

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Barb Holtz (Town of Mukwonago) (Vice-Chairperson)
Robert Bartholomew (Town of Vernon)
Randy Craig (Town of Vernon)
Ken Miller (Town of Waukesha)
Chad Sampson (Racine County)
Francis Stadler (Village of Big Bend)
Doug Koehler (City of Waukesha)
Alan Barrows (Waukesha County)
Michelle Scott (Wisconsin DNR)
Jim Ritchie (Wisconsin DNR)
Tom Slawski (SEWRPC)
Mary Pindel (Town of Waterford – Alternate)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Randy Meier (Town of Waterford)
Dean Falkner (Village of Mukwonago)
Shelley Tessmer (Town of Waterford)
Ron Peterson (Village of Big Bend)

Also present: Barb Messick of the Village of Waterford, Dan Treloar of Kenosha County, Mike Hahn of SEWRPC, Don Baron and Dick Kosut of the WWMD 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 August 14, 2015 meeting were reviewed. It was motioned by Bob Bartholomew that the minutes be approved and the motion was seconded by Randy Craig. The minutes were approved unanimously.

Treasurer Reports – The Treasurer’s Reports for August 2015 was reviewed. In summary we started the month with \$121,086.96 in our money market account. We received an interest payment of \$20.57 leaving us with a final balance of \$121,107.53 at the end of August. The undedicated grant funds left in ENUM-19 amounts to \$28,282.29. It was motioned by Doug Koehler that the treasurer’s report be accepted and it was seconded by Francis Stadler. The motion carried unanimously.

At this point we jumped ahead in the agenda to New Business item c, and then returned to this point in the agenda.

Old Business

- a) Fox River Partnership Summit: Tom Slawski said that he has reserved the room at the Veterans Terrace for Friday 3/18/16. Tom said that following up on Andrew Craig's presentation, it might be a good topic for a session at the summit. Jim Pindel added that maybe it could focus on the staggered approach to getting a complete watershed plan completed.
- b) Mukwonago River shoreline restoration at WE Energies Site. Alan Barrows said that he believed that Dean Falkner left all of his contact information at the Village when he retired and so he contacted Alan who then sent all the information to Dean. Dean said that he intends to call people and knock on doors to try to get things moving. Alan said that Dean had not gotten back to him and so he had nothing further to report.
- c) Big Bend Boat/canoe launch retaining wall fence & vegetation – Francis Stadler said that he talked to Ron Peterson who said he would try to contact his son who is up north to see what is going on. Francis said that he talked to Jim Pindel before the meeting and he suggested that Francis contact a nursery like Garden Mart in Mukwonago to have them install some prickly bushes between the fence and the edge of the brick wall to prevent people from walking there. As an alternate Jim recommended getting someone to quote on installing a chain link fence right at the edge of the wall (drop off), which would be a safer solution and would eliminate the need for bushes. Francis said he expects to not go over budget.
- d) Wood Drive Erosion Control Project – Chad Sampson reported on this project and the Malchine Farm project together. He said he is a little frustrated because he has not received any bids to do the work. Chad said all the contractors seem to be very busy trying to get work done this year. The contractor he expected to do the work told him he did not bid because he knew he could not get to it this year. A second contractor was concerned about the large tile that had to be replaced and Chad thought his price would be too high because of that fact. Chad said that right along he felt confident that these projects would get finished this year but now he is not so sure. Chad said he would contact some other contractors, possibly in adjoining counties.
- 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 was not sure if the contractor started working. Don Baron said that when Dick Kosut picked him up to come to the meeting they saw the contractor using moving equipment to move some of the rocks around. Chad said that he received the permit from the WDNR earlier this week and that he would stop at the site on his way home from the meeting to check on progress.

- g) Waterford Impoundment ESR Project Dredging Permit: - Don Baron reported that Paul Kling and Dick Kosut have been going out contacting people to get letters of agreement or commitment. Dick Kosut said that they needed six agreements and at this point they have four of them. They are the golf course the property before the golf course, the village of Waterford and the Town of Waterford planning committee. The proposal will go before the Waterford Town Board at next week's meeting for approval. There are still two farmers where easements are needed. Don pointed out that if they cannot get agreement from either of the farmers, there are two alternate routes that they can use. The two alternate routes are a little longer and they would prefer to use the shortest route. Don said that Elaine Johnson of the WDNR told him that once they have the final two agreements signed, they can submit their permit application. Don said they expect to get the permit in October.
- Don then said that the WWMD had received a proposal from Graef Engineering for addendum 2 to phase 4 of the project. This addendum covers some additional engineering on the Super Mix site (the dewatering site) and along the pipe routes. Additionally it covers the cost of Graef preparing the letters of agreement for the different parties involved. The cost of the addendum is \$22,000 and the WWMD is requesting a 90% cost share from the commission. This would amount to \$19,800. Barb Holtz stated that when we agreed to pay 90% of addendum 1 to phase 4 we were told that this was to finish up the project and now the WWMD is coming back again to get funds to finish up the project. It was explained that as the overall project progressed new concerns needed to be addressed and some of them required additional engineering and other actions by the engineering firm. Jim Ritchie added that on a large and complex project like this one as the information comes into the WDNR it often results in requests for additional information. Michelle Scott said that as this project progress the disposal sites changed many times requiring new engineering and consequently new costs. It was motioned by Mary Pindel to approve the additional cost for addendum 2 and the motion after the discussion regarding why a second addendum was needed was made by Barb Holtz. The motion passed unanimously.
- h) Schuetze Playground Storm Water Abatement: - David Burch was not present and Doug Koehler said that he knew that work had begun on the project. Jim Pindel stated that he made a report from an email by David Burch at the last meeting which pointed out that some of the work had already been completed. Jim then went on to explain that at the last meeting when we voted to pay a 50% cash advance, he erroneously implied that it was 50% of \$12,500 and in fact David was requesting 50% of the entire \$25,000 project cost which is \$12,500. Jim said that we sent a check for \$12,500 to David Burch.

New Business

- a) Consideration of expanding the Commission's jurisdiction south to the Illinois border. Tom Slawski said he had nothing to report. Al Sikora said that since the 9-key element plan and our expansion plan were both intended to get to federal

grant funds, maybe we should intertwine them possibly at the next Summit. It certainly would be a point of interest for any of the expansion communities who attend the summit. Jim Pindel added that he had been contacted by email by Tricia Sieg of Senator Lazich's office pertaining to the changes we requested to the state statutes regarding our commission. These emails also went to Elizabeth Shea who is doing the actual writing of the statutes. The information provided by Jim Pindel included the new definition of our southern border "the Wisconsin Illinois border", a list of the current and future member municipalities and counties and a concession on the definition of quorum which now will state "a majority of voting members".

- 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 – In order to allow Andrew Craig to leave early to return to Madison, this item was moved up in the agenda just before Old Business. Andrew Craig of the WDNR, who is the state's Non-point Source Planning Coordinator, made a presentation to the commission which identified what the 9 key elements are and possible different ways to approach starting and funding a plan. Andrew pointed out that he made this presentation at the 2015 Fox River Summit in cooperation with the state of Illinois and a member from the EPA. Andrew said he knew that we were concerned that we might have to do the entire watershed at one time and he addressed this point by saying it is very flexible. You can start large or small and append additional areas as you go along. The larger the plan the more complicated it gets. Andrew said that you can do a staggered plan where you do some small portion of a watershed and then repeat that same process in different areas of the watershed as you go along to finish the entire watershed. Andrew then showed us a paper copy of the huc-12 map of our watershed observing that this is a very large area watershed. Andrew said that the staggered approach might be the way to go, we could identify some small area and develop a plan for it and then repeat the process for other areas within the watershed. Francis Stadler asked if it was better to start at the top or bottom of a watershed. Andrew said that with the staggered approach it didn't matter, but there is some logic to starting at the top since as you expand everything above you is already done. It would also make sense to attack the areas where the water quality was poorest first so you get more bang for your buck. Wisconsin has always been big on watershed planning and now that we know more about the water quality of different waterways we are looking to improve these plans along the way of 9-key elements planning. We have established Total Maximum Daily Limits (TMDL) for many waterways which makes it easier to decide which ones need to be addressed first. The EPA said that if you are going to define watershed plans to protect or restore watersheds that are impaired then use of the 9-key elements are a great outline to follow. Barb Holtz asked how many 9-Key elements plans are in existence in Wisconsin and how do we stack up against other states. Andrew

said that as of now Wisconsin has about 30 plans in place and he expects that this winter he will get about 6 to 12 more plans to evaluate. He later showed a map on the WDNR's website that showed where the plans existed and provided the ability to drill down and see the plans themselves. Andrew then brought up the WDNR's website and said this is the best landing site for learning about the 9-key element plans. He told us to simply go to the WDNR website and in the search box look for 9 key elements and it will take you to the starting point. There are tabs for overview, maps and plans. The overview explains the 9-key elements plan and what you have to do to make one. The map tab shows where the areas in the state have plans in place or where they have plans that are about to expire. The plans tab has examples of plans that have already been approved. On the map page just clicking on an area automatically drilled down to the plan for that area. Andrew pointed out those areas that had plans in place were color coded indicating when the plan for that area might expire. Watershed plans typically last for 10 years, which is reasonable since land use can change over time from farmland to residential to industrial; so the plan has to change to reflect the present condition of the landscape. Watershed plans also include a 10 year maintenance plan which when expired need to be revisited. Andrew pointed out that we need to examine what plans are already in place and build on them instead of starting from scratch. Tom Slawski observed a link to available funding and asked Andrew to elaborate. Andrew pointed out the link in the WDNR website that referenced the different assistance funding programs that are available. He pointed out that most of the funding is available for implementation of the plan not the development. However some of the grants can be used to develop the plan. Andrew said that the cost of developing a plan would generally vary between \$15,000 and \$50,000 each. As pointed out later this varies greatly upon the size of the plan with the Root River plan costing hundreds of thousands of dollars. Andrew went on to say that the more expensive part of the plan is the implementation phase where they are federal and state grants available. The largest one available is the federal section 319 clean water fund grants. The state of Wisconsin receives \$4,000,000 a year in this program and 50% of it is spent on staffing people in the WDNR who support implementation and development of the plans and the other 50% is spent assisting the implementation of existing plans. The funding for staff requires that the staff work exclusively in implementing and developing 9-key elements plans. Francis Stadler asked if we complete a 9-key elements plan for our watershed how eligible would we be for grant funds. Andrew explained that having a 9-key elements plan in place would work in our favor. However there is a prioritization in place and a set of criteria for ranking projects, similar to our criteria for accepting a project for grant funds, which is used to decide where the available money is spent. Jeff Lang asked about the ranking of projects and Andrew pointed out some of the criteria he could think of off the top of his head. Andrew said the rankings have to do with the degree of water impairments, if they are in a TMDL area, if there are existing plans in place to address the water quality issues, how much consensus exists from constituents supporting the project and finally how effective will the project be in restoring or protecting the impaired waters. Andrew said that in this last grant application period they had two large scale

applications come in, one was in a non-TMDL area and the other was in a TMDL area where they were looking for \$1,000,000 for alum treatment to reduce phosphorus in a lake to prevent the phosphorus to be redistributed as the water column turned over. The WDNR provided a partial grant amount for the treatment. Francis Stadler asked if you needed to have matching funds and Andrew said you didn't but having matching funds would work in your favor. Andrew pointed out that the 9-key plans are a framework for coordinating existing plans and activities such as county land water management plans. In 2014 the requirement for county land water plans was changed and most counties must rewrite their plans. They have two options the first being to develop a separate 9-key elements plan and refer to it in their land water plan or to completely rewrite their land water plan implementing the requirements of a 9-key elements plan. Andrew brought up a new tool on the WDNR website called healthy watershed assessment tool. It would be a good place for us to start and identify where we have the greatest need. Andrew said that is also a UW guide for watershed planning.

Andrew then explained the 9 key elements themselves. The first one addresses what are the causes and sources of pollution. The second and third go together going to what kind of load reductions can you achieve through management practices you can identify. Estimations and calculations are required to complete these steps. Generally you have to pick a suite of practices you will employ and estimate the average or resultant reductions that would result. There are modeling tools available to assist in this process. Andrew pointed out that elements 2 & 3 are the trickiest ones to complete. Element 4 gets into how much will it cost and how much staff will be required to implement the plan. What authorities will be needed like local ordinances or implementing state performance standards. Element 5 is important and focuses on education and information making sure everyone knows what the plan is and are working on the same page. This plan element requires getting buy in from all the constituents to make sure the plan gets implemented. Elements 6 & 7 are similar to the county land water management plans. They set down a time schedule usually on a 10 year time frame and then you set down milestones of what you want to achieve at different points along the time schedule. For example, in the first two years you do not know where you want to monitor water quality but you could set a milestone to determine where you will monitor sometime in the first two years. Elements 8 & 9 address how do you evaluate the plan. Element 8 is really important it looks at the milestones to check that you are accomplishing what you planned to do. If after a period of time you are not completing the work required by that milestone time you have to re-evaluate whether you have to go back and redevelop the plan to something that will work. Element 9 is a monitoring component which monitors both water quality and whether you are meeting the milestones for the overall plan. Element 9 is often reserved for the last three or four years of the plan.

Chad Sampson asked of dredging silt like from the Waterford impoundment would be an eligible practice for removing contaminants or nutrients from a waterway. Andrew said that if the silt behind the dam were a cause or source of

degradation of the water system then removal of the silt might qualify as an acceptable mediation process. Andrew pointed out that you have to be comprehensive and address the causes of the silt in the first place so that the fix is only short term. The discussion on the sources of the silt in the Waterford impoundment and what could or has been done would have and could have gone on for hours, so it was cut off to keep on agenda.

Andrew put up a map of the Rock River watershed which was broken down into small sections called reaches. Each specific reach has a numeric target for phosphorus and sediment reduction. Some reaches have large loading number basins and some are relatively small. Andrew used this example as something we might try by modeling our watershed and determining what needs the most work and where to get started. This again leads back to the staggered approach to completing the entire watershed plan. Ken Miller asked where the money comes from the pay for a plan development. Andrew explained that there are some grant funds available as shown on the WDNR website to help pay for the development. Andrew also said that leveraging existing plans can help reduce the cost and his help would be available to get us through some of the more difficult phases. Later when Ken asked this same question of the commission, Jim Pindel explained that if the area we wanted to develop a 9-key elements plan for was completely within our area of jurisdiction we could use our grant funds to pay for the engineering and fees involved and if necessary we could use some of our non-grant funds. Jim Pindel pointed out that we have a major problem because our overall watershed is so large and our area of jurisdiction only covers possibly 25% to 30% of the watershed area. We cannot spend grant funds outside of our area of jurisdiction. Also certainly some of the HUC-12 areas cross over and are only partially within our area of jurisdiction. At this point Jim asked Tom Slawski who provided the HUC-12 map of the watershed to superimpose a map of our area of jurisdiction on it so we can see where we can apply grant funds. Hucs that are completely within our area of jurisdiction might of necessity be places where we can get a start. Jim Ritchie stated that there are other grant programs like the River Protection Program that we might be able to get grant funds from. Tom Slawski pointed out that there has not been a comprehensive river plan done for the Fox River since the 1970's and if a new Fox River plan were developed it would identify some of the loading and other criteria that would be used decide what needs to be done in our watershed.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois –Tom Slawski said that he had nothing new to report.
 1. Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Pindel said that Mary Pindel, Barb Holtz, Ken Miller, Michelle Scott and himself attended the public hearing in Waukesha on August 17th. Jim made a report from his meeting notes which stated the following:

1. The DNR person, who made the opening presentation, said fast and off to the side that "There will be no adverse effects to the Fox River".
2. The Mayor of Waukesha said that he won the mayoral election with 65% of the votes by campaigning on getting Lake Michigan water.
3. Mike Hahn of SEWRPC spoke supporting the diversion with the caveat that it should include provision for treated wastewater from the Waukesha treatment plant to be diverted into the Fox River under low flow conditions.
4. Partner from Ruckert-Mielke stated that the deep water aquifer is failing, the limestone structure is deteriorating and that it is not a capable source of water.
5. Two different people said that the diversion would be advantageous to the Fox River. Stopping use of the shallow aquifer wells would increase the ground water and help the wetlands to survive. And in fact, if they continued to use the shallow aquifer wells large areas of wetlands would dry up.
6. Another person said that the deep aquifer is increasing in water depth and is a sustainable water source.
7. One politician said that treating water to remove radium was tried by one municipality; it was very costly and failed.
8. A person opposing the diversion stated that 40 communities in Wisconsin treat their water to successfully remove radium.
9. Representative from the National Wildlife Federation stated that they were strongly opposed to the diversion.
10. Representative of Organization of Mayors of cities (US and Canada) along the Great Lakes and St. Lawrence River said they are strongly opposed.
11. Representative of Wisconsin Sportsman club was opposed to the diversion.
12. Generally all politicians and business associations spoke favoring the diversion and all environmental and sports groups opposed.

Mike Hahn commented that what Jim Pindel reported about his verbal comment at the hearing was correct but added that in his verbal comment and written comment he asked the WDNR to quantify better what the special impacts would be along the Fox River due to the reduction of flow. What the effects would be on water quality, habitat and consider tributary flows and especially increased base flow from these contributory streams. Mike said that essentially the EIS needs more characterization of the effects on the Fox River. Michelle Scott added that there were 160 people who showed up not only from Wisconsin but from Michigan and the provinces of Canada. So there were people willing to travel some distances to voice their opinions. Barbara Messick stated that she was disappointed that a cover story about the public hearing in the Racine Journal Times did not even mention the Fox River and the effects on the Fox River that

- the diversion would cause.
- b) Progress toward designation as a “National Water Trail” – Village of Waterford. Barbara Messick of the Village was present and stated that they expected to hear whether they will receive grant funds for technical assistance from the Rivers, Trails and Conservation Assistance Program in October. Construction is set to start next week on the kayak/canoe launches above and below the Waterford and Rochester dams.
 - c) SEWFRC Website – Al Sikora said that he had no updates except to say that it is up to date.

Correspondence –

- 8/17/15 Forward email from Laurie Longtine with details about the Public Hearing concerning the Waukesha diversion.
- 8/17/15 Forward of an email sent by Michelle Scott to Andrew Craig and Ben Benninghoff requesting that one of them make a presentation to us about the 9-key elements plan
- 8/18/15 Email by Jim Pindel with our comment on the Waukesha diversion. This comment was also sent by US mail to Ashley Hockstra DNR Bureau of Drinking Water and Groundwater.
- 8/18/15 Email response by Jim Pindel to Tricia Sieg of Senator Mary Lazich’s office defining our current and expanded membership. After correction advised by Chad Sampson, emailed Tricia that Spring Lake should have been Sliver Lake.
- 8/18/15 Email response by Jim Pindel to Elizabeth Shea conceding that quorum would consist of a majority of voting members.
- 8/19/15 Email from Jim Pindel advising everyone of Dean Falkner’s new email address.
- 8/27/15 Email from Jim Pindel advising the dates of our next two meetings
- 9/1/15 Email with attachment of SEWRPC’s comment to the WDNR concerning the Waukesha diversion.
- 9/8/15 Email with attachment of WWMD’s comment to the WDNR concerning the Waukesha diversion.

Miscellaneous Issues –

Jim Pindel said that he applied for and received a credit card for the commission.

Chad Sampson said that several members of the commission namely Michelle Scott, Alan Barrows, Mary & Jim Pindel and about to be Commissioner Dan Treloar attended the Southeast Area Land & Water Conservation Association Summer Tour on September 9, 2015. Jim Pindel handed a copy of the handout material to Chad before the meeting but Chad didn’t pass them around, so he said that he would provide hand out folders to all the commissioners at the next meeting. Some of the material is very appropriate for the commission and Mike Hahn pointed out that it includes a summary of the 9-key element plan for the Root River.

Jim Pindel reported that the digital voice recorder seems to be dying a slow death. It was the consensus of the commission for Jim to go out and buy a quality replacement for it. The money will come from non-grant funds.

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

Meeting Closed at 2:43 PM

**THE 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.)