

Gjestson, Christopher

From: skog51 tds.net [skog51@tds.net]
Sent: Monday, August 03, 2009 4:12 PM
To: Capital Area RPC Mail
Cc: Falk, Kathleen; mayor@cityofmadison.com; ghder@verizon.net; ReneeLauber@consultant.com; mhazel@hazelbakerlaw.com
Subject: Proposed Verona development along Badger Mill creek & the Sugar River

Hello,

I am writing to oppose the proposed development in Verona at US Highway 18/151 and State Highway 69.

I pass that way often when I take my dog to the dog park and am aware of the adverse effect that development has already had on the creek near the airstrip.

I am concerned also because the proposed development would have a seriously adverse effect on Badger Mill Creek and the Sugar River. They already experience low flow and problems with runoff, erosion, sedimentation and pollution. Water temperatures have also increased. I see these problems as only worsening with the advent of impermeable surfaces from homes/businesses and roads, if the development goes through.

Once it's gone, it's gone. "Remediation" doesn't bring back what originally existed, especially when we are fighting the adverse effects of asphalt.

This area will probably also have Indian mounds (there is documentation to that effect, although a survey will be needed to determine if they still exist). If so, this is sacred land. It ought not to be developed.

For natural resource quality reasons, as well as cultural reasons, please vote against this development.

Sincerely,

Judy Skog

626 Orchard Dr.

Madison, WI 53711

Gjestson, Christopher

From: Stefi Harris [stefiharris@tds.net]
Sent: Sunday, August 09, 2009 9:52 PM
To: Capital Area RPC Mail
Subject: Letter to CARPC

Chris

We have prepared a letter for CARPC. Since the CARPC staff report was released only two days ago we'll have some additional comments for the commission in a day or two. Could you, please, see to it that all the commissioners get our letter plus two other attached documents (The Upper Sugar River and Badger Mill Creek reclassification reports that had been prepared by DNR). Thanks.

Stefi

8-5-09

**To: Capital Area Regional Planning Commission (CARPC)
Madison, WI**

From: Western Dane Coalition for Smart Growth and Environment

Re: The City of Verona urban service area (USA) amendment request

We ask that CARPC turn down the City of Verona USA amendment request for 265 acres located in Areas E and W near the intersection of the US Highway 18-151 and State Highway 69 in the Town of Verona. The Sugar River, Badger Mill Creek, several spring fed wetlands and the State Natural Area are located in, adjacent to, or very near the amendment area. The Sugar River is designated as an exceptional water resource. The Sugar River and Badger Mill Creek are coldwater streams, recommended by DNR for upgraded reclassification to Class II streams. The streams, wetlands, and State Natural Area represent fragile ecosystems vulnerable to impacts of development. The proposed development would have deleterious impact on the water quality of both surface and groundwater. Because of unsuitable soil and geological conditions of the area, the proposed mitigation leaves doubts as to its feasibility. NR 121.07 (1)(g) 2.c. excludes sewer extensions to areas such as the one requested by the City of Verona for the USA amendment.

1) UNIQUE NATURAL FEATURES

Badger Mill Creek flows from the northeastern quadrant of Area E roughly through its middle where it turns southwest past the area boundary and eventually joins the Sugar River. To the west, Area W has a boundary with the Sugar River Wetlands State Natural Area, a home to many threatened native prairie and aquatic species. Immediately to the west of the state area is the Sugar River.

Badger Mill Creek and Sugar River are not the only surface waters in the proposed USA. Numerous wetlands straddle the shorelines of both streams. These are groundwater charged and are associated with significant springs and groundwater seeps (CARPC 11-15-05 report, page 7). Groundwater discharge also provides baseflow to the Sugar River and Badger Mill Creek.

Floodplains of both streams are lined with thick unglaciated deposits of sand and gravel overlain by thin layers of silt and patches of peat. The floodplain fringes contain a thousand-foot wide band of thick glacial outwash consisting of sand and gravel. Hillslopes are comprised of dolomite rock on the uplands and sandstone at the edges. They are covered with a thin to moderately deep layer of silt and sandy loams (CARPC 11-15-05 report, p 2).

2) WATER QUALITY

a) Current conditions

Both Badger Mill Creek and the Upper Sugar River support brown trout. The Upper Sugar River is classified as a coldwater stream and an exceptional water resource (NR 102.11 (d)). According to the NR 102 definition, "Exceptional resource waters are those surface waters which provide valuable fisheries, hydrologically or geologically unique features, outstanding recreational opportunities, unique environmental settings, and which are not significantly impacted by human activities". Badger Mill Creek is considered a coldwater fishery from its confluence with the Sugar River to Bruce Street in Verona and upstream from that point a warm water forage fishery with cold water potential (Dane County Water Quality Plan 2005, Map 2-3).

On the basis of field investigations and samplings, DNR fisheries staff of South Central Region recommended that Badger Mill Creek in its entirety and the Sugar River from its perennial source to French Road in Montrose Township be upgraded and legally codified as Class II trout streams (Welke 2005).

2001 Dane County Regional Planning Commission (DCRPC) report on the Upper Sugar River Watershed notes water quality improvements in both streams due to better farming practices and improved condition of the effluent released into Badger Mill Creek from the sewage treatment facility.

Currently the proposed USA is in productive farming. The City of Verona in its Planning Submittal (June 2009, pp 29-31) makes repeated references to detrimental effects of agriculture on water quality. It exalts farmland conversions to development as a step to improved water quality. However, Verona's submittal seems to ignore the fact that agricultural practices can easily be changed and when improved they can quickly also improve the water quality. Urban development is not as flexible or quick in delivering water quality improvements. In an urban setting, even with the stormwater management practices applied, any unresolved or newly emergent water quality problems can be addressed only with great difficulty and at high cost. Water quality problems, once built into development, often go unresolved. According to the City of Verona public works engineer, Marten Cieslik, many of Verona's stormwater management basins constructed in 1980's are in a need of improved sediment control (7-31-09). Even in the case of Brewery Creek (Selbig et al 2004) cited in Verona's application as an example of practices that work, the best that could be achieved with development already in place was maintenance of status quo in the creek's water quality and not a restoration to its natural high water quality state.

b) Current and future challenges

In spite of improvements to the Sugar River and Badger Mill Creek, water quality in the amendment area is increasingly challenged by a wide array of negative effects associated with urban sprawl. These challenges occur on three levels:

(I.) Loss of streamflow due to increased groundwater withdrawals

Due to the large scale pumping associated with development, many of Madison area lakes and wetlands are losing water (USGS Fact Sheet 12/2001; Bradbury et al 1999; Dane County Water Quality Plan 2004, p 34). Increased groundwater pumping will result in further groundwater discharge reductions in all developed areas. Wisconsin State Journal (7-17-07) reports that in a five year period prior to 2007, close to 1,000 springs have dried up, including many in Dane County where growth and the demand for water is drawing the water levels in the deep underground aquifer faster than nature can replenish them.”

Water levels in the proposed USA are particularly sensitive to any kind of pumping in their proximity. Montgomery Associates’ report (p 39) points that streams and springs in the study area are fed by both shallow and deep aquifer systems. Large municipal wells supplying Verona’s water pump water from both of these aquifers (p 39). The report warns that Badger Mill Creek alone would lose from 1.0% to 10.6 % recharge with additional high capacity wells, depending on the well distance to the creek, pumping rate and the applied simulation model (Montgomery report, table 6). However, additional pumping near the proposed USA by non-municipal high-capacity wells, deemed as typical in the report, might reduce streamflows in the area by approximately 5% (Montgomery report, p 42). At this time Verona operates four high capacity municipal wells. In the city’s vicinity there are also five high-capacity non-municipal wells operated by the Bruce Company’s nursery.

Verona’s planning submittal admits that the increased pumping in other parts of the city may have an effect on groundwater supply. It claims that such effect would be only modest (page 48). However, when pumping wells are located sufficiently close to a stream they will reverse the direction of local groundwater flow and induce water to flow out of the stream and toward the well (Ward and Elliott, 1995:295-298). In that case the stream will lose baseflow and eventually run dry. Since both Sugar River and Badger Mill Creek receive water from shallow and deep aquifer, both streams could be affected by reversal of groundwater flow due to the proximity of any new wells in the area.

(II.) Increase in water temperatures

Heated runoff caused by large impervious surface areas associated with urbanization poses a threat to thermally sensitive coldwater streams (Land Information Bulletin 2/2004; CARPC 11/2005 report, p 8).

Some stormwater management practices also raise water temperatures of the water requiring treatment. Detention basins are well recognized in literature as facilities that raise water temperatures, because they detain water for prolonged periods of time (Wisconsin Stormwater Manual, Iowa Stormwater Manual).

Infiltration basins were generally considered as facilities with no effect on water temperatures and were even recommended as “an excellent option for coldwater streams”. However, recent data from a comparative study of conventional and low impact development stormwater management systems near Cross Plains WI, has demonstrated that infiltration basins and grassed swales actually increase the temperature of discharged water (Selbig and Bannerman, 2008). All new developments in coldwater watersheds represent a challenge as how to design a system that would simultaneously meet requirements of runoff and water quality management and not increase temperatures upon discharge and mixing.

(III.) Chemical pollution and other water quality problems

Frequently water quality problems have causative effects on each other and thus appear in clusters. Increased runoff volumes and increased velocities during storms cause sedimentation, which in turn increases concentrations of certain pollutants in water. Other water quality problems associated with urbanization are: decreased infiltration and reduced water levels; pollution caused by garden debris, street litter, automotive oil and grease, lawn-care fertilizers, de-icers, salt and other chemical products; erosion, sedimentation and eutrophication. According to the Dane County Water Quality Plan, 2004, without extensive stormwater management measures stream quality in an urban setting is significantly degraded sometimes to the point of total loss (page 46).

IMPACT OF THE PROPOSED DEVELOPMENT ON WATER QUALITY

a) Requirements of water quality management plans

NR 121 requires that an areawide water quality management plan be developed for any proposed sewer service area and that any such plan contain an assessment of existing and potential water quality problems within a water quality planning area (NR 121.05 (1) (b)) and applicable state water quality standards and any suggested revisions of these standard (NR 121.05 (1) 4. (d)).

NR 151 Runoff Management Regulations require a written stormwater management plan for all post-construction sites to address suspended solids, peak discharges and infiltration issues (NR 151.12 (4) and (5)).

Dane County Chapter 14 Ordinance on Manure Management, Erosion Control and Stormwater Management requires that all stormwater management plans submit at minimum 31 items of specific information (14.51 (1)) including pre and post-construction peak discharge calculations and a plan to control temperature of runoff. Likewise such plan must be in compliance with the stormwater management performance standards for sediment, grease, oil, runoff rate and temperature control and infiltration (14.51 (2)).

Much of the information required of water quality management plans by the state regulations or the county ordinance is not included in the submitted materials by the City of Verona, but yet the USA request had been made to amend the Dane County Water Quality Plan based on fragmentary evidence.

Verona's assessment of impact of its proposed development on water quality can be found on pages 29-31 of its Planning Submittal. Verona claims that if the development is allowed into the proposed USA "the water quality would improve through the elimination of the environmentally-damaging practices of the current land uses and replacing them with environmentally-sensitive land uses and by installing environmental protection measures as the area urbanizes." Without providing any quantitative data to back up its claims, the city's submittal proceeds to offer mitigation measures to achieve its vaguely defined water quality goals. For example, it proposes to plant trees along all stream banks to cool off water temperatures without knowing if that would be a sufficient measure. It promises to implement water infiltration "above and beyond current Dane County minimum requirements", but without any proof that such is possible.

Additional information about the water quality of the proposed USA can be found in the Montgomery report (p 39). The simulation runoff volume mentioned in the report predicts " a more pronounced increase in stormwater volumes (under development conditions) for smaller, more frequent events. The model was designed to calculate flows entering the larger study area from the upstream watershed. It was not specific to the land use changes in the proposed amendment area. The runoff peaks for the watersheds in the proposed development areas, important indicators of potential problems regarding erosion and sediment pollution, were not presented.

The Montgomery report (p 38) also predicts a substantial decrease in stability of Badger Mill Creek under increased discharge conditions associated with small frequent flood events (p 38).

The report indicates that the area streams are more sensitive to local changes in groundwater recharge because the recharge directly feeds the shallow aquifer, and somewhat less sensitive to groundwater withdrawals from deep wells.

The RECARGA model, based on hypothetical data, was employed to obtain optimal values for total land area, needed for post-development infiltration in

order to satisfy the county's infiltration requirements of either 90% pre-development infiltration or 7.6 inches per year. Subsequently, Verona has volunteered to target its infiltration plan to 11 inches per year in Areas W and E. It is not clear how much land would be used for active infiltration. It is also not known how well the model used here fits the actual situation.

PROPOSED MITIGATION MEASURES

The City of Verona stormwater management mitigation plan proposed for the amendment area states maintenance of groundwater recharge and control of stormwater runoff as two primary goals. It ignores what should have been the third goal, runoff temperature control to satisfy the requirements of 102.04 (4) (b) and Dane County ordinance 14.51 (2) (f)–(h).

a) Runoff control

The City of Verona stormwater management plan does not offer details of how it would meet requirements of runoff or sediment control.

b) Infiltration

It is unclear how the proposed plan would meet Verona's own recommended performance goals of 11 in/yr recharge rate for both Area W and Area E using 2% of site area for active infiltration.

Under natural condition recharge is non-uniform. A Wisconsin Geological and Natural History Survey report states that in Dane County, "Recharge usually occurs in the higher parts of the landscape, along the crests and flanks of broad ridges, and along steep slopes. Lower areas of the landscape are more often areas of groundwater discharge." (Bradbury et al, 1999)

Any engineered infiltration system can do little but control the amount of water it infiltrates on a site of its location. Such a system cannot guarantee how much of the infiltrated water will actually make it to aquifer as recharge.

Placing development in upland areas over the ground where most of the recharge occurs naturally, disrupts the established recharge pattern. Verona proposes to place a residential development in the uplands of Area E and institutional plus a residential development in Area W. According to the Stormwater Management Plan, some of the runoff from higher elevations would be captured and infiltrated inside the proposed development in yet unspecified infiltration facilities, but presumably to include rain gardens, filtration trenches, and similar features. Since 60%-80% of the upland area would be placed under impervious surface cover, it seems that most of the runoff volume would drain into the larger regional detention ponds and infiltration basins located at the base of the slopes below and near the

floodplain fringes and in the floodplain itself. Under those circumstances, most of the captured runoff would end as discharge to local waters rather than as recharge to the aquifer.

The amendment area is not the only place where divergence from the natural recharge pattern in the wider Sugar River-Badger Mill Creek corridor is proposed to take place in the foreseeable future. The amendment area is only the first in the four-step plan to annex and develop the entire recharge area comprised of uplands along the lower Badger Mill Creek and the four-mile segment of the Sugar River near its confluence with Badger Mill Creek. Incremental diversions of intended recharge water from higher elevations into low lying discharge areas, all under the guise of best management practices, will result in further reductions of baseflow and water levels in all area's streams and wetlands.

Capital Area Planning Department (CAPD) maps from 2005 show both Area W and E under severe infiltration limitations. Their soils are fine grained and/or shallow with low infiltration rates. The bedrock is close to surface in many places and is composed of either dolomite or sandstone. The bedrock is also frequently fractured (Montgomery Report p 16).

CAPD maps identify only five small separate areas as having any infiltration enhancement potential. Three of those locations are at the bases of concave slopes. The other two areas are on floodplain fringe. Of the five locations so designated, only a segment in Area W was tested for the soil conditions. The soil data indicate that in some places in Area W, the bedrock is 9 to 24 inches under the surface. At bases of concave slopes, the bedrock is below 60 inches of soil.

Because of high variability of bedrock depths within relatively short distances it is doubtful that a three-foot separation distance from the bottom of infiltration system and the top of the bedrock is possible here. However such distance of separation is required by both NR 151.12 (5) (c) e and by 14.51 (2)(e) 4,

The soil borings have also confirmed presence of dolomite in several test pits in Area W. Dolomite together with limestone is a building component of karst geomorphology. It is soluble and easily fractured. Infiltration systems built over karst bedrock pose a danger of groundwater pollution. Both NR 151.12 (5) (c) d and Dane County 14.51 (2) (e) 4 prohibit infiltration systems in areas within 1,000 feet up gradient or within 100 feet down gradient of karst features. Fractured bedrock is also present on higher elevations and slopes of Area E.

Uplands and slopes in Areas W and E are proposed locations of over a dozen infiltration facilities of unspecified character despite the poor infiltration prognosis (Figure 4b of Verona's submittal).

Infiltration sites in the floodplain and on its fringes are equally problematic. Both NR 151 and Chapter 14 of the Dane County Ordinances require minimally three feet of separation distance from the bottom of an infiltration system to the

elevation of seasonal high groundwater table (NR 151.12 (5) 5.e and 14.51 (2) (e) 4.V. No soil testing has been done at any of the likely sites for floodplain facilities to establish the height of the groundwater table.

The Stormwater Management Plan (page 57) admits that “the flat bottom areas, groundwater mounding below infiltration facilities”, is a potential concern for development”. But then it goes on to dismiss that concern by supposing that gravel and sand soils of the valley would allow rapid flow away from the infiltration facilities and “thus minimize nuisance flooding”. Chapter 17 of the Dane County Floodplain Zoning prohibits development where it could cause an increase of more than 0.01 foot in the height of the regional flood (17.105 (3)). The possibility of groundwater mounding below infiltration facilities again raises a question of how much of the water intended for infiltration and recharge will neither be infiltrated or will be recharged at all, but will end up as a contributor to a regional flood.

c) Coldwater temperatures

The City of Verona includes six detention ponds, seven infiltration basins and 26 unspecified infiltration facilities in its Stormwater Management Plan (Fig 4b of the Plan) with no discussion concerning impact of so many open-water facilities on temperatures of discharged water. Increased evaporation and diminished water volumes available for infiltration are separate issues, which should also have been addressed.

d) Wells affecting streamflow

Existing pumping wells near the Upper Sugar-Badger Mill Creek study area draw down water from the deep and shallow aquifer at the expense of flow to the streams, especially Badger Mill Creek (Montgomery Report p 39). Their pumping rate affects streamflow more than their location. However, additional pumping near the study area at rates even lesser than municipal rates could reduce streamflow by approximately 5% (Montgomery report p 42).

The report refuses to further discuss the groundwater declines due to pumping. It states, “Groundwater declines due to pumping should be addressed on a regional, rather than site-by-site basis (p 39). However, groundwater management recommendations of the Dane County Water Quality Plan (G-I, p 81) state that evidence of significant unaddressed or unmitigated groundwater or hydrolic impacts should provide the basis for withholding approval of requested activity or development. “Urban service area additions” are specifically mentioned in county’s water quality plan as one of the requested activities. Further reductions in streamflow volumes of Sugar River, Badger Mill Creek and associated springfed wetlands due to pumping are of critical importance as they directly affect water quality. Groundwater declines due to pumping should have been fully addressed.

MAINTENANCE AND MANAGEMENT OF FACILITIES

The City of Verona in its USA amendment request has revealed a plan to turn a natural infiltration/discharge system of a sensitive watershed area into an engineered system that would be fully dependant on all its components functioning as designed all the time. Failure of its weakest part would lead to system failure with unintended consequences for the State Natural Area, the Sugar River, Badger Mill Creek, wetlands and upland recharge areas.

Infiltration basins have developed a “bad kid on the block” reputation when not built properly, or not built at the right site, or not maintained properly. In the state of Georgia, which has predominantly clay soils, infiltration basins are not allowed. Infiltration basins have high failure rates compared to other facilities. Their proper siting is crucial as underscored by experience of Caltrans in Southern California, where two basins with marginal separation from groundwater and soil permeability failed immediately and could never be rehabilitated (California Stormwater BMP Handbook).

The failure rate of infiltration basins is high due to clogging (Environmental Protection Division of British Columbia pamphlet). Sediment or organic clogging layers on the wetted parameters of infiltration basins are “a rule rather than an exception”. When the water depth is increased the clogged layer is compressed and the infiltration rate is reduced, which in turn leads to increased detention time, algal growth and more clogging accompanied by precipitation of calcium carbonate (Bouwer and Rice, 1989).

In addition, localized recharge by relatively small basins can cause a water table to form a mound below the basin. Mound formation may reduce the thickness of the soil available to filter pollutants and may reduce the infiltration rate of the basin (Nimmer et al, 2009).

Under cold weather conditions infiltration basins freeze. In case of spring melt or rain over snow events, infiltration basins do not work as intended.

The City of Verona has 61 detention basins, two infiltration basins and one bioinfiltration basin. 47 of those facilities are public, 16 private and three of unknown ownership. The city intervenes in maintenance of private facilities only if there is a complaint about flooding from a facility (7-31-09 interview with Marten Cieslik, assistant director of Verona Public Works). The last set of inspections of stormwater management sites by a public works engineer was conducted during the period of April 9, 2007 to May 14, 2007 when 31 sites were inspected. Also the public works personnel, in charge of mowing at and near the stormwater management facilities, are trained to look out for signs of possible facility failure.

It is not clear who would be responsible for maintaining the proposed stormwater management facilities and how the overall functioning of the system would be affected by multiple ownerships.

SUGGESTED COURSE OF ACTION

We ask the Commission to deny the City of Verona request for the USA amendment for two parcels comprising 265 acres located in the Town of Verona near the intersection of US Highway 18-151 and State Highway 69 for the purposes of development. This area contains highly sensitive environments where conditions for any development are particularly difficult. Throughout the area, the soils are shallow and do not lend themselves for easy infiltration. Steep slopes on the edges of highland terraces are erosion prone when stripped of vegetation. Floodplain contains shallow water tables. The location of US Highway 18-151 and the State Highway 69 is the main reason the City of Verona wants to expand into this area.

The proposed mitigation measures are inadequate. In addition, more elaborate and expensive mitigation measures would not be able to solve even the most basic problems associated with such issues as infiltration, loss of recharge potential, reductions in streamflow, groundwater contamination through fractured dolomite rock, mounding under infiltration system in the floodplain and increased erosion and runoff from hillslopes, cut to accommodate new roads.

Based on water quality considerations NR 121.07 (1)(g) 2.c. provides for exclusion from sewage service of areas such as the one requested.

Major areas unsuitable for the installation of waste treatment systems because of physical or environmental constraints are to be excluded from the sewer service area. Areas to be considered for exclusion from the sewer service area because of the potential for adverse impacts on the quality of the waters of the state from both point and nonpoint sources include but are not limited to wetlands, shorelands, floodways and floodplains, steep slopes, highly erodible soils and other limiting soil types, groundwater recharge areas and other physical constraints (NR 121.07 (1) (g) 2. c.).

Stefi Harris, Dennis Franke, Arnold Harris
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City of Verona list of detention basins 7-10-08, updated 6-1-09
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Trout Stream Classification
(Upper) Sugar River
WBIC #875300

Kurt Welke
Fisheries Management
SCR, Dane County

INTRODUCTION

This reclassification report compares the fishery and habitat conditions from standardized wadeable stream and coldwater evaluation sampling efforts conducted in 2002 to similar metrics reported from past surveys. A comparison between the values obtained in 2002 and the definitions and criteria below that establish the respective classifications for trout streams are used to classify the Sugar River in this document.

Wisconsin Administrative Code NR1.02 (7) (b) provides for the identification and classification of trout streams to ensure adequate protection and proper management of those resources. Additionally, the Fisheries Management Handbook, chapter 12, provides guidance for ancillary work purposes to include species classification updating as a result of standard fisheries investigations as a basis for future management.

The codified definitions and criteria for trout stream classification are as follows:

Class 1: A class I trout stream is a stream or portion thereof with a self sustaining population of trout.

- a. Such a stream contains trout spawning habitat and naturally produced fry, fingerling, and yearling in sufficient numbers to utilize trout habitat, *or*
- b. Contains trout with 2 or more age groups, above the age of 1 year, and natural reproduction and survival of wild fish in sufficient numbers to utilize the available trout habitat and to sustain the fishery without stocking.

Class 2: A class II trout stream is a stream or portion thereof that:

- a. Contains a population of trout made up of one or more age groups, above the age of one year, in sufficient number to indicate substantial survival from one year to the next *and*
- b. May or may not have natural reproduction of trout occurring, however stocking is necessary to fully utilize the available trout habitat or sustain the fishery

Class III: A class III trout stream is stream or portion thereof that:

- a. Requires annual stocking of trout to provide a significant harvest, *and*
- b. Does not provide habitat suitable for the survival of trout throughout the year, or for the natural reproduction of trout

Two key definitions are used in the criteria. *Trout spawning habitat* and *trout habitat*, are defined respectively as “areas of gravel, small rubble or coarse sand which are infiltrated by groundwater or stream flow of sufficient quantity and quality to allow successful hatching of trout eggs and emergence of fry” and “areas having sufficient quantity and quality of water, cover, and food to allow trout to complete one or more life history stages”.

The hallmark work in Wisconsin trout management is Technical Bulletin 39, *Guidelines for Management of Trout Stream Habitat in Wisconsin* by White and Brynildson (1967). The main principals of habitat cited in this publication center around the relationships of physical and vegetation characteristics. The authors opine that the purpose of habitat is to provide favorable living conditions to support and improve survival, growth and reproduction. Major tenets include preservation of meanders and the riffle/ pool stepping character of water to provide protective depth, and encourage the spawning, nursery, and food production services associated with riffles. The establishment and maintenance of desirable streambank vegetation, especially meadow-type creeks with draping vegetation was deemed essential. Upland watershed measures

that reduced overland runoff, protection of banks from livestock, and increasing baseflow are referenced as principally important.

A review of Becker (1983) *Fishes of Wisconsin* adds additional information in respect to physical habitat in terms of substrate associations and temperature requirements. Brown trout are commonly associated with mud (10%), silt (15%), sand (21%), gravel (27%), rubble (14%), and boulder (8%). Brown trout thrive within the 50⁰- 65⁰ F range, with a preferred range of 53⁰- 64⁰ F, spawning temperature of 54⁰ F, and lethal threshold of 78⁰ F. Coldwater A waters, which include trout waters in Wisconsin, are defined as having potential **maximum** daily mean temperatures of 22⁰ C (71.6⁰F) (WT-807-04). Brown trout are secretive and require cover, either in terms of depth, or in-stream structure such as woody debris or macrophyte beds such as watercress.

The criteria for age classes can be defined from the literature. Brynildson (in Becker, 1983) gives sizes- at-age for brown trout from Black Earth Creek, Dane County, WI as follows:

Age 0 (6 months)	Age I (17 Months)	Age II (29 months)	Age III (41 months)
4.8	10.1	13.6	16.5

The Fish Management Reference Book reports size-at-age for the statewide average (STWD), Southern Region average (SCR), and for Black Earth creek and Mt. Vernon creek (BEC/MV). For brown trout of *wild origin* those values are:

	Age 0	Age I	Age II	Age III	Age IV	Age V	Age VI
STWD	4.2	8.3	12.0	14.4			
SCR	4.1	8.2	11.4	13.2		16.2	
BEC/MtV	3.5	6.5	9.1	11.5	13.7	15.3	15.5

For brown trout of *stocked origin*, the average size at age referenced from the Fish management Reference Book is:

	Age 0	Age I	Age II	Age III	Age IV	Age V	Age VI
STWD	5.8	8.8	13.0	15.1	16.9	17.6	
SCR	5.8	8.7	12.8	14.8	16.5	17.6	21.5
BEC/MtV	5.6	8.6	13.0	14.5	16.4	17.6	21.5

BACKGROUND

The Sugar River (in Wisconsin) is a 91 mile tributary to the Pecatonica River, originating in T7N, R7E, Sec 3, Dane County, WI, is composed of 3 sub-watersheds, Figure 1. The Upper Sugar River (USR) is defined as that portion from the headwaters to the dam at Belleville WI. The river has a low gradient system of 4.1 ft/mi (Surface Waters of Dane County, 1985). The USR is currently classified as Warm Water Sport Fishery (Sugar -Pecatonica River, Water Quality Management Plan, 1995) and designated as an Exceptional Resource Water from its headwaters to the Rock County, WI line. Schlappbach Creek, Badger Mill Creek, and Henry Creek are tributaries to the USR and provide cool water baseflow and thermal refugia as well as being largely characterized by reasonable gradient and the presence of coarse substrate and riparian corridors in green cover.

The USR watershed is approximately 15,000 acres in size and has land use primarily composed of agriculture, woodlands, wetlands and grass cover, Table 1. Significant Land use changes which have occurred in the watershed in last two decades include PL-566 programs, Conservation Reserve Program, (CRP), streambank improvement, and elimination of direct industrial discharge (Amrhein, 2004). Significant volumes of treated municipal wastewater discharge occurs indirectly via Badger Mill Creek.

Three relevant investigations have taken place to characterize the fish communities of the USR. Fago (1982) sampled at eight stations by D.C. stream shocker within the period 1974-1981 from RM 66.3 at CTH A in T5N, R8E, Section 22 to RM 86.7 at CTH P in T7N, R7E, Section 33. Collections were characterized by common non-game species and corroborated the warm water sport fishery designation.

No trout or other stenothermal *coldwater* species were sampled. This includes both native (NCD) and exotic (ECD) species per Lyons (1996). The only native stenothermal *coolwater* species noted were brassy minnow, brook stickleback, and mottled sculpin. These species were sampled in low numbers never exceeding 40 individuals at a given sampling station, and declined in abundance along a downriver gradient.

Stewart and Marshall (1993) conducted a classification survey based upon electrofishing collections at 14 sites, replicating sites visited by Fago. Additionally, 12 macro-invertebrate samples were collected from 4 sites, and water quality information collected monthly at 1 reference site. Their assessment recommended that this stretch (headwaters to Frenchtown Rd) of the Sugar River be classified as cold water fish and aquatic life community (COLD). Trout were found at 10 of 13 stations (N=42), along the stream length, including the furthest downstream stations. Lengths ranged from 3.5 to 23.9" with 17% known to be of hatchery origin. Therefore, 36 trout (84%) were of either wild origin and could be of products of the Sugar River or were from older hatchery stockings as holdover fish. Total trout density was low and did not justify formal classification as trout water for this reason. Sculpin were found at 11 of 14 stations and listed as "common" at upper stations, whereas 1974 –1981 collections of sculpin were modest. Supporting information from macro-invertebrate samples typified water quality as good to fair, with HBI scores ranging from 3.28 to 6.39. Water temperature data from February through September 1992 were within reported tolerances for trout and never exceeded lethal thresholds. Maximum reported temperatures were 21.6° C (70.8° F).

A 1997 survey (WI DNR, unpublished) was conducted at 6 stations on the Sugar River. A total of 104 brown trout and 992 mottled sculpin were collected. Presumably this information was the basis of a recommendation to update NR104 and/or the "Wisconsin Trout Streams" (DNR Pub-FH-806) to include the Sugar River in Dane County as a trout water from RM 70.4 to RM 76.4 (STH 69 to STH 18/151). Despite sufficient justification, no formal change in classification of the USR has occurred.

An April 2004 reclassification based upon communities and criteria set forth in *Guidelines for Designating Fish and Aquatic Life uses for Wisconsin Surface Waters* (DNR Pub WT-807-04, 2004) recommends that the Sugar River from its headwaters to Frenchtown Road be classified as Coldwater A- Class II community (Amrhein, 2004)

METHODS

Collection of habitat, macro-invertebrate, and fisheries information followed protocols outlined in the *Guidelines for Evaluating Habitat of Wadeable Streams* (DNR, rev June 2002), *Guidelines for Collecting Macro-invertebrate Samples from Wadeable Streams* (DNR, September 2000), and *Guidelines for Assessing Fish Communities of Wadeable Streams in Wisconsin* (DNR, rev March 2001). Habitat was quantified on September 3, 2002 at Frenchtown Road and progressing for 12 transects upstream for a distance of 574 meters. A single macro-invertebrate sample was taken on November 14, 2002, 210 meters upstream from Frenchtown Rd. Fishery community sampling for all species was conducted at 11 stations from September 3-4, 2002. Figure 2. provides an overview of sampling station locations.

At each station all fish were enumerated, and all gamefish measured for TL to the nearest 0.1 inch, Appendix 1. Total score and integrity ratings for each fish sampling station were prepared by summation of metrics on coldwater IBI data collection forms. For each station, length frequency distributions for brown trout were prepared, as well as catch-per-unit-effort (CPUE) expressed as both total number of trout per mile, and number of trout > 6"/mile.

Temperature data was collected hourly from December 7, 2001 through June 2003 using Onset Tidbit recording thermographs at Paulson Rd, STH 69, and CTH A. Minimum, average, and maximum temperatures for the summer period June – September 2002 were calculated using simple functions in MS Excel.

RESULTS

A total of 625 brown trout were collected during the 2002 survey work. Brown trout were collected at all 11 stations and increased in both in number sampled and the relative percent of the total community

(expressed as % top predator) from upstream to downstream (Table 2.). Numbers of fish generated at individual stations yielded CPUE's of 39 to 662 brown trout /mile. Number of brown trout >6' CPUE's ranged from 39 to 559 fish/mile (Table 3.). Trout lengths ranged from 2.3 "to 21.5" with a mean length of 9.1" (SD=4.05, N = 625). Forty-nine percent of trout (307/625) collected were legal size of 9" or larger. Easily discernable modal lengths correspond to individual age classes reported in the Fisheries Management Reference Book for brown trout of wild origin and are evident at approximately 4", 9", 12", and 14", Figure 3. Additional year classes are represented from fish 16 to 21.5 inches. Young-of-year brown trout (<3.5") and yearlings (= or < 9") made up 6.7% and 22% of the trout sampled, respectively. The published stock and quality sizes for brown trout are 8" and 13" (Murphy, 1996). The corresponding PSD value generated for the Upper Sugar River is 45.

Mottled sculpin were collected at 10 of 11 stations, with 839 individuals taken. As a metaphor for the stenothermal coolwater *species*, numbers generally declined from the headwaters downstream, Figure 4.

The percent of tolerant species remained stable along the downstream continuum at approximately 55% with the exception of mid reach stretches (stations 6 & 7) where disproportionately high numbers of white suckers were collected and skewed the measured abundances of all fish.

Temperatures data from the three thermograph recording sites yielded average summer temperatures from 17.1° C to 19.4° C (62.6° - 67.1° F) from upstream to downstream. The maximum summer temperature observed was 26.2° (79° F) at CTH A. However, this threshold temperature was observed for only .03% of all observations. The daily mean temperature at this site also exceeded the Coldwater A daily mean maximum temperature of 22° C (71.6° F) for 3.1% of observations. Preferred temperatures of 10°-18° C were observed for 8,205 of 29,266 (28.0%) of observations. Winter temperatures were measured to reach 0° C, indicating baseflow is not largely dependant upon groundwater.

Habitat quantification characterized the Sugar River at Frenchtown road as a moderately wide (15 m), slow (1.03 m/km) waterway with evenly interspersed riffles, limited pools, and having substrates dominated by coarse sand and gravels, with lesser amounts of fine sediment. This characterization is atypical of the entire length of stream sampled however. Amrhein (2004) accurately describes a habitat gradation wherein the upper stream portions are narrow, with softer sediment, run-dominated habitats, lying within a grassed and shrub-lined corridor. The river widens progressing downstream to include coarser substrates; more riffle habitat and upland cover types that include more row crop agriculture.

DISCUSSION

The Sugar River lying between Frenchtown Road (T5N, R8E, Sec 22) and its headwaters at CTH P (T7N, R7E, Sec 33) meets the criteria for classification as a Class II trout stream. The presence of an abundant brown trout resource comprised of multiple year classes establishes that the codified criteria of *sufficient number* and *survival* are met. Additionally, the 2002 survey work documents *natural reproduction* within this reach and illustrates a potential for the available habitat to support a more fish. Catch-per-unit-effort values are comparable with other listed trout waters within Dane county. Supplemental stocking of brown trout of the appropriate strain can be used to attain potential carrying capacity.

A recreational trout fishery presently exists on the Upper Sugar River. Substantial angler effort is currently directed at the USR because of the presence of large wild fish and the ability to fish a large meadow-type stream. It is popular with fly fishing and spinner anglers.

The classification is further supported by the widespread presence of the complimentary stenothermal coolwater species, the mottled sculpin, and the increasing gradient in the guild of tolerant species from upstream to downstream. Invertebrate HBI scores are consistent with those commonly generated from trout waters.

Water temperature, substrate and habitat parameters are all consistent with values regularly found in trout waters and peer reviewed literature. The values from the Sugar River are similar to those in adjacent codified systems within Dane county.

Land use and watershed characteristics that influence base flow, ambient water quality, and the fisheries resource have resulted in a systemic shift toward a more wide-spread and consistently cold condition within the Sugar River. While this system lacks the characteristic spring flow inputs of streams of similar scale (Mt. Vernon, Black Earth Creek), the Sugar River should continue to support a quality brown trout fishery of moderate density. Many of the underlying principals referenced in Technical Bulletin 39 exist within this waterbody, especially in terms of streambank vegetation and watershed land practices.

RECOMMENDATION FOR CLASSIFICATION AND MANAGEMENT

The (Upper) Sugar River from its origins at CTH P in T7N, R7E, Section 33 of Cross Plains Township, to Frenchtown Road in T5N, R5E, Section 22 of Montrose Township, Dane County, Wisconsin should be public noticed and legally classified as a Class II trout stream.

Periodic standardized coldwater IBI fishery surveys should continue to document the fisheries community as well as periodic temperature, invertebrate, and habitat monitoring.

Traditional in-stream and bank habitat features and practices should be applied where applicable to increase in-stream cover and under-bank area. Project elements that encourage stream sediment transport, maintain current velocity, and encourage both substrate and morphological diversity (pool-riffle-run) are recommended.

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This document is saved as Classification-sugar.doc in C:\Documents and Settings\welkek\My Documents\TROUT WORK

Table 1. Land use (in acres) within the Sugar River Watershed, 1999. (Source: Dane Co. Land Cons. Dept)

Land use	Sub-watershed Acres			Total
	US	MS	LS (upper)	
Cropland*	10,346	8,501	9,389	28,236
Farmstead	493	525	444	1,462
Grass*	722	1,707	1,261	3,690
Open Space Un-dev.	32	1	10	43
Pasture*	87	42	135	264
Road	253	313	224	790
Sub-division	-	277	42	319
Transportation Services	32	9	-	41
Urban	339	193	77	609
Water**	-	-	-	-
Wildlife Habitat	7	-	17	24
Woodland*	1,870	2,073	1,610	5,553
Wetland*	762	1,251	940	2,953
				-
approx. TOTALS	14,943	14,892	14,149	43,984

Station Location	# Brown Trout / mile	# Brown Trout >6" / mile
Valley View Rd - Station 2	31	39
CTH J – Station 3	91	91
Paulson Rd. – Station 4	91	71
White Crossing – Station 5	167	131
Valley Rd – Station 6	155	140
STH 69 – Station 7	212	150
Bruce Co – Station 8	464	293
Range Trail – Station 9	241	164
Sarbacher Property – Station 10	662	559
Frenchtown Rd – Station 11	121	88

Table 3. Brown Trout Catch-Per-Unit-Effort (CPUE),Upper Sugar River 2002

Badger Mill Creek
Fisheries Classification
WBIC # 888100

Kurt I. Welke
SCR, East Fisheries Team
November 4, 2005

Background

Badger Mill creek is a tributary to the Sugar River, south of the village of Verona in Dane Co. WI. The stream has had a history of impacts to, and recovery of, its 'cold water communities due to effluent discharges and impairments from changing land use. The stream has never had a codified fisheries classification.

On September 21, 2005, FH and WR staff from SCR surveyed Badger Mill Creek (BMC) to obtain current fisheries data. The last fisheries survey by DNR personnel was August 2000. The creek has been central to the issuance of a USA (Urban Services Amendment) permit which necessitates an accurate classification in regards to stormwater discharges.

A water resources classification effort (Amrhein, 2005) was concurrent to this fisheries classification in order to consistently reflect the stream condition and potential. The proposed WR designation for Badger Mill creek from the confluence with the Sugar River to the Lincoln Street Footbridge is Coldwater B- Class Iix. The stream reach from the Lincoln Street footbridge upstream to the MMSD effluent discharge is suggested as WR classification Diverse Fish and Aquatic Life- Coolwater.

Badger Mill creek receives 3 MGD of treated effluent discharged from the Madison Municipal Sewerage District (MMSD). This effluent discharge began in 1998. A 2001 re- classification (Marshall, 2001) suggested that BMC be classified as a COLD water resource based upon the presence of brown trout and mottled sculpin. That classification was not formally adopted subsequent to the addition of effluent. It is now felt that BMC has reached a biological and physical/chemical equilibrium and that a formal fisheries classification is warranted.

Badger Mill creek is stocked annually at the STH 69 bridge with 500 yearling (aver. length = 9") domestic strain brown trout. Since 2000, all stocked fish have received an adipose fin clip to identify them as of hatchery origin.

Methods

Fish were sampled at five stations (Table 1.) using a standard pulse DC current tow barge stream electro-fishing unit. Station lengths were always a minimum of 35X the stream

mean width. Sampling was conducted with two persons collecting with probes and nets. All habitats present were sampled. Fish were collected, and held for enumeration. Lengths (nearest 0.1 inch) were recorded for all coldwater and warm water game fish and panfish.

Table 1. Sample locations, Badger Mill Creek, September 2005

Station Location	Starting GPS Coord.	End GPS Coord	Station length
State Hwy 69	42.9645 X 89.5485	42.9675 X 89.5448	470 meter
Bruce Street	42.9771 X 89.5391	42.9786 X 89.5365	326 meter
CTH M	42.9803 X 89.5337	42.9797 X 89.5314	283 meter
Lincoln Street	42.9833 X 89.5286	42.9841 X 89.5275	115 meter
Old PB	42.9919 X 89.5136	42.9920 X 89.5125	102 meter

For each station, total fish by species were counted and recorded. Catch-per-unit-effort values by distance and time were calculated for all trout. Length frequencies were produced for all trout by station. Cold water index of biological integrity (CWIBI) and warm water IBI (WWIBI) scores were calculated by station per the current Watershed Bureau calculation tools.

Results

Brown trout were found at all five sample locations. Lengths ranged from 3.6 to 17.8 inches, Figure 2. Five year classes of trout are represented. Catch rates ranged from 55 to 171 trout /mile or 11 to 39 brown trout per hour, Table 2.

Table 2. Brown trout Catch-per-unit effort, Badger Mill Cr, September 2005

Station Location	Brown Trout / mile	Brown Trout/ Hour
STH 69	171	39
Bruce Street	138	18
CTH M	142	25
Lincoln Street	55	11
Old PB	110	28

Young -of-Year (YOY) trout were sampled at 4 of 5 stations. Twenty three YOY (19.8%) were collected. Mottled sculpin, a stenothermal coldwater fish, were collected at 3 of the 5 stations, with 111 individuals caught.

Coldwater IBI (Appendix A) scores ranged from 0 to 10, or a rating of very poor. Warm water IBI scores ranged from 12 to 32, with 3 intermediate scores, for an overall rating of poor.

Water temperatures (expressed as daily mean temperature) gauged by USGS at Bruce Street for the period June 1 – September 30, 2005 range between 15° C and 23° C (59° F and 73.4 °F.) Commonly accepted threshold temperatures (WDNR, 2004) for maximum daily mean of 22° C (71.6°F) and instantaneous maximum temperature of 25° C (77° F)

were never exceeded at the Bruce Street site. The majority of temperatures were between 18° and 20° C, Figure 3.

For the period of record 2003-2005, BMC temperatures fell within the preferred thermal range for brown trout of 53°F – 64°F for 44% of all observations. Oxygen concentrations at Bruce Street varied daily from approx 6 ppm to 12 ppm. On 5 days, the minimum concentration fell below 6 ppm, with a singular value of 4 ppm recorded on September 11,

Discussion

The standard criteria from the fish management handbook (1994) for designating trout water in Wisconsin are as follow:

Class 1: A class I trout stream is a stream or portion thereof with a self sustaining population of trout.

- a. Such a stream contains trout spawning habitat and naturally produced fry, fingerling, and yearling in sufficient numbers to utilize trout habitat, *or*
- b. Contains trout with 2 or more age groups, above the age of 1 year, and natural reproduction and survival of wild fish in sufficient numbers to utilize the available trout habitat and to sustain the fishery without stocking.

Class 2: A class II trout stream is a stream or portion thereof that:

- a. Contains a population of trout made up of one or more age groups, above the age of one year, in sufficient number to indicate substantial survival from one year to the next *and*
- b. May or may not have natural reproduction of trout occurring, however stocking is necessary to fully utilize the available trout habitat or sustain the fishery

Class III: A class III trout stream is stream or portion thereof that:

- a. Requires annual stocking of trout to provide a significant harvest , *and*
- b. Does not provide habitat suitable for the survival of trout throughout the year, or for the natural reproduction of trout

Given these set points, BMC meets the definition of a class II trout stream. This recommendation is based upon trout presence and relative abundance at all sample stations, evidence of annual carry over and multiple ages present, and the occurrence of young of year trout. Additional support for this classification is evident in the temperature and dissolved oxygen data.

Brown trout were sampled at a frequency ranging from 4 fish per station to as many as 50 individuals within a station. These collections establish trout presence at between 4% and

7% of all fish at any station. BMC represents a low density population with potential to hold reasonable numbers of trout where the habitat is acceptable. Stations that provided typically courser substrates, gradient, adequate depth, and in-stream cover held more trout than stations lacking these attributes.

Survival was evidenced by minimum of three year classes of trout sampled at all stations. Where adipose clipped fish were recovered, their lengths support survival through 2 additional growing seasons from the initial stocking event. Young of year trout were recovered in and around suitable spawning habitat to suggest in stream production of these fish.

Badger Mill creek has had a historical coldwater (trout) resource. Its current fishery community, temperature and oxygen characteristics establish it as a class II trout water. **South Central Region (SCR) fisheries staff therefore recommends that Badger Mill Creek be legally codified as a class II trout resource from its perennial flow source in T6N, R8E, Section 13, Dane County, Wisconsin, to the confluence with the Sugar River in T6N, R8E, Section 28.**

References

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This document is archived as C:/My Documents/Trout Work/Badger Mill Creek Reclass.doc and C:/My Documents/Trout Work/Appendix A to Badger Mill reclass.doc

Figure 1. Map of Badger Mill Creek Sampling Stations, September 2005

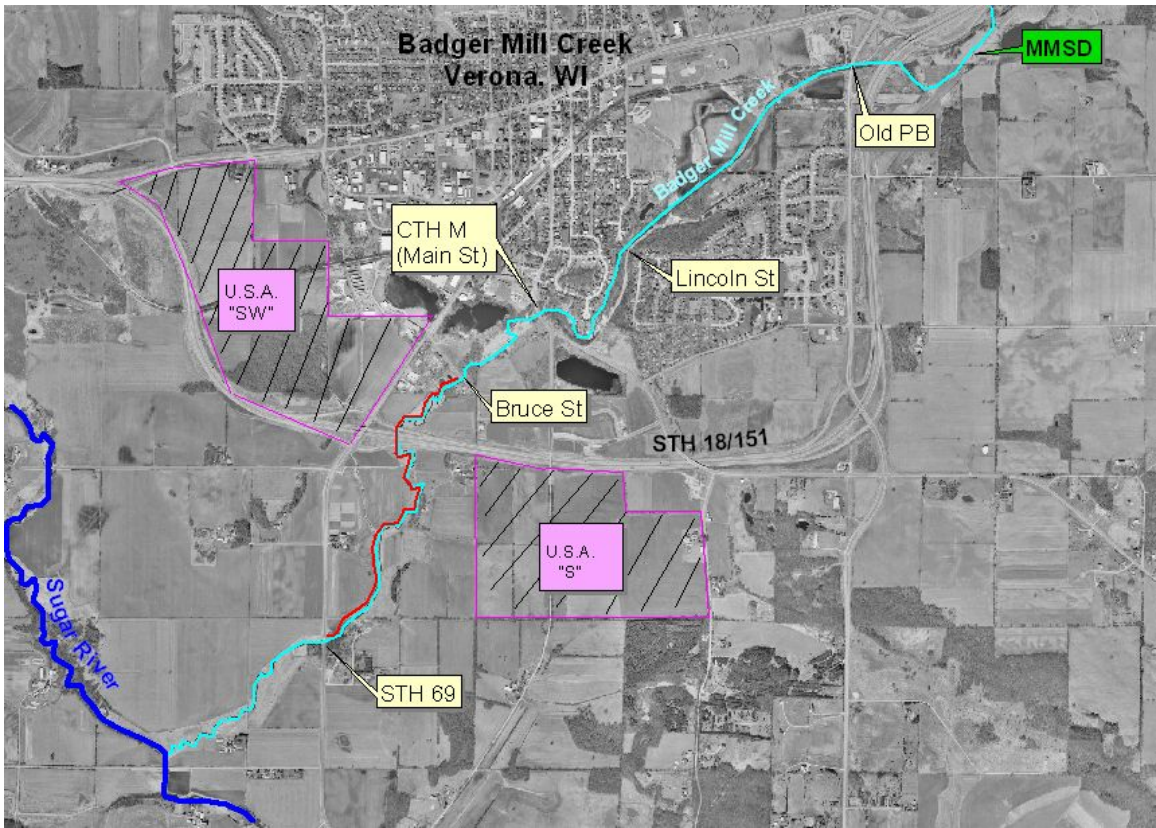


Figure 2. Brown Trout Length Frequency, Badger Mill Creek, all stations combined

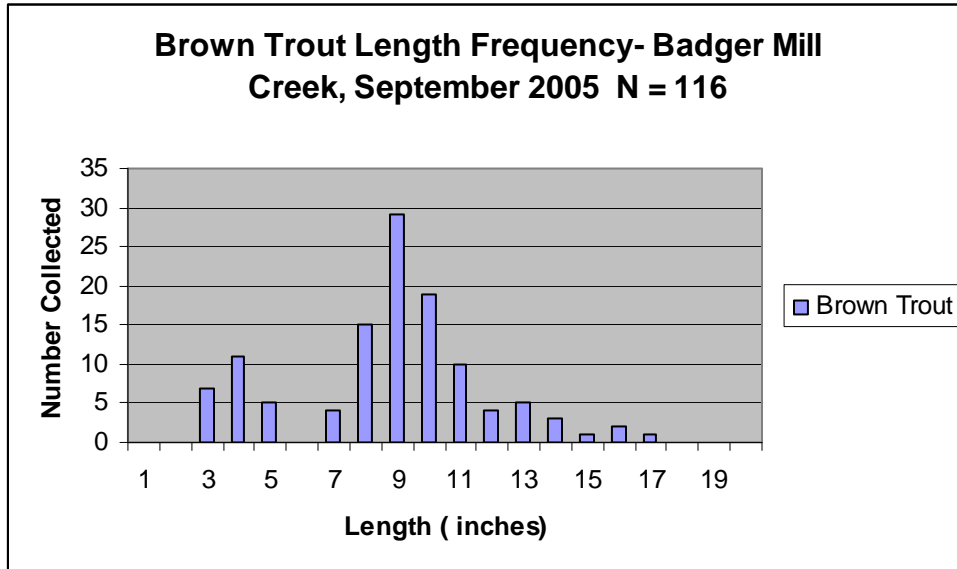
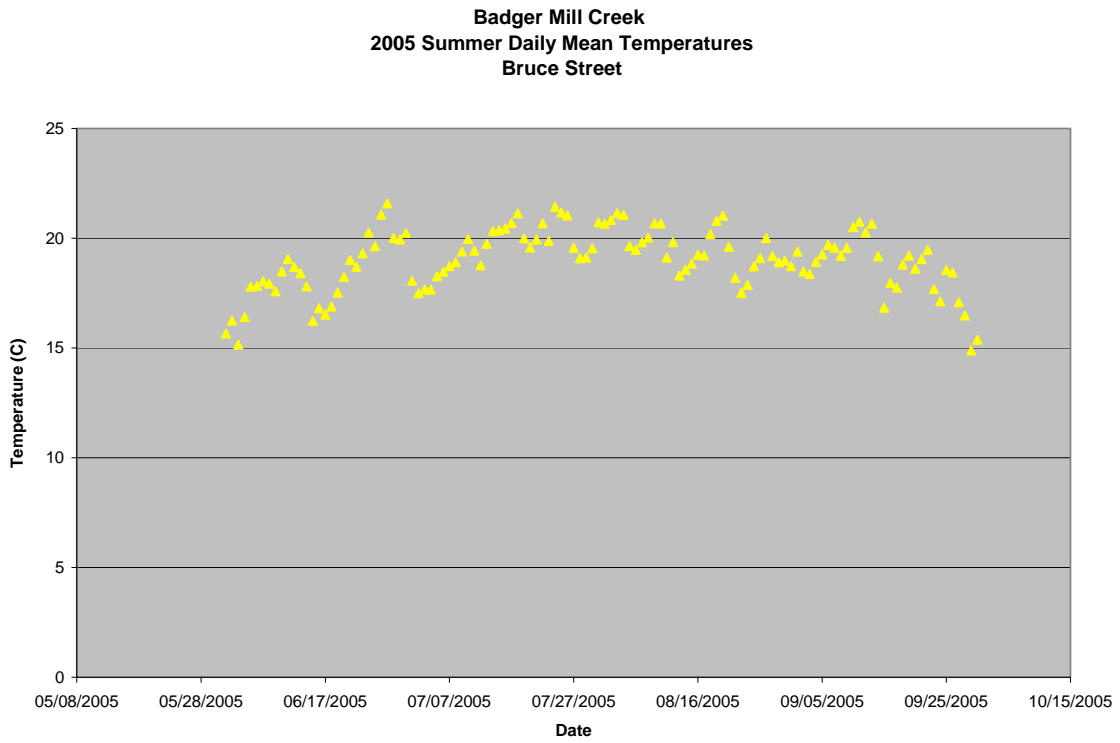


Figure 3. Daily Water temperatures, Badger Mill Cr eek @ Bruce Street, June – September 2005.



Appendix A. Badger Mill Creek, September 2005

- Copies of field data collection sheets
- Length Frequency Histograms of brown trout by station
- Fahrenheit – Celsius temperature conversion table

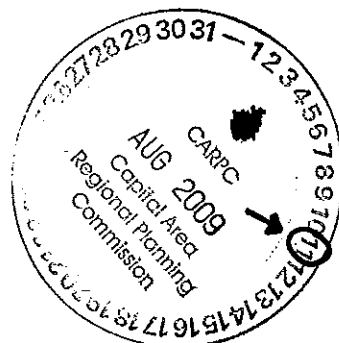
Pursuant to NR 1.02(7)(c), WI. Adm. Code, the Department of Natural Resources plans to classify 4.8 miles of Badger Mill Creek in Dane County as Class II Trout Water. The classification will include the stream length from the perennial outflow in T6N, R8E, Section 13, Dane County, Wisconsin, to the confluence with the Upper Sugar River, in T6N, R8E, Section 28.

The trout stream classification is based on survey results that indicate Badger Mill Creek sustains a population of brown trout representing several year classes in sufficient numbers to sustain the population from year to year. The stream also displays other vital stream characteristics (cold temperature, good water quality and healthy aquatic life) that are necessary to sustain trout. Stocking is needed to supplement natural reproduction.

Trout stream classification is a Type III action under the Wisconsin Environmental Policy Act (WEPA).

The Department of Natural Resources shall waive any hearing on this classification unless a written request is received before _____, _____. Requests should be mailed to: Kurt Welke, Wisconsin Department of Natural Resources, 3911 Fish hatchery Rd., Fitchburg, WI 53711.

August 11, 2009



Hand Delivered

Mr. Jeff Miller, Chairperson
Capital Area Regional Planning Commission
City-County Building, Room 362
210 Martin Luther King Junior Boulevard
Madison, Wisconsin 53703

Re: Limited Support for the City of Verona's Southwest Urban Service Area Amendment

Dear Mr. Miller:

I support the amendment to the City of Verona's Southwest Urban Service Area, but without wide environmental corridors on my property along Badger Mill Creek and its dry tributary (Lower Badger Mill Creek).

Badger Mill Creek and its dry tributary intersect on my property, which is part of the area designated as "Area E" on the proposed urban service area amendment. I have resided and farmed in this area for many years. At this time there are no development plans for my farm that is part of "Area E." If and when development on my farm is proposed, or on the part of it along Highway 69 that has been identified as having development potential, protecting Badger Mill Creek and its dry tributary from development on my property can be addressed. In the meantime, it is not fair to burden my farm with an environmental corridor that in substantial part would be intended to help remedy water quality problems that originate from urban areas upstream from my farm.

The city has adopted a farmland preservation plan that protects rural areas and agricultural lands from low-density development. The City has adopted and enforces erosion control regulations to insure that construction activities do not cause sedimentation.

The City of Verona has grown in a planned and logical manner. The proposed amendment continues this by planning for growth in an area that is contiguous to the city and to existing utilities and transportation infrastructure.

I support a "yes" vote on the proposal, provided wide environmental corridors along Badger Mill Creek and its dry tributary are not required. I can be reached at 608-845-9402.

Sincerely,

Kirk A. Feller

2100 Highway 69
Verona, WI 53593

Gjestson, Christopher

From: Violante, Todd
Sent: Wednesday, August 12, 2009 10:15 AM
To: Gjestson, Christopher
Cc: Mesbah, Kamran
Subject: FW: letter to CARPC 8-12-09 Verona USA

Chris,

Did you receive this email for the CARPC members regarding the Verona USA?

It was sent to me, but it's unclear in the email if it was also sent to you, Kamran, the commission members, or anyone else.

I'm forwarding it on to you guys so that I know it reaches the author's intended audience.

Take care.

Todd

Todd A. Violante, AICP, Director
Dane County Planning & Development Department
Room 116, City-County Building
210 MLK, Jr. Blvd.
Madison, WI 53703-3342
Phone: (608) 266-4021
Fax: (608) 267-1540
Email: violante@co.dane.wi.us
<http://www.countyofdane.com/plandev/>

-----Original Message-----

From: Stefi Harris [<mailto:stefiharris@tds.net>]
Sent: Wednesday, August 12, 2009 8:58 AM
To: Violante, Todd
Subject: letter to CARPC 8-12-09 Verona USA

8-12-09

To: Capital Area Regional Planning Commission

We ask CARPC to disapprove the City of Verona request for an urban service area (USA) on the sites they have requested.

The proposed amendment area contains water and other natural resources highly vulnerable to multi-faceted impacts of urban development. Allowing Verona's USA request to proceed would expose the already-threatened water and natural resources of the area to additional risks.

The amendment area does not lend itself to easy mitigation of impacts on water quality. It mostly comprises terrain where predominant soils have poor infiltration qualities and also contain either shallow bedrock or high water tables. There are only a few relatively small areas where artificial infiltration is possible. And even there the soils would have to be removed to a depth of several feet and

8/13/2009

then replaced with engineered soils to make any man-made infiltration work.

Some important urban impacts are not addressed in Verona's water quality management plan. For example, mitigation measures for coldwater temperatures and groundwater protection are not presented.

Some of the proposed mitigation measures are primarily based on results of simulation models fed by data that have not been made available to the public. Specifically, it is not know what exact data were used in the TR-55 computer model to determine storage requirements of ponds or in the P-8 program to determine the size of detention/infiltration facilities.

The City of Verona water quality management plan is clearly inadequate. It lacks cohesion and a degree of specificity necessary to demonstrate how all the plan elements would work together as a system that could protect all the required aspects of water quality. CARPC staff recommendations do little to make up for lack of solid data foundations of the plan's models and for absence of cohesive design integrated into the workings of the area's environmental conditions. It is difficult to imagine how this patched-up plan even under the best of circumstances would protect water quality of the area in perpetuity.

We ask the Commission to reject this plan and not approve for recommendation Verona's request for the USA amendment. Approving this request would leave the water and natural resources of the amendment area to a very uncertain future. There are no provisions for public participation in DNR review process for those USA requests already recommended by CARPC. We fear that the DNR's bureaucracy, driven by political interference, would neglect an objective evaluation of Verona's proposal. We also ask that the decision not be delayed. The amendment area's difficult development conditions will remain such. Nothing will be gained by postponement. It is not realistic to think that placement of development such as proposed is practicable or cost effective. In fairness to the City of Verona, it should not be asked to spend any more money on creating additional patches for its unworkable plan.

Stefi Harris, Dennis Franke, Arnold Harris
Western Dane Coalition for Smart Growth and Environment
3427 County Rd P
Mt Horeb WI 53572
(608)798-4833
stefiharris@tds.net

Gjestson, Christopher

From: Jon Baldock [agstat@tds.net]
Sent: Thursday, August 13, 2009 4:39 PM
To: Capital Area RPC Mail
Cc: Baldock, Jon
Subject: Opposition to Revising Verona Urban Service Area

Commissioners:

I am a Town of Verona resident and I urge you to deny the City of Verona's request to expand the City's Urban Service Area to the southwest of Verona.

This area should not be allowed to develop until the open areas between Verona and Madison (north and east of Verona) and between Verona and Fitchburg (east of Verona) are developed. The latter areas are true "infill" and would be closer to the existing population center of Dane County hence would require fewer miles of infrastructure (sewer, water, snow removal etc.) and cause fewer driving miles. Furthermore, I don't believe the current practices in dealing with storm water are sufficient to maintain the quality of the Sugar River and the Badger Mill Creek. For example, the recent developments on the west edge of Fitchburg for Target and along Nesbitt Rd were supposed follow Dane County Storm Water rules, but we've ended up with a real mess along Fitchrona Road. Storm water completely inundates the little park just south of the bypass and sits there for months. Some storm water may also be overflowing into Goose Lake.

Thus, I urge you deny the City of Verona's request to expand it's Urban Service Area to the southwest.

Respectfully,

Jon Baldock

Gjestson, Christopher

From: Heifetz, Michael G. [Michael.Heifetz@deancare.com]
Sent: Thursday, August 13, 2009 6:06 PM
To: Gjestson, Christopher
Subject: This evening's public hearing
Importance: High

Good afternoon.

My apologies. I had planned to comment in person this evening but multiple conflicts have arisen. Attached is our letter supporting the proposed expansion of the Verona Urban Service Area boundary. It is dated but still applies. As a health care entity, we recognize the importance of a positive environment on wellness and overall health. As a field, the health care sector is progressing rapidly to adopt green building techniques and energy conservation.

Dean Health System has over 100 years of history in Dane County. As patients have demonstrated their preferences for having health care services close to home, we have worked to accomplish that in a manner that blends with the area and demonstrates our goal of being a good neighbor and partner in the community.

Regarding the specific proposal before you, some of the Wingra property is already in the existing urban service area. Thus, any future potential development would clearly be contiguous to existing infrastructure, utilities, etc. Therefore, it would not be an example of "leap frog" development.

Additionally, the City of Verona has utilized a lengthy, intensive and broadly-inclusive process for creating land use plans for this area. Participants have included stakeholders from wide-ranging perspectives, including the Upper Sugar River Watershed Association, the Nature Conservancy and the National Heritage Land Trust.

The City has also gone to significant lengths to ensure that the environment will be protected under the proposed changes. Montgomery Associates, hired by the City, conducted a thorough assessment of the natural resources within the area. Moreover, the consultants also recommended measures to protect those resources in the future if the area does indeed become more urbanized. It is my understanding that representatives of Dane County, the Wisconsin Department of Natural Resources, the Madison Metropolitan Sewer District and CARPC all reviewed and approved this process.

Some of this is repetitive to what you will likely hear this evening, but they are important points for your consideration.

Thanks for the opportunity to comment. Again, my apologies for being unable to attend this evening. If we can provide further information please let us know.

<<CARPC 6-16-09 Ltr .PDF>>

Michael Heifetz
VP for Government Affairs
Dean Health System
Phone: (608) 250-1225 (tie line 550)
Fax: (608) 250-1020

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Thank you.

Gjestson, Christopher

From: Wong, Tim - DHS [Tim.Wong@dhs.wisconsin.gov]
Sent: Thursday, August 13, 2009 3:32 PM
To: Capital Area RPC Mail
Cc: Falk, Kathleen; ReneeLauber@consultant.com; Mayor@cityofmadison.com; ghderr@verizon.net; mhazel@hazelbakerlaw.com
Subject: Proposed Urban Service Area Expansion Near Verona

Dear CARPC Members,

A concurrent meeting tonight makes my appearance at the hearing impossible, but please read my comments into the record:

I oppose the proposed urban service area expansion near Verona for many reasons. First of all, we should try to understand what reducing greenhouse emissions by 17% to what they were five years ago means. It does NOT mean building unneeded commercial and residential sprawl south of Verona. It is shameful that Epic was allowed to turn wonderful farmland into a impervious monstrosity, one that should have been built on infill, not some of the best soil in the country. We should not compound the Epic error by building yet another development that will compound our already serious global warming problems.

Furthermore, the proposed location poses very serious challenges to the Sugar River watershed. I think it is time we stop attacking our planet with constant sprawling developments on the periphery. The housing market is not exactly booming, and many people have started realizing that living miles from decent public transportation is a thing of the past, not the present or future.

In short, this development makes no economic or environmental sense. Please vote against it. Thanks.

tim wong

Gjestson, Christopher

From: Martha Reinke [rmreinke@sbcglobal.net]
Sent: Thursday, August 20, 2009 8:53 PM
To: Capital Area RPC Mail
Cc: stefiharris@tds.net
Subject: Preserving the Yahara Lakes

Dear CARPC commissioners: If you look carefully at the 79th report (2008), you will note that the fish count was halted because the streams were flooded. Prevention of flooding is essential to protecting our fresh water. Verona purports to have a plan to mitigate flooding. The City of Madison has worked overtime on preventing such a contingency in the spirit of the Yahara Lakes Conferences of 2007 and 2008. Through cooperative efforts of DNR, environmentalists, and farmers, a new paradigm emerged: one that would rehabilitate the Yahara Lakes. Both the Sugar River and Badger Mill Creek are tributaries to the Yahara Chain of Lakes. Verona's proposal violates the intent of NR 151 of the Wisconsin Administrative Code. The Yahara Lakes are still capable of rehabilitation. The Verona development, if approved, would constitute a step backward. The last thing we wish is another community inundated by storm events permitting human excrement into the Yahara River

basin and "the lakes we love" as Dane County Executive Kathleen Falk made clear. Richard Reinke 238-6981 314 Virginia Terrace Madison, WI 53726

note:"79th report (2008)" refers to MMSD report, per e-mail 8/21/09

Gjestson, Christopher

From: Martha Reinke [rmreinke@sbcglobal.net]
Sent: Monday, August 24, 2009 5:23 PM
To: Capital Area RPC Mail
Subject: RE: Preserving the Yahara Lakes

Chris, In the section "Sugar River and Badger Mill Creek" in the 79th annual report of the Commissioners of the Madison Metropolitan Sewerage District" ([www.madsewer.org/Publications/Reports/Annual Report 2008](http://www.madsewer.org/Publications/Reports/Annual%20Report%202008)) appears this sentence. "This is the first time since inception of fish shocking in 1994 that Site SR 5 (upstream of the confluence of the Sugar River with Badger Mill Creek) was not sampled due to high water levels and debris within the streams caused by the heavy rains in June and July" (p. 20).

Gjestson, Christopher

From: Martha Reinke [rmreinke@sbcglobal.net]
Sent: Tuesday, August 25, 2009 4:43 PM
To: Capital Area RPC Mail
Subject: RE: Preserving the Yahara Lakes

Chris, the reason the sentence is important relates to Ron Seely's article "Health Risks Fill Floodwaters" (Wisconsin State Journal June 22, 2008). The Madison Metropolitan Sewerage District pumped raw sewage (human excrement) into Cherokee Marsh (which the Yahara Lakes Legacy Project has vowed to protect), Starkweather Creek, a major feeder stream, to Lake Monona which runs through Olbrich Gardens (to visit the Thai Pavilion one must walk across a bridge over Starkweather Creek) and Lake Mendota (the lake that attracts so many people to sit on the terrace of the Memorial Union of the UW-Madison). DNR water leader Mr. Ken Johnson remarks: "What a mess!" Before a development like the proposed Verona USA amendment, the matter of protecting water quality should be primary in the considerations of the commissioners. Not adept at forwarding the article, could you do so for me. Thanks for all your help. Richard Reinke 238-6981

Gjestson, Christopher

From: tigertank6@aol.com
Sent: Wednesday, September 16, 2009 9:58 PM
To: Capital Area RPC Mail
Subject: Verona's Urban Service Area

Dear CARPC staff members and commission members,

I writing you in regard of the City of Verona's plan for adding 80 acres of the Feller (my) property along with 2 other landowners into their Urban Service Area. I was at the Hearing in August and listened to what CARPC, City of Verona and some concerned environmentalist wanted. Everybody has their own wants and needs.

Our land has been in our family for 90 years. This farm is still an active dairy farm run by myself and my wife. For the past 90 years our family has milked cows 2 times a day, 7 days a week, 365 days a year. It's not any kind of a record but it is a long time. This farm and family went through the Great depression, just like many others did. My dad and uncle were in the Pacific Ocean during WWII. I've got 2 brothers that between the 2 of them spent 50 years in the armed service. My sister is currently in Bangkok working in the Foreign Service Department. I'm sure there are many families across the country that have given as much or some cases a lot more.

When making your decision about whether or not to let the City of Verona put it into their USA I hope you don't hide behind this ever popular "water quality bs". I think we all are for water quality. This is just politics at its best or worst. Before stealing land, ours or anybody elses I would hope you think about how you are treating people. This is NO different than me getting on a bus and being told to "sit in back of the bus".

I don't think these people paid their price to have the government steal their land. www.dtic.mil/dpmo/

Kirk & Jan Feller

10-6-09

To: Capital Area Regional Planning Commission (CARPC); Madison, WI

From: Western Dane Coalition for Smart Growth and Environment

Re: The City of Verona urban service area (USA) amendment request

We wrote in detail on this topic previously (attached letter of 8-5-09) and asked CARPC to deny a recommendation for a requested USA by the City of Verona. We have examined the additional material provided since the 8-13-09 public hearing by the City of Verona and CARPC. We ask of you again to deny a recommendation for this USA request. Here are our reasons.

Unique and difficult mitigation conditions of the amendment area

The amendment area is highly environmentally sensitive where conditions for mitigation of developmental impacts on water quality are particularly difficult. It contains streams and wetlands. It is also adjacent to the Upper Sugar River and to the State Natural Area. The proposed development would have a profound negative impact on both. Throughout the amendment area, the soils are shallow and do not lend themselves to easy infiltration, an essential element of good control of runoff. Loss of groundwater recharge and base flow volume in Badger Mill Creek and the Upper Sugar River, due to earlier development in the upstream areas, is of grave concern. Adding new development would only worsen the problem.

Steep slopes on the edges of highland terraces, which are also a part of the amendment area's terrain, are erosion prone, especially when stripped of natural vegetation such as occurs regularly with any new development. The floodplain contains shallow water tables. Because of unsuitability of soils, mostly characterized by poor infiltration capabilities, and geomorphologic conditions such as floodplain, steep slopes, shallow rock, fractured limestone through which groundwater can be easily polluted, and shallow depth of groundwater throughout the amendment area, the proposed mitigation leaves doubts as to its technical feasibility.

The high cost of water quality mitigation in this area raises questions as to its feasibility from the cost-effectiveness perspective. The 9-17-09 letter to CARPC by Verona's Mayor, Jon Hochkammer, in which he argues that less than stringent water quality standards should be applied to his city as a condition of the approval for its USA amendment request, proves this point. While it often wreaks havoc with natural resources, non-stringent water quality standards make water quality mitigation much cheaper and result in more cost effective development.

Ironically, regardless of the battle between CARPC staff and the City of Verona over which standards should prevail in setting up the conditions for the amendment request's approval, even the application of most stringent water quality standards in this difficult to mitigate amendment area will not insure that it will be possible for those standards to be implemented and that the best management practices put in place would perform as intended. NR 121.07 (1)(g) 2.c. excludes sewer extensions to areas similar to Verona's amendment area. This exclusion should be fully applied here.

The need to stop the loss of the entire Badger Mill Creek sub-watershed to urbanization

6-11-09 CARPC staff report expresses concerns over the entire Badger Mill Creek “mostly urban or urbanizing” (p 3). It is our contention that it is now more than ever critical to preserve as undeveloped what is left of the lands surrounding the Upper Sugar River and its tributaries. In the past 80% of the lands in the sub-watershed were placed into urban type of development. Even with mitigation it had strong deleterious effect on the water quality of Badger Mill Creek, Upper Sugar River and their tributaries. Therefore, it cannot be expected that developing the remaining 20% will somehow have a positive effect. Narrow corridors of 75, 150 or even 300 ft widths into which these streams and wetlands are proposed to be straightjacketed under the guise of water quality mitigation, do not provide a “golden key” to their preservation as viable good water-quality streams, coldwater or otherwise.

If CARPC is seriously interested protecting the water quality of the county’s precious and irreplaceable water resources, the time has come for your agency to take the leadership role in stopping the loss of what is left of the open spaces in Badger Mill Creek corridor. By doing so it will protect also the affected segment of the Upper Sugar River and the State Natural Area. CARPC should declare a moratorium on development in the entire sub-watershed, convene a discussion of all players affecting it and not lift the moratorium until an agreement is reached for adequate and total protection of what is left of water and other natural resources in the Badger Mill Creek sub-watershed.

Lack of a concrete plan for water quality mitigation

Although standards for stormwater mitigation were proposed, it has never been discussed or explained how any such standards would be met given the technological limitations of currently available best management practices for water quality, the amendment area’s geomorphologic conditions and the municipal cost-effectiveness constraints. Instead of a concrete plan of implementation of the proposed standards small glimpses of possibilities were shown such as the latest one from Verona offering a restoration of the nameless perennial “dry” tributary of the Badger Mill Creek where either rock or cage-like obstructions would be placed into the stream channel to slow down water velocities and thus to reduce the rate of bank erosion occurring during storm events. Although it was reported that these structures would contribute to the rise of regional flood levels, it was not mentioned if the contribution from these structures would be within or in excess of the legal 0.01 ft allowable limit or if the permit for placement of the proposed obstructions had already been obtained from DNR.

CARPC report of 6-11-09 (p 3) suggests that details of both the development plans and water quality mitigation plans would be useful prior to any decision on USA amendment request. But oddly enough the report goes to conclude that these details could be worked out “after the area has been brought into the USA”. Such “bait and switch approach” allowed by CARPC staff lets the public in on the early sketches of a development proposal and water quality plan amendments, which then change after the approval has been already given. This bait-and-switch tactic violates both the spirit of public trust and the legalities of the state-mandated NR 121 review process. It is unethical and makes mockery of public participation process.

CARPC has responsibility to demand that the details of Verona’s development and stormwater mitigation plan for the entire amendment area be revealed prior to any deliberation on Verona’s USA amendment request.

Verona's insistence on minimal standards for water quality mitigation

At this stage of the USA application process, there is disagreement between the Verona municipal officials and CARPC staff about standards to be followed if development were to be allowed in the amendment area. Verona does not want to commit to maintaining pre-development runoff for up to ten-year, 24-hour storm events, to pre-development groundwater recharge rates and to protection of areas with shallow groundwater. Since other CARPC imposed standards, which Verona is agreeing to, such as protection of infiltration areas from excessive sedimentation, flood and erosion prevention and thermal impacts, are heavily dependant on the standards that Verona is rejecting; there is little common ground for negotiation. Convening a panel of experts to arbitrate the standards translates into an unnecessary expansion of scarce monies allocated to CARPC budget. It also conveys the wrong idea that everything else is well with the Verona's USA amendment request and that it should be allowed to proceed once the issue of standards had been arbitrated by the experts.

Verona's request for economic considerations of its USA application

Verona's mayor writes that "CARPC is to both protect natural resources and to promote economic development". This clearly contradicts DNR's directive spelled in 3-18-09 letter written to CARPC by Todd Ambs "that the basis for decision (on USA requests) must center on water quality issues". The local economy in Verona should not be of concern here. CARPC is the county's regional planning organization. Economic development should go into those areas of our county, which are suitable to receive it. Thus in those cases any necessary water quality mitigation measures would be simple, feasible and therefore the most cost effective.

Verona's upkeep record of water quality facilities

The city of Verona currently has 61 detention basins, two infiltration basins and one bio-infiltration basin; 47 of which are public, 16 private and three of unknown ownership. The city intervenes in maintenance of a private facility only if there is a complaint about flooding emanating from such facility. The city does not have a well-run program of regular facility inspection. The last set of inspections was conducted during the period of 4-9-07 to 5-14-07 by the city's public works engineer when 31 or 2/3rds of the facilities were inspected. Many of Verona's detention basins were constructed in 1980's and have only 40 % or less sediment control capabilities due partly to lower sediment control standards of the time of their construction and partly to loss of effectiveness due to age. None of these facilities provide the necessary treatment for oil and grease.

By now The City of Verona has made itself well aware of what the minimal standards for sediment control should be. It also knows that preventive maintenance of water quality facilities should not rely on reports by private citizens of "flooding from the lot down the street". But yet no successful attempts were made to retrofit the inadequate facilities and to add the inspection hours as part of the preventive maintenance of the city's facility inventory.

Adding additional facilities, this time in a very environmentally sensitive area, to be managed by a municipality whose leadership believes only in those water quality standards that satisfy the most minimal legal requirements does very little to assure successful outcomes for water resource protection.

All things considered, CARPC's only honest and ethical answer to the City of Verona's proposal is just to say "No".

Stefi and Arnold Harris
Western Dane Coalition for Smart Growth and Environment
3427 County Rd P
Mt Horeb WI 53572
(608) 798-4833
stefiharris@tds.net

CRANES

Capital Region Advocacy Network for Environmental Sustainability

On behalf of its member organizations and individuals, advocating collaboratively for the environment of the South Central Wisconsin region (eight counties: Columbia, Dane, Dodge, Green, Iowa, Jefferson, Rock and Sauk) toward a high quality of life; an ecologically sustainable and just culture; and, the celebration of the beauty of this place, both natural and built.

VISION

The Capital area's environment, including water, land, and air resources, will be conserved or restored to ensure the region's quality of life and the beauty of this special place, for all who live or visit here, now and in the future.

INTERIM STEERING GROUP

*Gary Werner, President
Phyllis Hasbrouck, Vice-Pres.
Caryl Terrell, Secretary
Jon Becker, Treasurer
Don Hammes
John Hendrick
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A Wisconsin Non-Profit
EIN 26-4056421

Fiscal Agent
River Alliance of Wisconsin
A Tax-exempt 501(c)3 Non-profit
WisconsinRivers.org

Capital Area Regional Planning Commission
Chairperson & Commissioners
c/o Kamran Mesbah, Commission Staff
City-County Building Rm. 362
210 Martin Luther King Jr. Blvd
Madison, WI 53703

08 April 2010

RE: Consideration of Resolution CARPC No. 2009-10 amending the *Dane County Land Use and Transportation Plan* and the *Dane County Water Quality Plan* by revising the Verona Urban Service Area boundary and Environmental Corridors in the Town of Verona

Dear CARPC Chairperson & Commissioners:

Last month, the *Capital Area Advocacy Network for Environmental Sustainability* (CRANES) applauded the decision of three municipal CUSAA applicants to use the "100% of the pre-development stay-on volume for the one-year average annual rainfall period." We hoped this would inspire adoption of this standard across the county. However, we added: ... *the "100%" standard does not consider the net impacts of intra-watershed urbanization to date, much less mitigation thereof; in the face of climate change related precipitation trends, this means we will continue to lose ground, both literally and figuratively.* I.e., CRANES hoped that the 100% standard would be just the first step toward addressing this issue on a watershed-wide level.

Now the Verona USAAA returns, proposing use of an inferior standard (90%), which is unwise for our community and unfair to other municipalities, while also perhaps encouraging reversal of a salutary trend. In the current report staff writes: "Staff recommends that the City of Verona try to achieve 100% volume control where possible." **We ask: Where is the 100% standard not possible in the VUSAAA?"** The applicant references a report from CARPC's ERTAC, which recommends a five-year study to determine the feasibility of the 100% standard. However, ERTAC's stance has of course already been mooted by recent acceptance of the 100% standard by other municipalities, such as the City of Madison (i.e., the engineering department of the county's largest city finds the 100% standard quite feasible).

Last year, we also wrote *Dean Health Systems* (attached), encouraging reconsideration of their plans to site a clinic at Area W of the VUSAAA, for transportation, public health, and environmental reasons. The staff recommendation that the applicant institute shared taxi ride service falls far short of addressing our concerns. We also note that the applicant sees a possible need to use additional land south of Area W to handle the environmental impacts from this site, which could allow the development in Area W to be more "green." We ask CARPC commissioners to use their adopted criteria calling for prioritization of infill. **CARPC should require that the applicant prove that there is no other appropriate site available for this clinic within the existing USAAA and that therefore the proposed clinic needs its own special new urban service area in Area W.**

For the above reasons, along with those cited in our 2009 letter addressing the VUSAAA, CRANES recommends that CARPC deny this VUSAA application.

CRANES continues to urge the CARPC to **refrain from considering nontrivial USA applications, including this one, until three key countywide/regional planning processes have been completed:**

- *Future Urban Development Areas*
- *Intergovernmental watershed-level agreement (water quality and quantity)*
- *Transportation (incl. transit options such as the RTA and "hi-speed" rail)*

Besides the environmental sustainability benefits that would ensue from completion of these three key planning activities, CARPC would also demonstrate fiscal prudence.

Cordially,



Gary Werner

CRANES

Capital Region Advocacy Network for Environmental Sustainability

On behalf of its member organizations and individuals, advocating collaboratively for the environment of the South Central Wisconsin region (eight counties: Columbia, Dane, Dodge, Green, Iowa, Jefferson, Rock and Sauk) toward a high quality of life; an ecologically sustainable and just culture; and, the celebration of the beauty of this place, both natural and built.

VISION The Capital area's environment, including water, land, and air resources, will be conserved or restored to ensure the region's quality of life and the beauty of this special place, for all who live or visit here, now and in the future.

FOUNDERS & INTERIM STEERING GROUP

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Gary Werner, President

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POB 3413
MADISON, WI 53704**

A Wisconsin Non-profit

Incorporated 13 January 2009

Federal EIN 77-0689194

+USA 608.807.0887 tel

12 August 2009

Dean Health System
ATTN: Craig E. Samitt, MD, MBA
President and Chief Executive Officer
1808 W. Beltline Highway
Madison, WI 53713
608.250.1421 phone
Craig.Samitt@deancare.com email

Dear Mr. Samitt:

Dean Health System can benefit the community's health directly through the provision of quality care. It can also affect that health indirectly, through operational decisions.

For instance, the utmost in corporate responsibility is required in the siting of facilities that will occupy a place in the community for decades. As President, your leadership is needed regarding the best location of future *Dean Health System* clinics.

That includes the Verona facility proposed for Area W of the City of Verona's USA amendment application. Urban development of any magnitude in this location will threaten water quality in an area that has important natural resources deserving conservation or restoration. Therefore a *Dean Health System* clinic sited in Area W would almost certainly be a net loss for the community's long-term health.

We concur with the *Capital Area Regional Planning Commission (CARPC)* staff that better alternatives exist in that general area; please see the section of the 7 August 2009 CARPC staff analysis of Verona USA amendment application on p.45, titled "Alternatives."

Dean Health System can justifiably take pride in past site decisions that demonstrated a more holistic outlook regarding community health. That includes some aspects of the East Clinic location, such as enhanced onsite water infiltration, as well as brown-field redevelopment (please see your 16 June 2009 letter to City of Verona, attached).

We urge you to extend this record of achievement by leading *Dean Health System* into the future with infill site locations, rather than urban edge development that promotes sprawl. Infill sites that also are more accessible by transit and ambulatory modes, providing staff and some clients with more options for travel to and from the clinic site, will better situate your corporation to benefit the community's health overall.

Please consider seeking certification of all future *Dean Health System* clinics to the *Leadership in Energy & Environmental Design (LEED) platinum* standard. That would mean achieving the highest standards regarding site and transportation considerations, as well as others (e.g., energy, storm-water runoff, recycling, etc.) that are of great importance for our community's future.

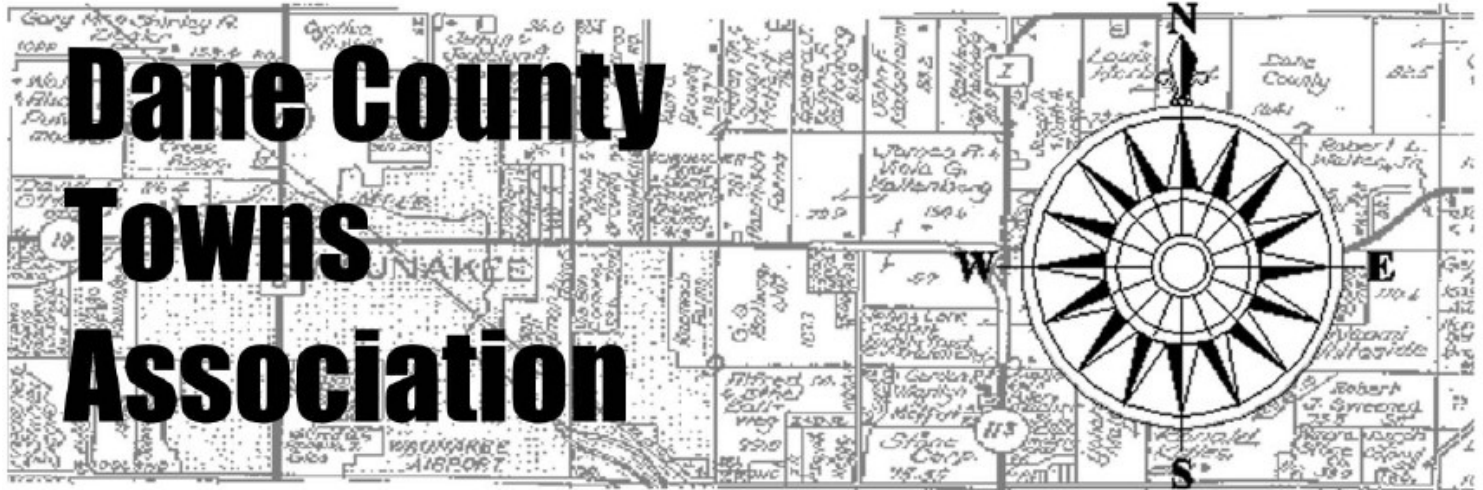
Verona Area W and other proposed clinic sites (e.g., on Highway 51, near Token Creek County Park) fall short of these standards and of what is best overall for the community. We ask you to reconsider the location of future *Dean Health System* clinics, starting with the Verona clinic.

Sincerely,

SIGNED BY GARY WERNER AND OTHER DIRECTORS; SUBMITTED TO CARPC

Gary Werner
President

APPROVED



Plat map excerpt courtesy of Rockford Map Co.

DANE COUNTY TOWNS ASSOCIATION URGES CARPC TO DEFER ACTION ON CITY OF VERONA USA REQUEST

The Dane County Towns Association stands with the Town of Verona in requesting the Capital Area Regional Planning Commission to defer action on Resolution 2009-10. The Resolution would expand the sewer service area of the City of Verona. The DCTA and the Town believe that until pending intergovernmental issues between the Town and the City of Verona are resolved, it is premature to expand the Verona USA. We hasten to add that the DCTA does not support rejection of the USA. The DCTA, asks only that action be deferred until the groundwork for long term cooperation between the Town and the City has been finalized.

DCTA's position does not, as some suggest, seek to impose criteria unrelated to water quality. In fact, sewer service expansion approval in Dane County has, for decades, focused on the kind and methods of service delivery and other considerations that indirectly track the impact of development on water quality. We never heard any public criticism, for example, of the criterion for sewer service review which evaluates whether a proposal maintains the City of Madison as the central economic hub of Dane County.

The current criteria for review, include, among other things, consideration of the capacity of a community to support development and the impact of particular forms of development on water quality. The DCTA believes that it is important to assure that new sewer service area is used to create growth which makes maximum use of scarce land and protects the water resources of the County.

The DCTA is committed to pursuing intergovernmental cooperation. But there isn't cooperation just because one party to an issue says there is. We want to see real cooperation such as we supported between Middleton and Westport. That kind of cooperation will produce planned, orderly development. And that's the only way to protect water quality.

Gjestson, Christopher

From: Jon Baldock [agstat@tds.net]
Sent: Thursday, May 06, 2010 6:55 AM
To: #Capital Area RPC Commissioners
Subject: Verona USA request

Capital Area Regional Planning Commission

Commissioners:

Recently, I was dismayed and disappointed to learn that some of you had voted to allow the City of Verona to extend its Urban Service Area to the southwest (Resolution CARPC No. 2009-10). Worse, it appears that their misguided request for an expansion in the Sugar River Valley may garner enough votes to be approved at your May meeting. I certainly hope the recent oil spill disaster in the Gulf of Mexico has renewed your resolve to see that the environment is protected. It is especially important to protect aquatic environments such as the Gulf and the Sugar River, not only because they are so rich in plant and animal species, but also because water is so important to the economic and social life of humans. Furthermore, water provides a very quick conduit to spread disasters from a local area to a much larger area. No amount of enhanced engineering or oversight requirements can reduce the risks entirely, so the question it seems to me is "are there alternative areas available with fewer potential problems". There are! As your own FUDA meetings in Verona have shown, there are areas to the north and to the east that are more desirable for development. The area to the east has many advantages including being less sensitive environmentally, being served by three major roads (PB, M, and 18/151), and being infill between Verona and Fitchburg. The area to the north has many advantages including being less environmentally sensitive and being infill between Verona and Madison.

Thus, because of the dangers to the environment and the economy in the current City of Verona plan as well as the existence of better alternatives, I strongly urge you to deny the current request for expansion of the Urban Service Area.

Jon Baldock
6394 Grandview Rd
Verona, WI



DANE COUNTY

Kathleen M. Falk
County Executive

DATE: May 13, 2010
TO: Members, CARPC Commission
FROM: Kathleen M. Falk
Dane County Executive
RE: Verona USA Expansion Request

I respectfully ask that you vote to deny or substantially modify Verona's request for an Urban Service Area expansion in the Upper Sugar and Badger Mill Creek corridors and watershed.

CARPC's first and foremost responsibility is to protect water quality. The more valuable, rare, and precious the resource, the higher degree of protection – that's a common sense principle that just about everyone can agree to and CARPC should follow.

Other points of agreement are also, I think, clear. The Upper Sugar River and Badger Mill Creek are valuable, rare, and precious resources. Badger Mill Creek is a productive trout stream (and yes, I have fished it and even caught trout there) with wild and stocked populations of brown trout, located within a few minutes of rapidly growing neighborhoods in a major metropolitan area. It also has great opportunities for further restoration and public use. Public and private resources, lots of time and lots of money, have been devoted to Badger Mill Creek, (for example, dozens of volunteers from the Dane County Conservation League and Trout Unlimited, the extraordinary aeration system installed by MMSD, the inclusion of much of this area in the County's Parks & Open Spaces Plan). All of this has produced results. As my staff reminded your staff, the latest information on Badger Mill that arrived in our offices in the last two weeks show that the trout population is now at a 15 year high.

In the extensive questioning concerning this request that occurred at the last meeting, it also became clear that we cannot be reasonably sure that the recommended conditions will adequately protect these resources. I also believe this is one of only two USA expansions of all the many you have reviewed for which CARPC staff has not recommended approval.

The course CARPC should follow if it is to remain true to its mission is to deny this USA request or to reduce it in size so that it poses less of a threat to these resources. As an example of the latter, CARPC could approve a much smaller USA in order to accommodate

the Dean Clinic facility, which is in the area furthest from some of the most valuable resources. Either denial or partial denial would be the careful, cautious, conservative, conservation-oriented course these resources deserve from you.

You are a water quality planning and protection agency. You should and must be champions of valuable water resources. Approving this USA expansion will be a fatal mistake for CARPC. In a very candid exchange with the Chair, whose hard work and good intentions I acknowledge and respect, he made it clear that he thought CARPC rejection of this request would cause the City of Verona to reject the FUDA process. He, and I think in this discussion he represents the views of some other Commissioners, believes FUDA to be an absolutely voluntary process; that communities can wholly decide whether to participate or not. Both beliefs are, however well intentioned, wrong and will make it impossible for CARPC to function. With the precedent of this decision, should you grant this USA, any and every community will demand approval of USA expansions as a condition of participating in FUDA. What then is the point of FUDA? Secondly, every community that formally voted to create CARPC knows that, by the charter approved by them and the Governor, FUDA is the process by which CARPC will pursue its water quality planning responsibilities and that those FUDA's will form the basis of future USA recommendations. That is why, by the way, there are eleven "shall's" used in the charter's description of CARPC and communities' participation in FUDA. Participation in FUDA's can and should be a prerequisite, not a reward, for approval of USA requests.

No one else in this County but me has taxed citizens to preserve the RPC staff when that agency was destroyed and to then create the CARPC you are today a part of. Specifically, I have levied almost \$4 million in property taxes since 2004 for those purposes. I did so willingly, publicly, and enthusiastically because I believed this agency and the FUDA process could be the means by which the protection of key natural resources and urban development could mutually proceed via a fair, well informed, and public process. I have come to question my belief as I have witnessed CARPC approval of thousands of acres of new development approved in 27 USA's with no discernable progress on FUDA.

CARPC has moved too far from its clearly stated mission. The FUDA requirements and schedules are clearly stated in the charter document that was reviewed and approved by almost every Dane County municipal government. That document laid out the priority area and committed CARPC to

"provide the [environmental] information described in Item a. to areas with the highest environmental sensitivity and growth pressure within three years of the date the CARPC commences operations. g. Communities shall submit their proposed Future Urban Development Area within 24 months of the date they receive the data from CARPC. If a community does not meet this timeline, the CARPC shall not act on any individual USA expansion requests until the proposed plan is submitted. CARPC may grant one six-month extension to this timeline." (ll. 170-179 of the charter) (emphasis added)

CARPC is now in its fourth year of existence, with no FUDA's created.

Approval of this USA will, in my judgment, ruin any prospect of FUDA succeeding. At that point, County taxpayers are wasting their money (\$700,000 a year on CARPC) on functions that can be handled by the DNR. I cannot, in good conscience, continue to support CARPC if you make that unfortunate decision.

You have before you a rare, important, and difficult intersection of several issues joined in this USA decision: the protection of some valuable public resources and the continuation of what could be a key planning process for our orderly, sustainable growth. To have both, please vote to deny or modify this USA expansion.

Thank you for your consideration of these views.