



## Legislation Text

---

**File #:** 141707, **Version:** 1

---

### 141707 SUBSTITUTE 1

ALD. KOVAC, BOHL AND PEREZ

Substitute resolution expressing the City of Milwaukee's support for the removal of the Estabrook Dam.

This resolution expresses the City of Milwaukee's support for the removal of the Estabrook Dam as soon as practicable.

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

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

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

Whereas, Years of neglect have caused major structural issues for the Estabrook Dam; and

Whereas, Industrial pollutants, including polychlorinated biphenyls, have been accumulating near the dam for decades, mostly from industrial sources upstream in the Lincoln Creek watershed; and

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

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

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

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

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

Whereas, The ecological health created by a free-flowing river offers greater long-term value than maintaining the present water body behind the dam; and

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

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

Whereas, Removal of the dam is the only option to permanently abate the public nuisance caused by years of neglect; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council expresses its support for the removal of the Estabrook Dam and urges Milwaukee County and the Wisconsin Department of Natural Resources to pursue the dam removal alternative as soon as practicable; and, be it

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

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

LRB157308-3  
Teodros W. Medhin:lp  
3/12/2015