

UPPER NEMAHBIN LAKE MANAGEMENT DISTRICT
34234 Venice Park Road
Delafield, Wisconsin
53018

July 17, 2008

To: Mathew Frank
Department of Natural Resources Wisconsin

Re: Roller Mill Dam; DNR Field File #67.27

I am chairperson of the Water Quality Committee of the Upper Nemahbin Lake Management District (UNLMD). Our district is a government entity organized in 1991 under Chapter 33 of the *Wisconsin Statutes*.

This is our third request for a contested case hearing about the Roller Mill Dam. See the attached letter of 10-17-2006 with the acknowledgement of William Smith of the WDNR dated 11-15-2006. This request was again sent by certified mail to Brent Binder on 6-28-2008. We again requested a contested case hearing by certified mail to Michelle Schneider on 7-7-2008 (see attached letter).

I know others have contested the WDNR's plan to abandon the dam. We take no position on their efforts, but would prefer a separate hearing since our concerns are different.

If the millpond and dam are to be abandoned, we just don't want the 60,000 cubic yards of mud and silt dumped into the downstream Bark River and Upper Nemahbin Lake.

We have studied the WDNR's abandonment of a dam on the Oconomowoc River which ruined North Lake for many years. The WDNR's abandonment of a pond northeast of Highways 83 and 59 in Waukesha County was a disaster. The river was not returned to its original course. The flood of muck downstream was terrible and shoreline erosion was even worse.

All we want is a navigable Bark River and a clean lake.

The Upper Nemahbin Lake Management District encompasses the Bark River immediately downstream of the Roller Mill dam and pond. The lake is a short distance downstream. Under section 33.01 of the *Wisconsin Statutes*, our duty is to protect the lake from deterioration. The lack of a reasonable engineering plan will cause water pollution to an extreme degree.

We want you to be aware of our intent to protect water quality here which is why we are again requesting a contested case hearing under section 227.42 of the *Wisconsin Statutes*. This is based on the above and also on the following information:

1. Our government entity is comprised of those living on the Bark River immediately downstream of the dam and pond in question – as well as those living along the shore of Upper Nemahbin Lake.
2. We are not aware of any law of legislative intent contrary to our interests. In fact, Chapter 33 of the *Wisconsin Statutes* tells us to make this appeal to protect these waters.
3. If the dam and millpond are done without a reasonable engineering plan, the Bark River will not be navigable and Upper Nemahbin Lake will be a mud hole for years (see the WDNR's result on North Lake).
4. Our dispute of fact is that there is a deadline imposed by the WDNR to abandon the millpond and dam with no plan by which to do it.

The Upper Nemahbin Lake Management District has the resources to complete the required engineering analysis, planning and design for the abandonment of the Roller Mill Dam. We have told the WDNR we want to work with them and share all of our engineering data. The WDNR's response has not been favorable. We would very much like to work this out on a "partnership" basis which was promised to us by the WDNR but not delivered.

Thus, for the third time, we request a contested case hearing. However, we would prefer to work together in order to achieve an amicable solution.

Sincerely,

William L. Barthel
Commissioner
Upper Nemahbin Lake Management District

PS. Please feel free to contact the UNLMD Chairperson:
Tim Mentkowski
262-646-2126

E-Mail cc: Mayor Ed McAleer
Rep. Nass
Sen. Kedzie
B. Morris