

RESOLUTION 2015 – 08

RESOLUTION EXPRESSING THE VILLAGE OF SHOREWOOD'S SUPPORT FOR THE REMOVAL OF THE ESTABROOK DAM

WHEREAS, The Village of Shorewood's western boundary is the Milwaukee River and the Village lies immediately downstream of the Estabrook Dam; and

WHEREAS, in October 2006 the Village of Shorewood adopted the Milwaukee River Shoreland Ordinance to prevent and control water pollution, protect spawning grounds for fish and aquatic life; regulate building setbacks from the river; and, preserve shore cover and natural beauty along the Milwaukee River; and

WHEREAS, in December 2007 the Village of Shorewood adopted a Comprehensive Outdoor Recreation Plan which called for the stabilization and formalization of the nature path along the side of the Milwaukee River which extends northward from Hubbard Park to Estabrook Park and southward to the City of Milwaukee, and directed the Village to work with adjacent communities to improve the ecological condition of the bluff and river edge environments; and

WHEREAS, in May 2009 the Village of Shorewood approved the B-4 River District Riparian Restoration and Trail Project Plan which provided a trail design and bluff restoration plan along the Milwaukee River which includes rehabilitation of an existing trail along the river's edge and restoring the bluff in terms of stabilization, drainage and vegetation; and

WHEREAS, the 2009 update of the Village of Shorewood Vision 2015 Implementation Plan reaffirmed the Village's goal to protect and enhance public green spaces in ways that increase the number of uses as well as number of users, including specifically the public spaces along the Milwaukee River; and

WHEREAS, in December 2010 the Village of Shorewood approved a resolution supporting the Milwaukee River Greenway Master Plan and committed to work cooperatively with other partners to coordinate Shorewood's Milwaukee River efforts with the overall efforts to improve the quality of the Milwaukee River corridor; and

WHEREAS, The Estabrook Dam on the Milwaukee River has been in decline for the past several years, and there are numerous outstanding maintenance and repair requirements per State Dam Safety regulations that have not been addressed to date; and

WHEREAS, The dam has major structural issues and is a crumbling "public nuisance" that hasn't operated since a 2008 Wisconsin Department of Natural Resources order to shut it down; and

WHEREAS, The owner of the dam, Milwaukee County, is currently under a DNR order to repair or remove the Estabrook Dam by the end of 2016; and

WHEREAS, There is no viable reason to maintain the dam and keep it permanently open as the short-term repair costs and long-term maintenance costs of that scenario would far exceed removal costs; and

WHEREAS, The dam removal alternative means the complete removal of the dam, including the gated control structure and fixed crest spillway, and the creation of a free-flow condition; and

WHEREAS, Removing the dam would yield the greatest positive impacts on river ecology, flood management, water quality, sediment management, fish and aquatic life, terrestrial wildlife and recreation; and

WHEREAS, Free-flow conditions would support natural wetland hydrology and, therefore, not negatively impact herptiles and invertebrates, and may result in a net gain of wetland acreage; and

WHEREAS, Removal of the dam would also allow for unimpeded passage of both fish and boats; and

WHEREAS, The ecological health created by a free-flowing river offers greater long-term value than maintaining

the present water body behind the dam; and

WHEREAS, In 2012, the Milwaukee County Circuit Court declared the Estabrook Dam a public nuisance, and Milwaukee County has an obligation under the Court's order and a civic duty to its residents to abate the nuisance; and

WHEREAS, There is an ongoing lawsuit, Milwaukee Riverkeeper vs. Milwaukee County, Milwaukee County Case Number 2011 CV8784, which seeks removal of the dam; and

WHEREAS, The South East Wisconsin Regional Planning Commission (SEWRPC) has designated the Milwaukee River as a primary environmental corridor; and

WHEREAS, Both Hubbard Park and Estabrook Park are vitally important to community recreation in our Village; and

WHEREAS, Removal of the dam is the only option to permanently abate the public nuisance caused by years of neglect;


NOW THEREFORE, at a regular meeting of the Village Board of the Village of Shorewood, held on the 15<sup>th</sup> day of June, 2015, a quorum being present and a majority of the Board voting therefore said Board does resolve as follows:

BE IT RESOLVED, that the Shorewood Board of Village Trustees expresses its support for the removal of the Estabrook Dam and urges Milwaukee County and the Wisconsin Department of Natural Resources to pursue the dam removal alternative as soon as practicable; and, be it

Further Resolved, that the Acting Village Clerk shall forward copies of this resolution to Milwaukee County Executive Chris Abele, members of the Milwaukee County Board of Supervisors, and the Wisconsin Department of Natural Resources; and, be it

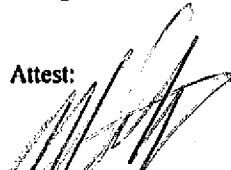
Further Resolved, that the Village Attorney shall forward a certified copy of this resolution to Milwaukee County Circuit Court Judge Christopher R. Foley.

PASSED and ADOPTED by the Village Board of the Village of Shorewood, Milwaukee County, Wisconsin this 15th day of June, 2015.



Guy W. Johnson  
Village President

Attest:



M. Chris Swartz  
Acting Village Clerk