he put together an email to all of the contact people with whom we have MoU's to join the commission. The email pointed out where we are and had an attachment of the letter that was sent to Senator Mary Lazich explaining what we are trying to do. The letter included all the points that we are requesting to have changed in the state statutes that define our commission. The email suggested that potential new members attend one of our meetings to see what we do and how we operate. To that end, Jim pointed out that Jeff Lang of

the Town of Burlington was present as a visitor. Jim also said that we received an email response from the Town of Wheatland stating that our email was distributed among their board members. Jim also said that he added the contact email addresses to the list of people we carbon copy (cc:) in the invitation to our meetings. The invitation includes our agenda, treasurer's report and last meeting minutes. Tom Slawski asked if we had any response from Senator Lazich concerning our request for expansion. Jim said we had not and that he will ask again for her help in a separate letter.

- b) Consideration of how we operate with a larger membership base: This item was covered in item (b) above.
- c) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan – Tom Slawski passed around copies of a map of all the Huc-12 areas within our watershed, it is the same as the last map he passed around at our last meeting with the addition of highlighting the main stem of the Fox River as requested by Francis Stadler. Jim Pindel pointed out that right after our last meeting Michelle Scott had emailed Andrew Craig and Benjamin Benninghoff asking if either of them could make a presentation to explain what is involved in getting a 9-Key Elements Plan together and why we should do it. Michelle said that their schedules are pretty full and it would help if we could give them more advance notice, like when our next few meetings would be held. We said we would schedule at least our next two meetings, so we can give as much advance notice as possible. Tom said that the map was available in .pdf format and he would send it to Al Sikora so it could be included on our website. The question came up about where we should start and the conclusion was that we need more information and possibly the advice of an expert like Andrew Craig or Benjamin Benninghoff to get us going in the right direction. Dean Falkner asked if a good starting point would be to get the WDNR to establish TMDL's (Total Maximum Daily Loads) for the Fox River. After some discussion it was unclear whether this could be done. Tom Slawski pointed out that the city of Oconomowoc had TMDL's defined for their watershed because they decided to use adaptive management practices to meet their discharge permit requirements. Because they have adopted the adaptive management approach they are working with the entire watershed toward attaining reductions in phosphorus and other pollutant loads. To this end they are partnering with lake districts and the counties. They have established water quality monitoring stations all over the Oconomowoc River and its tributaries to measure the current condition and measure any improvements. It is a possibility that the same scenario could work on the Fox River. Barb Holtz asked if the eastern border of our watershed on the map was the sub-continental divide and Tom said it was the break between the Lake Michigan and Mississippi River watersheds.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois –Tom Slawski said that he had nothing new to report.

- b) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Pindel pointed out that he had sent an email to all the commissioners with an attached copy of the preliminary draft copy of a letter to be sent to the WDNR opposing the diversion. Jim asked those present if anyone had any additions, corrections or suggestions. Jim passed out printed copies of the letter for anyone who was not familiar with it. Dean Falkner pointed out that if Waukesha stopped discharging their treated waste water into the Fox River it would upset the pollutant discharge allowances of everyone downstream of Waukesha. Dean said that the water from Waukesha is diluted by the village of Mukwonago's discharge when the Mukwonago River mixes with the Fox River at their confluence. As a result the village's discharge limit of phosphorus is higher than it would be if there was no discharge from Waukesha's treatment plant. Subsequently without Waukesha's treated water discharge the village might see its limit on phosphorus tightened up. This likely would affect other municipalities the same way. Although it was hard to understand, Dean pointed out that because of the way the water quality is calculated, if Waukesha stopped discharging into the Fox River then the village and other municipalities might see an increase of their allowable phosphorus discharge. Dean finished by saying that losing the discharge from Waukesha's treatment plant has much more far reaching affects than just the loss of recreational use of the river and effects on the wildlife it also will affect all the pollution discharge limits and permits downstream of the city. Jim Pindel said that a portion of the letter addresses this same idea. It says in effect that we support the Great Lakes Compact but don't agree with the fact that it should cause consequential damage to other watersheds like ours. Barb Holtz asked if the city of Waukesha will stop pumping water from the shallow and deep aquifer wells once they get Lake Michigan water. She was concerned that the city said it will blend its Lake Michigan return water with water from the Mississippi watershed which could further reduce the flow in the Fox River. Dean Falkner said that infiltration into the storm sewer could be a significant amount of water which could make up the difference. Dean said that if a really sever storm event occurs the villages discharge can increase by as much as 50% and the storm sewers in Waukesha are much older and probably more susepetical to storm water infiltration. When Barb Holtz asked again if the city was going to discontinue pumping Tom Slawski said that he thought they would stop pumping from the deep aquifer wells but would continue to pump from some of the shallow wells. Barb said that if that were the case then the city would then be taking water that potentially would have added flow to the Fox River. So the diversion would have a double negative effect on the Fox River with the city not adding water to the river and then taking water away that would have gone to the Fox. Bob Bartholomew and Ken Miller said that in the previous day's Waukesha Freeman there was an article listing many state legislators who support the

divergence. Among those listed was Senator Mary Lazich. We have to wonder what information they were given and if they were aware of the consequential damages it would cause. Bob wondered if our opposition to the divergence could affect our future funding if we are opposing what our legislators are supporting. Our conclusion in effect is that our first and foremost obligation is to meet the mandates of the state statutes that define us and tell us what to do. As long as we are doing this we should be okay. Michael Schwar pointed out that in the EIS the return flow was intended to come from the Lake Michigan water with the addition of storm water flows to make up the additional 10% return flow. However that 10% storm water flow presently goes to the Fox River. Barb Holtz pointed out that there are presently 40 municipalities in the state of Wisconsin that are successfully removing radium from their water supply. Jim Pindel pointed out that their neighbor New Berlin is removing radium from its water supply. Jim continued by saying that Waukesha has 3 deep aquifer wells and that one of them already has been implemented with radium removal technology. The solution for the radium problem that is proposed by the Compact Implementation Coalition (CIC) is simply to equip the two wells that have high radium content with the radium removal technology at a cost of about \$150,000,000 less than the diversion. Chad Sampson that a release from the League of Conservation Voters opposes the divergence and listed three reasons for their opposition. One of the reasons being that the cost of removing the radium from the existing wells was about half of the cost of implementing the diversion. Jim Pindel told those who were not present at the last meeting that Laurie Longtine made an excellent presentation on why the diversion should not happen and that discussion is listed in the meeting minutes. Dean Falkner made the observation that more emphasis on ground water recharge could help a lot. Dean gave the example of two ponds in Mukwonago, one being a retention pond and the other an infiltration pond with the infiltration pond going dry at times and creating habitat for wildlife. Dan Treloar pointed out that in Kenosha County new ponds are required to be infiltration ponds and retention ponds are only allowed where infiltration is not practical. It was motioned by Dean Falkner and seconded by Ken Miller that we accept the letter and send it to the WDNR as comment on Waukesha's divergence. The motion passed unanimously. Barb Holtz pointed out one typo that Jim Pindel said he would fix.

Barb Holtz then said that she was asked by Laurie Longtine to ask the commissioners to attend one of the three public hearings on the diversion. The first one is being held on Monday August 17 at 5:30 PM, with the first hour being a presentation by the WDNR and the second hour for public comment. The other two hearings are on Tuesday August 18 the first in Milwaukee and the second in Racine. Several commissioners said they would be in attendance. There was some confusion as to the exact location of the public hearing in Waukesha; it is NOT ON THE MAIN CAMPUS but at the Carroll University Center for Graduate Studies Auditorium at 2140 Davidson Road, Waukesha WI. Barb also advised the commission that the CIC is hosting a pre-hearing gathering from 3:30 PM to 4:30 PM with food on the Carroll University main campus to encourage

attendance. You must go to the CIC's website to sign up for this event.

- c) Progress toward designation as a "National Water Trail" – Village of Waterford. Barbara Messick of the Village was present and started by saying that they have submitted their application for technical assistance. Barbara said that they received letters of support from the Racine County Executive, the director of Public Works for Racine County, the Racine County Economic Development Corporation, the Racine Visitors and Convention Bureau, the City of Waukesha, Waukesha County and the SEWFRC. They expect to find out in October if they are getting the grant for technical assistance from the Rivers, Trails and Conservation Assistance Program. The Racine County Executive will work with Kenosha and Waukesha Counties to approach SEWRPC to get their assistance with mapping along the water trail.

On a separate topic, Barbara wanted to make us aware of a request for a permanent annual winter drawdown at the Rochester dam by the Racine County Drainage District. The Drainage District contends that the drawdown is necessary to prevent erosion in their canals. An opposition group has requested the Villages of Waterford and Rochester to stand in opposition to the drawdowns. They have met in Madison with WDNR Secretary Kathy Stepp and all the legislators of the Waterford and Rochester areas. As a result of these discussions, Kathy Stepp recommended that the Villages issue a MoU rather than a resolution opposing the drawdowns. This would allow the WDNR more latitude in coming up with a solution. Barbara said that they are looking for some measurements to give them data to validate the contentions of the opposition group. They had a meeting with the WDNR on July 30th and Agency administrator of the Water Division will draft the MoU for them. The next meeting on this topic will be held sometime in September. Barbara said she will keep us posted on the issue. The village is concerned that with all the work and money going into new launches and the effort toward a National Water Trail a drawdown of about ½ of the year would render the river unavailable for kayaking. The opposition group is mostly concerned about the effects on the fishery.

- d) SEWFRC Website – Al Sikora said that he had no updates except to say that it is up to date.

Correspondence –

- a. 7/12/15 Mark your calendars notification to all.
- b. 7/15/15 Email from Laurie Longtine with attachment of letter from Jeff Thornton opposing the Waukesha diversion
- c. 7/16/15 Email in response to Laurie Longtine stating we don't need a formal presentation about the Waukesha diversion
- d. 7/16/15 Email from Jim Pindel with the schedule for the meetings about the Waukesha diversion.
- e. 7/22/15 Email with attachment with Letter of Support for the Fox River Water Trail.

- f. 7/23/15 Email with attachment from Jim Pindel of letter to WDNR opposing the City of Waukesha diversion of Lake Michigan water.
- g. 7/23/15 Email from Jim Pindel with bullet points for sending letters or making comments against the City of Waukesha's request for Lake Michigan water.
- h. 7/24/15 Email reminder sent to Racine County Executive
- i. 8/1/15 Forward of email from WWMD concerning Waukesha's request for Lake Michigan water.
- j. 8/1/15 Forward of email from Laurie Longtine about UWMU comments about the consequences for the downstream communities if the Waukesha diversion happens.
8/1/15 Email from Tom Slawski stating here is a great opportunity to help sample, see, and touch the incredible number and diversity of species on the Mukwonago River.
- k. 8/1/15 Copy of email sent to all the prospective new members of the commission with an update of what is happening.

Miscellaneous Issues –

Chad Sampson said that the Southeast Area Land & Water Conservation Association is hosting a Summer Tour on September 9, 2015. Unfortunately the tour is concentrated on the eastern half of the county. Chad wanted to extend an invitation to the commission. The cost is \$30. Per participant which includes lunch and the bus tour. The tour starts with a tour of the Case CNH facility and then goes on to more environmental issues. The deadline for registration is September 2, 2015. Dan Treloar pointed out that this is the annual tour for southeastern Wisconsin and it happens that Racine County is in charge of it this year. Officials of both Racine and Kenosha counties will be in attendance giving us an opportunity for some networking.

It was motioned by Bob Bartholomew and seconded by Ken Miller to close the meeting and the motion passed unanimously.

Meeting Closed at 2:17 PM

THE NEXT OFFICIAL MEETING WILL BE Friday, September 11, 2015 at 1:00 PM. (Meeting Location: Town of Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend, WI 53103.)

THE FOLLOWING NEXT OFFICIAL MEETING WILL BE Friday, October 23, 2015 at 1:00 PM. (Meeting Location: Town of Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend, WI 53103.)