



Laura M. Hicklin, Director  
Joe Parisi, Dane County Executive

Administration • Land Conservation • Parks • Water Resource Engineering

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March 23, 2022

Dane County Drainage Board  
Bill Ringelstetter, Chair, [bill@ringelstetter.net](mailto:bill@ringelstetter.net)  
Leonard Massie, [lrmassie@wisc.edu](mailto:lrmassie@wisc.edu)  
Paul Maly, [spdrainage@gmail.com](mailto:spdrainage@gmail.com)

Re: District #19

Dear Chair Ringelstetter and Members of the Board,

Thank you for your continued efforts to address questions and concerns regarding the future of Drainage District #19. I apologize that Dane County Land & Water Resources Department staff are unable to attend your March 30<sup>th</sup> meeting.

Upon notification that our staff would not be present, Board Attorney John Mitby sent the following questions. Attorney Mitby's questions and statements are in bold with the Land & Water Resources Department responses in italics:

**If the District is dissolved who in your view will maintain it, clean it or spend some money that it functions properly.**

*[Wis. Stat. § 88.90](#) grants rights and privileges to landowners to remove obstructions from their own property as well as obstructions on other lands that impact their own.*

**Who will make sure the present landowners have drainage benefits they need. Who will help pay costs, Dane County.**

*[Wis. Stat. § 88.90](#) grants rights and privileges to landowners to remove obstructions from their own property as well as obstructions on other lands that impact their own.*

For lands in agricultural production, we have a [checklist](#) to guide landowners through the following activities:

- Dredging an agricultural ditch
- Repairing /placing tile
- Breaking out new land

**Does Dane County want to take it over.**

*Dane County does not have legal authority to manage a drainage district. Furthermore, it is our understanding that the majority of landowners within the district boundary seek to have it dissolved.*

**Does Dane County want District dissolved and if so why. If dissolved what benefit if any will there be for Dane County.**

*Staff in the Land & Water Resources Department are prepared to recommend to the Dane County Board of Supervisors & Executive that the County join the petition to dissolve the district. Per request from Attorney Mitby, we have not formally made this recommendation pending the outcome of the March 30<sup>th</sup> meeting.*

*Black Earth Creek is an exceptional water resource and Class I trout stream. Because drainage in its headwaters is limited by the low gradient and constriction points, it may be difficult to improve drainage through traditional methods such as dredging, which would likely also harm habitat and water quality downstream. Therefore, from a resource management perspective, dissolution may make sense.*

*The voices of the landowners within the district also point to dissolution from a community perspective.*

*Dane County intends to be a responsible and helpful landowner within the District regardless of the outcome.*

**Our information is the lateral water helps the trout stream and without the District functioning that over 10-15 years the water will be too warm and fish will not survive.**

*Our understanding, from consultation with WDNR staff, is that the existing conditions likely provide appropriate temperature controls and habitat for all stream life. Before the drainage district was created, the headwaters of Black Earth Creek were a large, shallow lake. While this condition probably did elevate water temperature somewhat, it was the natural condition of the system. In general, restoration of wetlands and adjoining uplands are the best ways to maintain and improve stream habitat and health. While improving drainage could lower water temperature in some conditions, it would likely also increase sediment transport. The reality is that all management actions have both positive and negative impacts that must be weighed. For example, we must recognize that improving drainage could send more water to downstream communities that have recently experienced flood loss.*

*As outlined in [Wis. Stat. § 88.31](#), any proposed district work that occurs along navigable waters, which in this case is likely a significant portion of the district drains, is subject to special procedure. The special procedure includes an application to the WDNR, a public hearing, and the ability of the WDNR to modify the plans. It is our opinion that this process could draw significant and lengthy attention that may result in permit modifications. Modifications may be outside of the normal scope of district work and considerably more expensive.*

**We do know that City is doing an RFP (been advised) \$450,000 to study landowners outside the district water problems.**

*Dane County Land & Water Resources Department does not have any information on this study.*

Again, thank you for your time and attention to District #19 and we are available for additional discussion or meetings.

Sincerely,



Laura Hicklin

Cc: County Board Supervisor Holly Hatcher, District 26  
County Board Supervisor Michele Doolan, District 28  
County Board Supervisor Dave Ripp, District 29