

Town of Pleasant Springs

Resolution R – 2020 - 06

Opposition to water park and dam removal project as currently proposed by City of Stoughton

WHEREAS, the Yahara River and Bay within the Town of Pleasant Springs are unique and valuable natural assets of the Town; and,

WHEREAS, the Town of Pleasant Springs has heard from numerous residents who expressed their concerns regarding the potential impact of the proposed water park and dam removal on Yahara River water levels within the Town, upstream of the Stoughton City Limits; and,

WHEREAS, the Yahara River and particularly the Bay are heavily used by both resident and migrating waterfowl in addition to birds of prey and other wildlife; and,

WHEREAS, the Yahara River and particularly the Bay are heavily used by outdoor enthusiasts, including kayakers, canoeists and paddlers of all types, powerboaters, waterfowl hunters, anglers and birdwatchers; and,

WHEREAS, both Town residents and visitors highly value the diverse wildlife supported by the combination of flat water, stream and wetlands that the River and Bay provide; and,

WHEREAS, Town residents have made significant investments in homes with riparian rights that have piers and access to the River or Bay and/or overlook the Bay for the specific purpose of enjoying the amenities provided by the combination of flat water, stream and wetlands that the River and Bay provide; and,

WHEREAS, actions by the City of Stoughton that result in lowering water levels in the Yahara River and Bay will negatively affect wetlands, wildlife, recreational uses and property values within the Town; and,

WHEREAS, there exists legal precedent that has held that neighboring landowners that have relied upon water levels created by a dam have a right to seek to have the dam continued; and,

WHEREAS, the WI DNR Wisconsin Water Law document states that, “In general, if an artificial body of water is created and maintained for at least 20 years, the property owners have a right to have that level continued if they have reasonably relied upon its use.”; and,

WHEREAS, the City of Stoughton dam has been in existence for far longer than 20 years; and,

WHEREAS, the Stoughton dam is not in disrepair or danger of failure and has, in fact, had recent improvements performed; and,

WHEREAS, the City of Stoughton has failed to obtain adequate objective evaluation of the impact of the proposed water park and dam removal on upstream river water levels; and,

WHEREAS, the City of Stoughton has failed to evaluate of the impact on upstream river water levels of the proposed water park and dam removal in combination with the upcoming Dane County dredging project on the lower Yahara River; and,

WHEREAS, the Stoughton City Limits currently extend beyond CTH B, well beyond the terminus of the inadequate impact study that extended only up to Coopers Causeway; and,

WHEREAS, the City of Stoughton has failed to address or even acknowledge the losses that will be experienced by Town residents and visitors if the water levels upstream of the City of Stoughton are lowered as a result of the proposed water park and dam removal.

NOW, THEREFORE, BE IT RESOLVED by the Town of Pleasant Springs that the Town opposes any plan to remove the Stoughton dam that will result in lowering water levels in the Yahara River and Bay north of CTH B in a manner that negatively affects this irreplaceable Town resource and the wide variety of uses and benefits it provides as expressed herein.

Adopted this 1 day of September, 2020.

Signature of Town Chair: David Pfeiffer

Attested by Town Clerk: Maia P. Horgan

Roll Call Vote of the Town Board:

(Town Chair, David Pfeiffer) In Favor

(Supervisor 1, Doug Larsson) Absent

(Supervisor 2, Eric Olson) In Favor

(Supervisor 3, Jay Damkoehler) In Favor

(Supervisor 4, Janiece Bolender) In Favor

Plan Commission Roll Call Vote: Sept. 9, 2020

(Plan Commission Chair Audra Dalsoren) In Favor

(Plan Commission Vice Chair Melanie Miller) In Favor

(Plan Commission Member Lila Lemanski) In Favor

(Plan Commission Member John Pitas) In Favor

(Plan Commission Member Keith Comstock) In Favor

(Plan Commission Member Claudia Quam) In Favor

Plan Commission Liaison Eric Olson) In Favor