

The following text was captured from the DDL D website that was archived in 2019. DDL D resident and past Chair, Bill Wineke wrote this synopsis approx. August, 2001. This text was re-posted to the 2021 revived DDL D website on 10.26.22

History of the DDL D

The Dunkirk Dam has formed an impoundment on the Yahara River for more than 100 years (built in 1894). It first operated a grist mill. In 1905, the City of Stoughton purchased the dam for \$11,000 for use in generating electricity. The dam was reconstructed in 1926 using the same blueprints as used for the Fourth Street Dam in Stoughton.

In 1974, Peter Burno and the Wisconsin Edison Corp. took over power production at the dam and generated power there until 1984. Toward the end, Burno's habit of letting water levels rise and fall in order to enhance power production caused many complaints about bank erosion along the river.

In 1989, the Department of Natural Resources (DNR) ordered Peter Burno to draw down the dam. Also in 1989, the Dunkirk/Yahara River Association was formed. It later became the Dunkirk Dam Lake District (DDL D), (created in 1991).

In 1994, the Dunkirk Dam Lake District purchased the dam and authorized embankment work. The Department of Natural Resources approved the work and deemed the dam safe. The gates were closed for Memorial Day, 1995 and the water impounded to its present level.

Also, in 1995, the Lake District negotiated a contract with the Dunkirk Power Company, owned by Thomas Reiss of Watertown, to allow Reiss to generate electricity at the dam. Reiss was given a 50-year lease. In return, he agreed to build a modern power house and operate the dam within DNR regulations for 50 years. He agreed to maintain a water level of 832 feet above sea level. At the end of 50 years (2045), the power house will revert to the district. Reiss then applied to the Federal Energy Regulatory Commission for permission to generate electricity.

In 1997, Reiss told the district the two tainter gates in the dam were in bad condition and needed to be replaced. On July 8 of that year, at a special meeting, the district voted to spend \$27,500 per gate to replace them. Reiss offered to do the work at no interest. The gates, however, have not been replaced.

In the meantime, Ray Kath, the district secretary, applied for a state grant to help pay for repairs. As a lake district, Dunkirk is eligible for matching funds of up to \$200,000 to repair or remove dams. In December of 1997, we were informed we were eligible for the grant. At this point, we hoped to get about \$25,000 toward a \$50,000 project.

In March of 1998, Sue Josheff of the Department of Natural Resources came to a special meeting of the board of commissioners to explain terms of the grant. She also made an inspection of the dam and announced that she thought it was unsafe and would need major repairs.

The District hired Mead & Hunt engineers to draw up repair plans. Mead & Hunt estimated it would cost between \$125,000 and \$250,000 to make the repairs. The district called a special meeting to discuss the issue.

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In the meantime, Ken Johnson of the DNR wrote the district suggesting that we take the dam out altogether. On the day of the special meeting, the DNR called chairman Wineke and offered to buy the dam for \$1.

On May 26, 1998, voters of the district voted 38-2 to spend up to \$400,000, including the DNR matching grant, to repair the dam.

Prior to the vote, Sue Josheff, of the DNR, outlined DNR requirements. She said a fish passage would be required. In answer to questions, Josheff said the engineering of fish passages had "reached the level of science," and, in response to a question from Rich Albright, estimated the cost of such a fish passage would be in the neighborhood of "thirty-something thousand dollars." Josheff also assured the district that the DNR would not use the fish passage requirement as an underhanded means of making the project too expensive to complete. In order to be eligible for the grant, plans had to be drawn and approved by August 1.

A couple of weeks later, Kim Hansen, from Mead & Hunt and Wineke met with Josheff and Johnson at the DNR headquarters to talk further about fish passage requirements. The DNR was unable to tell the district what fish it wanted passed and it had no information about what such a passage might entail. Johnson promised to get us that information within two weeks. In the meantime, Mead & Hunt began drawing up construction plans to meet the Aug. 1, 1998 deadline.

In August, the plans were sent out for bid. Only Zenith Tech construction submitted a bid. It was for \$364,000, approximately. We still had no fish passage information. We had to turn down the bid because the DNR had not yet approved our plans.

In the meantime: The DNR wrote FERC asking it to require a fish passage as part of federal licensing requirements. The DNR request came after the official time for comment, but FERC accepted it, anyway.

In November, the DNR wrote us specifying fish passage requirements. Mead & Hunt estimated such a structure would cost up to \$75,000 and would pass so much water that, during a dry spring; it would keep Mr. Reiss from generating electricity. We still had not heard from FERC, so we didn't know if we might face other fish passage requirements.

In July, 1999, FERC issued an environmental statement suggesting a fish passage would not be required at the Dunkirk Dam and, a few weeks later, issued the required permit to Mr. Reiss.

This meant the dam is now, effectively, under federal control. However, if we wanted the matching grant, we would have to meet the DNR requirements. We called and sent e-mails to the DNR and got no response. Just prior to our September meeting in 1999, Sue Josheff talked to Kim Hansen of Mead & Hunt and said she would consider our complaints within two weeks. We heard nothing more.

At Thanksgiving, Tom Reiss told Wineke that he thought he could negotiate a far lower bid from Zenith Tech if the district would let him be the subcontractor and would forget the DNR grant -- and state requirements. Wineke replied that the district would call a special meeting within 10 days of receiving a new bid and would give Reiss an up-or-down answer. Zenith Tech, apparently, declined to bid at that time.

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On March 9, 2000, Sue Josheff told Kim Hansen the DNR.'s current position is that it has not yet determined the requirements of a fish passage but that it would no doubt require a water velocity of no more than 1.5 feet per second. Mead 8z Hunt estimates such a fish passage would cost at least \$200,000.

Currently, Reiss is, again, trying to obtain an estimate from Zenith Tech. We have, again, promised to call a special meeting within a month to consider such a bid. Since the DNR would give us a maximum of \$200,000 toward construction and, since a fish passage would cost \$200,000, there appears to be little reason to continue negotiating with the state.

NOTE: The position of the Lake District vis-a-vis the DNR, has been consistent and is documented in our correspondence files: We said we would be willing to build a fish passage so long as we received some assurance that it had some scientific validity and that it could be built at reasonable cost. We have yet to receive one piece of documentation that such a fish passage would actually work, that it would improve fish quality or that it wouldn't cause more harm to the environment than it helped. The \$200,000 cost estimate is far above the \$30,000 or so we were assured it would cost.

In September, 2000 the Annual Meeting of the District voted to spend up to \$330,000 to rebuild the dam and to issue a special 10-year assessment on District members to pay for it. Tom Reiss was selected as general contractor.

Because the District was, no longer seeking DNR matching funds, it did not follow strict state procedures for competitive bidding. However, the District had previously sought competitive bids and received only one, from Zenith Tech, for more than \$400,000.

In the spring of 2001, the Board of Commissioners authorized Reiss to modify original construction plans to save some existing concrete and to use large boulders as a stabilizing force. The change saved several thousand dollars and beautified the looks of the project. Mead and Hunt Engineers told us the dam would be safe for a minimum of 50 years and that the existing concrete had been tested and was strong enough to continue in use.

As of Aug. 20, 2001 the dam is complete and most of the work on the powerhouse is done. Reiss has hired Jack Lyon to maintain the river level. Electricity, however, is not yet being generated.