

April 1, 2014 - **PUBLIC COMMENTS ON UNAUTHORIZED DAM GUIDANCE AND DNR RESPONSE**

Comment Provider	Public Comment	DNR Response	Recommend Changing Draft? Y N
<p>Patrick Clark Associate Vice President - Investments Wells Fargo Advisors</p>	<p>What also should be included is existing dams that have a history of not following their dam orders or 50% of the time is out of compliance(over a period of 10 years) with the impoundment water levels causing environmental damage to shorelines and wetlands should be considered an unauthorized dam and have to be removed at owners expense and done over a period of time reasonable not to do damage to “down river” property and ecology. If this provision is not included then, the dam owner should be required to pay for the restoration of any damage to wetlands or shorelines by abusive water level management (not following said order for a given dam) within a reasonable period of time. As the dam owner is acting as if it is an unauthorized dam. If damage is done to unique areas of natural ecology, populations of native plants, animals or birds, the Department should place large fines upon dam owners that have done damage due to improper management of impoundment dams. Thanks for the opportunity to comment.</p>	<p>This guidance is not intended as an enforcement document and is not intended to address dams that are already authorized. There are enforcement procedures in place to address water level violations with associated citations (if necessary). Any changes to these types of enforcement procedures will have to start with changes to the State Statutes authorizing the Department to take such actions and issue fines.</p>	<p>N</p>
<p>Helen Sarakinos River Alliance of WI</p>	<p>On page 2, in the section "Immediate Course of Action", I would add the following (in red):</p> <p>4. Determine if site visit is warranted (if it is, complete steps –5 and 6 otherwise proceed to step 8)</p> <p>A. Mandatory site visit</p> <p>i. Known safety or environmental concern, indications of imminent failure</p> <p>ii. Complaint received from public that indicates</p>	<p>We included the environmental concern in i. with the thought that any environmental concern would have been documented whether or not the contact came from the public. Ch 31 prompts the Department to perform an inspection on compliant that the dam is being operated in an unsafe manner. Environmental concerns are often subjective in nature and require that the Department’s environmental staff review and document the concern. Environmental concerns are to be addressed in the authorization process.</p>	<p>N</p>

	<p>a possible safety or environmental concern</p> <p>The reason for this suggested edit is that over the years, we have received calls from more than a dozen landowners experiencing flow or water quality problems in streams that are directly caused by unauthorized dams but these residents have had no recourse. It makes sense to clarify that DNR may take immediate course of action on complaint for environmental concerns, not just safety.</p>		
<p>Jeremy Balousek, P.E. Dane County Land and Water Resources Dept.</p>	<p>Would this apply to Wascob's, diversions, grade stabilization structures, and terraces that follow the NRCS process?</p>	<p>This guidance addresses how to handle SCS/NRCS designed structures. If the structures were previously authorized under a different program or agency other than the DNR the dam may still be an authorized structure. This includes dams authorized under cooperative agreements with or licensing by other state and federal agencies. Many of the structures listed are not constructed on a watercourse and therefor would not be considered a dam under our program.</p>	<p>N</p>