

**Town of Pleasant Springs**

**Resolution R – 2022 - 07**

**Opposition to water park and dam reconstruction project 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 reconstruction on the Yahara River and associated wetlands 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, Orders issued by the Wisconsin Department of Natural Resources (DNR) establish the minimum level of the Stoughton Pond at the Stoughton Dam at 841.00 feet; and,

WHEREAS, In its Findings of Fact, number 8, of the Stoughton Dam Orders, the DNR determined that a water level below 841.00 feet “*will adversely affect recreational use near the shore, lead to drainage of wetlands, expose areas of the stream bed which provide aquatic habitat and would be aesthetically objectionable if exposed.*”; and,

WHEREAS, the proposed City of Stoughton project would lower the level of the Stoughton Pond at the Stoughton Dam substantially below 841.00 feet; and,

WHEREAS, actions by the City of Stoughton that result in lowering the minimum water level maintained at Stoughton Dam will cause conversion of open water habitat to marsh, a reduction in areas that can be navigated by watercraft and drainage of riparian wetlands, impacts which will negatively affect the Yahara River and Bay, associated wetlands, aquatic habitat, wildlife, recreational users, riparian access 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 the river levels maintained by the dam have been utilized and relied upon for generations; 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 reconstruction on upstream river riparian owners, river shorelines, recreational users, wetlands and aquatic habitat; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Town of Pleasant Springs that the Town opposes any plan to remove or reconstruct 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 \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Signature of Town Chair: \_\_\_\_\_

Attested by Town Clerk: \_\_\_\_\_

Roll Call Vote of the Town Board:

(Town Chair, David Pfeiffer) \_\_\_\_\_

(Supervisor 1, Dana Stadler) \_\_\_\_\_

(Supervisor 2, Eric Olson) \_\_\_\_\_

(Supervisor 3, Richard Green) \_\_\_\_\_

(Supervisor 4, Melanie Miller) \_\_\_\_\_