From: Jursik, Patricia
To: John Rennpferd; DNR ESTABROOK
Cc: SH County Executive
Subject: Re: Estabrook Dam Draft Environment Impact Statement
Date: Monday, March 28, 2016 12:28:21 PM

Thank you; very thoughtful comments. As for Mill Pond Damn the county continues to get cooperation from DNR on delay partially because city and county agreed to do the watershed study of Oak Creek which was something I worked on almost since I took office. The Study will be done in 2016. Hopefully this will lead to a final determination of what should be done with this damn. Also, a third law suit has been filed over Estabrook Dam by the Riverkeepers.

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From: John Rennpferd <john_rennpferd@hotmail.com>
Sent: Saturday, March 26, 2016 11:45 PM
To: DNREstabrook@wi.gov
Cc: SH County Executive; Jursik, Patricia
Subject: Estabrook Dam Draft Environment Impact Statement

To: Wisconsin Department of Natural Resources

From: John R. Rennpferd

CC: Milwaukee County Executive Chris Abele, Milwaukee County Supervisor Patricia Jursik

Date: 26 March 2016

Re: Estabrook Dam Draft Environment Impact Statement

The draft Environmental Impact Statement (EIS) has some issues that require clarification, or rectification. There are environmental affects that have been downplayed, the Public Trust is violated, and the dam management pattern of Milwaukee County has been downplayed.

As a fisherman I am concerned about the environmental affects of the dam, and possible

draw downs. The Estabrook dam is going to slow the river, which will cause sedimentation. The solar heating affect in the impoundment, and the solar heating affect of the water passing over the spillway will transform segments of the Milwaukee River from a cool water environment into a warm water environment (as it has in the past). The solar heating affect will be beneficial to invasive species such as carp, lamprey, mystery snails, and rusty crayfish. Additionally the property owners upstream of Estabrook park want a winter drawdown of the impoundment. A winter drawdown is going to have direct negative affects on the whole riparian ecosystem. Hibernating amphibians will be exposed, mussels will get stranded, macro-invertebrates will die from exposure to dry environments, and aquatic plants will get land locked.

The EIS unintentionally violates the public trust doctrine. The EIS states that the impoundment behind the Estabrook Dam will have a depth of 8.7 feet, and will cause depths as deep as 9.1 feet upstream. This alteration of the high, and low water marks violates the public trust of riparian access rights by preventing citizens from gaining access to the river by creating non-wadable areas in naturally wadable riparian zones. There is no quid-pro-quo as inferred in the IES. The impoundment does not provide public access for boaters; the state, nor the county parks own a launch in this segment of the river. The boat launch located on West Montclaire Ave. in Glendale, WI is owned by the municipality; therefore the municipality can open, and close the launch at any time without regard to the access rights of the remaining state, and county residents. Compounding this problem is that the launch at West Montclaire Ave does not have any parking. A lack of dedicated parking creates a defacto private launch as seen on Long Lake in Racine County where the municipality (City of Norway) posted no parking signs to prevent the public from using the DNR launch of off Hart Dr. I ask that the Wisconsin DNR to not provide approval of the EIS until a public access launch, with accompanying parking is guaranteed in writing.

Milwaukee County has a horrible history of neglecting its dam structures. Estabrook Dam has been out of compliance for a number of items since 1996; the dam has truly become a public nuisance. The Kletzsch park Dam has been out of compliance for masonry repairs since 2011. The South Milwaukee Dam on the Oak Creek has been out of compliance for multiple items since 2012, and its damage is known to have occurred as early as 1995. This pattern of neglect proves that the County will promise to repair these structures; however, due to fiscal issues Milwaukee County never truly funds the repairs. I ask the Wisconsin DNR to not provide approval of the EIS until Milwaukee County provides segregated, protected funds to cover the repair of the Estabrook Dam, and the projected 20 years of maintenance.

The EIS is a good document; however, we can see that there are improvements that are needed before any parties can proceed. Environmental concerns need resolution. Protection of the Public Trust needs enforcement. And Milwaukee County needs to prove to the Wisconsin DNR that it actually can, and will fund the repair, and maintenance of the Estabrook Dam.

Sincerely,

John R. Rennpferd
1828 Marquette Ave
South Milwaukee, WI 53172
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