

# AXLEY ATTORNEYS

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## VIA U.S. MAIL

Regulatory Division  
St. Paul District Corps of Engineers  
180 Fifth Street East, Suite 700  
St. Paul, MN 55101

RE: Request for Public Hearing  
USACE File No.: MVP-2020-00368-CCK  
Our Client: Residents of Yahara River  
Our File No.: 29016.89829

Dear Gentilepersons:

My name is Charles "Buck" V. Sweeney and I represent a number of residents in the Stoughton/Pleasant Springs area who vehemently oppose the removal of the dam on Fourth Street in the City of Stoughton. I am doing this Pro Bono for my clients, as it is my opinion that the City of Stoughton is not aware of all the unexpected consequences of removing the dam. Attached is a list of our current clients. The list continues to grow as more residents in the area are getting involved.

The City of Stoughton is working with a developer to try to redevelop the downtown area by Mandt Park, but the whitewater park will be a noose around the new development. It will be a tax drain on the residents in the City of Stoughton, and will destroy property values upgradient. The city has a consultant that was hired to look at the whitewater park and the effects of lowering the water table. The Town of Pleasant Springs hired an additional consultant who vehemently disagrees with the City of Stoughton's consultant on the effects on the upstream residents. Common sense says that if you take out a dam the water levels are not going to up, but will clearly go down.

In order to address that issue, and many other issues which I will discuss further, the logical situation is to have the United States Army Corps of Engineers (USACE) and the Wisconsin Department of Natural Resources (WDNR) provide an Environmental Impact Statement ("EIS") so that we clearly understand what will take place before we take away numerous people's property rights. Last I looked we were still operating where property rights mean something in this country.

We respectfully request an EIS as we currently have inadequate information regarding the effects of the water levels, sediment issues, invasive species issues, migratory bird damages, and many other issues which you will hear from numerous property owners. We plan to copy the

City of Stoughton on this letter, and we respectfully request they reconsider this whitewater park as it is a bad idea, and it will be a tax burden on all the residents in Stoughton. We also are copying the Town of Pleasant Springs as they are vehemently opposed to this as well. In most situations municipalities should be working together on a project. At this stage we have municipalities against each other, which is not a good thing and is another reason for requesting the EIS.

As you may or may not know, there are some dredging projects going on which will allow more water to pass through this area faster to prevent flooding on the Madison lakes. Taking out this dam will create a much smaller passageway and could actually back up additional water. Again, another reason for the EIS. High water at times and no water at times is not what my clients want.

We also think the most important part of this is that you will hear from numerous residents requesting a public hearing who want to speak. They have been observing wildlife and enjoying the aesthetic beauty of the Yahara River for decades, and now the City of Stoughton would like to take it away with a project that will ultimately cost them hundreds of thousands of dollars. The whitewater park will benefit a few people from Stoughton, but it will not be like the Wisconsin Dells. The City of Stoughton should live by its Norwegian heritage and not become an outdoor water park mecca. Even if they tried, the water in this watershed is full of algae and other substances. In addition, the location of this is where contaminated sediment from years of operation of industrial properties in Stoughton is likely sitting on the bottom. Has anyone gone out and tested the sediment for contamination? We were in correspondence with you when the City of Janesville took out its dam in the middle of the night. The contamination from the old General Motors property is now probably down in Beloit. We do not want to see this happen in Stoughton.

It seems to me the most important issue is that people have property rights, and over decades have had the quiet enjoyment of the scenic beauty of the water. The areas that the city is looking at is full of migratory birds and gorgeous habitat areas. Who is going to pay for the loss of property values when the city takes out the dam? Another issue regarding property rights has to deal with who is responsible for maintaining the newly created land. Because this is a river body, the residents own up to the thread of the stream. However, getting to the thread of the stream will require walking through soupy mud and soils that have not been exposed for years. Those areas will need significant work and will likely stink for quite a period of time when the water goes down. Again, you are passing that on to property owners who do not want to see the property values go down because of the sinking soil from low water levels.

Some people will talk about the marsh areas. By removing the water, you will substantially change the marshes. By doing so you will take away habitats that migratory birds and other animals have utilized for years. It also takes away a great recreational area for duck hunting and other sports.

If the City of Stoughton would like a whitewater park, they can simply divert the water on the property that they have and put in a raceway system. That would be much better than taking out a dam and trying to create areas with sediment that has not been tested adequately for structural integrity. In Janesville when they had plans for using the sediment for development, the sediment was impossible to use for building projects. Stoughton should learn from Janesville that taking out a dam is not as easy as buying a piece of property. Perhaps they should spend the money on a new swimming pool instead of utilizing the current one that they have at the pond by Mandt Park.

In addition, this property has been used by numerous kayakers and canoe enthusiasts. There is an annual canoe race which takes place in May every year. For years I paddled in it and was lucky enough to be able to beat the nuns from St. Ann's, who were very good paddlers. Sadly, the canoe race will become a thing of the past with this project.

In addition, other information will need to be counted on for the effects of parking, restrooms, and other areas of concern. There is also a beautiful large part of the river on the corners of County Trk B and N, which has been used by a number of my clients for hunting over the years. It is one of the better hunting spots in the area.

Obviously, we think the removal of the Stoughton dam will have a substantial negative impact and we respectfully request a public hearing to further discuss the issue. In addition, we respectfully request that the USACE and WDNR provide an EIS to better study this information and get additional facts.

We look forward to your response.

Sincerely,

AXLEY BRYNELSON, LLP



Charles "Buck" V. Sweeney

CVS:abs

Enclosure

cc: Mayor of Stoughton (via email: tswadley@ci.stoughton.wi.us)  
Stoughton City Clerk (via email: cchristen@ci.stoughton.wi.us)  
Pleasant Springs Clerk (via email: clerktreasurer@pleasantsprings.org)  
Caree Kovacevich, USACE (via email: Caree.C.Kovacevich@usace.army.mil)

## Stoughton Dam Removal Opposition - Client List

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