From: Glen Goebel
To: DNR ESTABROOK
Subject: FW: Glen Goebel"s comments for Estabrook Dam dEIS
Date: Wednesday, April 06, 2016 3:22:34 PM
Attachments: Glen"s EIS written comments 4 4 16.pdf

Dear Ms. Betzold,

I have attached my letter of comment regarding the dEIS for Estabrook Dam to this email. To avoid any possible technicality of not having my comments received, I have also put them below into the body of this email.

Thanks

Glen Goebel, 700 West Rock Place, Glendale, WI 53209

Kristina Betzold
Department of Natural Resources
2300 N Dr. Martin Luther King Jr. Dr.
Milwaukee, 53212

April 5th, 2016
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Regarding: EIS comments

Dear Ms. Betzold,

Here are my comments regarding the Draft Environmental Impact Statement for Estabrook Dam.

- I am in favor of repairing the Estabrook Dam
- I support Alternative 1: Full Winter Drawdown, but would much prefer Partial winter drawdown if and only if a short period of full drawdown were provided for shoreline maintenance each year.
    - I believe some sort of winter drawdown is needed for safety. Ice buildup would be less likely and those who fall through thin ice would not likely drown or be carried under in shallower water.
    - I believe a short period each of full drawdown is needed each year for affordable shoreline maintenance. Maintenance including seawall and storm sewer work would cost prohibitive if sea walls and storm sewers were immersed. If the period of full drawdown were limited to 2 or 3 weeks, and were delayed until warmer weather of late March or mid-April, impacts to aquatic and amphibious species would be minimized.
    - Recreational use would benefit if full pond conditions were extended at least a month longer than the May 15th to September 15th period suggested in the "Manipulation of Aquatic Resources Alternatives #1 and #2. Normal water elevations on adjacent and other reaches as well as the Estabrook impoundment normally fluctuate significantly anyway, according to USGS historic data. Autumn is historically a lower flow time with reduced water elevation in adjacent reaches. Macroinvertebrate and several amphibious species could more easily adjust to partial drawdown than full winter drawdown. For these reasons, I believe the impoundment would benefit from a mid-level elevation protocol dropping water elevation no more than 6" per day from September 15th through early spring period.
- I believe Milwaukee County and the DNR should take a much more adaptive approach in developing operational protocol and management of the dam, through collaboration with the most affected stakeholders, including those who live along the river and who recreationally use the river most. Goals of the community as well as actual outcomes will undoubtedly be different than the ones imposed through the processes involved in developing this draft EIS.

Regarding completeness and accuracy of the dEIS:

- Navigational use has been misstated in the dEIS to have spanned a much shorter area than has been widely practiced. Use of deeper draft and motorized boats including large pontoon boats has extended upstream from the dam, contiguously to within 250 yards of the Bender Road Bridge during times of full pool.

Use of power boats as well as row boats kayaks, jet skis and other vessels, all of which formerly plied these waters, would not be possible during most summer months if the dam were removed. The dEIS only discusses deeper draft vessels with regards to early fall and low flow river conditions but fails to state **that deeper draft vessels could not possibly operate on the impoundment during any conditions other than spring or high water conditions without the dam operating at full pond**.

- Spokespeople for Milwaukee County Parks Department, especially Kevin Haley, often and publicly made their preference for dam removal known. Parks department preference for removal has resulted in disregard of information contrary to their goal of dam removal as well as extended delays. Predicted flood probabilities due to overgrowth of the channel, reduced recreational availability, and upstream costs associated with removal have not been reported or minimized. Unfrank repair operation and maintenance costs of the dam have been inflated in Parks and AECOM documents. These false figures have been compounded with interest to portray a disproportionately high cost of repair and absurdly low cost or removal to the public, and those portrayals are often repeated by the media and by the county executive to politicize the dam and sway public opinion against repair. The restoration project was passed by Milwaukee County Board of Supervisors. Costs were funded

since 2009 but Milwaukee County Parks has delayed the restoration of this lake needlessly and used supposed US Bureau of Land Management ownership as well as PCB cleanup work as excuses to delay repair for nearly 8 years. **To provide even handed reporting of the alternatives, please instruct the county to provide all costs for removal, including upstream restoration into the removal cost portrayals and to remove unrealistic costs, such as in-person live monitoring from repair cost portrayals.**

- Please change the statement from "BLM **is no longer** an agency having regulatory authority for the project. Even though they erroneously claimed it, BLM **never had authority** of the dam. BLM was told by Milwaukee County Parks that they owned part of the dam, and consequently interfered in progress for several years. MRPA supplied proof of county ownership several years before BLM finally relinquished their attempted land grab.
- Page 2, paragraph 2 of the dEIS states that the river never included a natural lake-like feature. Please remove that false statement from the final EIS document. Here is one of several historic references cited from Department of the Interior, National Parks Service, who built the dam "***River level of 36 feet (Datum) is the same as what it was before the rock ledge was removed. The lake to be formed is not new but is the lake as it existed before the rock ledge was removed."*** More proof could be found in the numerous photos available at the Milwaukee County Historical Society showing swimming and boating activities, at several beaches along the impoundment lake, prior to construction of the Estabrook Dam. Those activities would not be possible in a shallow water river, such as upstream or downstream from the lake.
- Flood potential is not an impact of dam restoration. Several dam repair opponents spoke at the dEIS hearing with claims of flood relief if the dam would be removed. MMSD stated 391 structures are in the floodplain but none would be removed from the floodplain if the dam were removed. Numerous attempts to correct flawed data used by SEWRPC in their hydraulic have been disregarded, even when delivered by certified mail. The incorrect application of data resulted in erroneous flood profiles due to their use of inappropriate roughness coefficients for the shoreline. An actual 200-year-flood in 1997 did not result in flooding at levels nearly as high as those predicted by the model. MRPA provided detailed documentation to the County as well as to SEWRPC which they claimed was significant, but then did not quantify the claim, only spent a few hours on site and applied a much diminished roughness coefficient rather than the one prescribed by the Gauckler–Manning formula for open channel flow. SEWRPC claimed to have used the Gauckler–Manning formula as the basis of calculation for their analysis. **Please address the flood concern in the final EIS by stating that no structures would be impacted by this repair**. In addition, all present structures built on the flood plain have been built with knowledge and after the flood plain designation of those sites were already established. Continuation of

the normal and historic conditions is should not be considered an impact but rather normal, natural equilibrium of the area.

- An ongoing court case revealed that county predictions of lowered water quality as well as the resultant biological effects associated dam removal were not based on the available data for this area, but rather from data from outside the impounded area. Water temperature during warm weather, dissolved oxygen fluctuations and turbidity data have been recorded prior to and during dam drawdown by Water Action Volunteers, trained by Wisconsin Department of Natural Resources and the University of Wisconsin Cooperative Extension. MMSD has collected and retained even more detailed data. Those data sources may not have been chosen because they would not support claims that water quality diminished in the Estabrook Dam impoundment during full pond. While water quality is a factor with some other dams, **no consistent correlation between water quality and dam operation could be shown relating to the Estabrook Dam impoundment**. The opposite, unsubstantiated claim was erroneously made by several dam opponents at the dEIS hearing.
- "Risk of Repair with Fish Passage" listed in the dEIS was based on the above mentioned SEWRPC hydraulic analysis, which, compared with actual flood data has already been shown to be incorrect.
- **Please remove reference to species that have not been found in this or adjacent reaches of the Milwaukee River** including Redfin Shiner, Longear Sunfish, Striped Shiner, Butler's garter snake, Spike, Lilliput and Ellipse muscles. If dropping water elevations would have brought those species to this formerly naturally impounded still-water environment, No evidence of live specimens were not found in this area even though the dam was drawn down for 7 ½ years. Drawdown conditions are essentially the same conditions as would be present if the dam were removed. Other still-water drainage lakes exist on the Milwaukee River, and this drainage lake has been in existence for all of recorded history, so these species should not play a role in this EIS. The dEIS suggests some of these species may have lived in the impounded area based on the presence of shells. Significant fill and other manipulations of the soil have been done throughout the area, which could have brought those artifacts to the area. Downstream migration of these artifacts would be another plausible reason for their presence in the area. Shells certainly would not be found on the surface, intact and identifiable that predated construction of the Estabrook Dam or the complete channel reconstruction of the 1930s. Indications that these species would inhabit the area in the future are not strong enough to be included in this study**. I request conjecture regarding these species be removed from the report.**

Regarding costs, offsetting tax revenues and economic impacts

Costs were not discussed in the dEIS document but cost concerns have been prevalent and ever present in all documents leading up to this point including "Addendum No.2 Environmental Impact Report for Estabrook Dam, Milwaukee County, Wisconsin Prepared by Don Pirrung, AECOM. Opponents of repair have stated they intend to influence Milwaukee County to reverse the plan to repair the dam. For this reason I am addressing costs in this series of comments. **Please state in the final EIS that upstream cost impacts have not been addressed in the document resulting in actual costs of repair or removal being different than previously portrayed by the county.**

- Operation and Maintenance costs portrayals have been inflated for Estabrook Dam with the effect of making repair appear to be cost prohibitive. Specifically the one hundred thousand dollar per year O & M cost of having an operator monitoring the dam. Normal procedure of most similarly large dams includes automation and remote control, as with DNR, Army Corps of Engineers, and Tennessee Valley Authority dams. Estabrook Dam has been operated as an automated dam for 7 years, beginning in 2000

- Property value concerns and data that were delivered have been disregarded by Milwaukee County Parks Department. The studies that Parks cited as supporting evidence that property values would not be negatively affected, warned that *"The conclusion* [of no diminished value] *should not be extended to large impoundments where such activities as fishing, boating and swimming are especially attractive."* [iii] The study was misapplied as a tool to attempt to support a dam removal agenda. Multiple, more applicable sources suggest property values, as well as the related tax revenues derived from navigable frontage is 22-40% higher than on unnavigable water ways. MRPA has delivered several documents which refute the county's valuation claims several times over the years but they have not been acknowledged or used or refuted.
- "Other costs" including upstream restoration costs, which result from dam removals, and normally amount to 20-30 times the physical removal cost have not been acknowledged in this report. Municipal storm sewer outfalls as well as Wisconsin DOT, Milwaukee County Park and private shoreline costs, if addressed, would undoubtedly be several millions of dollars. Property owners will seek remedy from the county for these costs.
- Legal notice was given to Milwaukee County that property owners intend to file suit for loss of navigational rights and for unauthorized taking of property value. The suit would involve several million dollars and would likely be costly to defend against.

Please use these comments in developing the final EIS. If asked, I would make my source documents available for inspection. I would like this letter to be available as a public record if requested. I would also be delighted to answer or respond to any questions or comment about what I have said here

Sincerely,
Glen Goebel
End Notes"

[i] Department of the Interior, National Parks Service, Project SP-5 Job No. E. C. W. 123, Proposed Dam, Estabrook Park, Milwaukee County (with Field Technician's comments) Park Authority, April 19, 1937 pg. 3, par. 3

[ii] MMSD file 15-053-5, May 4,2015, pg. 3, par 2

[iii] Does Small Dam Removal Affect Local Property Values? An Empirical Analysis, Provencher, Sarakinos, Meyer, 2006 pg.14, par. 3

without incident. Manually monitoring the dam would be less dependable and financially disadvantageous. It just costs more.

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