

RESOLUTION NO. 2023-

JOINT RESOLUTION BY THE FINANCE AND HUMAN RESOURCES AND THE PUBLIC WORKS, PARKS, AND FACILITIES COMMITTEES AUTHORIZING ACCEPTANCE AND ADOPTION OF THE U.S. ARMY CORPS OF ENGINEERS INTEGRATED FEASIBILITY REPORT AND ENVIRONMENTAL ASSESSMENT OF THE HORLICK DAM, AND ITS RECOMMENDATION TO PROCEED WITH REMOVAL OF THE HORLICK DAM

To the Honorable Members of the Racine County Board of Supervisors:

WHEREAS, Racine County owns the Horlick Dam, located approximately 6 miles upstream of Lake Michigan and about 100 yards north of the Highway 38 (Northwestern Avenue) bridge; and

WHEREAS, the Horlick Dam was constructed in 1834, and operated as a gristmill until 1870, and, following reconstructions, contributed to a significant loss of natural parameters and process that sustain and create native riverine and riparian habitats; and

WHEREAS, Horlick Dam was rebuilt in 1975, to replace the previously deteriorating structure in accordance with recommendations of the Wisconsin Department of Natural Resources (DNR) and the Southeastern Wisconsin Regional Planning Council (SEWRPC), pursuant to Resolution Nos. 1975-103, 1975-104S, and 1975-192; and

WHEREAS, the current Horlick Dam continues to fragment the Root River and is recognized by the DNR as the most significant fish passage obstruction on the Root River, blocking upstream passage to 160 miles of river and tributary habitat and an estimated 6,176 acres of connected wetlands; and

WHEREAS, Horlick Dam presents additional safety security concerns, including dam/structural failure, high flow hazards, boater/fishing safety, and foot access hazards; and

WHEREAS, pursuant to Chapter 31, Wisconsin Statutes, and Chapters NR 333 and NR 116, Wisconsin Administrative Code, the DNR has concluded that the Horlick Dam is not able to pass the 100-year flood without overtopping through its spillway; and

WHEREAS, the DNR further required the spillway capacity of the Horlick Dam to be brought into full compliance with NR 333, Wisconsin Administrative Code, within 10 years from the date of the DNR's decision on April 22, 2014 (*i.e.*, April 22, 2024); and

WHEREAS, in the many years that followed the DNR's April 22, 2014 decision, Racine County has undertaken a deliberate and exhaustive review of options to bring Horlick Dam into compliance with NR 333, Wisconsin Administrative Code, guided by the following principles: finding the most cost effective, technically feasible and acceptable solution to meet controlling flood protection requirements, and restore ecological integrity and water quality to the impacted portion of the Root River; and

4 **WHEREAS**, similarly, SEWRPC has been working for the past decade on plans to
5 upgrade or remove the dam, which has no commercial use (such as producing electricity or
6 powering a mill); and
7

8 **WHEREAS**, alternatives to either improve the spillway capacity or remove the dam
9 were evaluated by SEWRPC and documented in Community Assistance Planning Report No.
10 316, *A Restoration Plan for the Root River Watershed*, July 2014 (CAPR 316); and
11

12 **WHEREAS**, in that report, SEWRPC concluded in pertinent part that, “[b]ased on
13 environmental considerations – including water quality, fish community effects, and flooding,
14 the [Root River] plan recommends that the [Horlick] dam be removed.”; and
15

16 **WHEREAS**, Racine County, by Resolution No. 2014-42, and the City of Racine, by
17 Resolution No. 15-0278, formally adopted (each by unanimous vote) the SEWRPC Report No.
18 316, *A Restoration Plan for the Root River Watershed*, with each entity noting it “is a valuable
19 guide to the development of not only the watershed, but the community, and that the adoption
20 of such plan ... will assure a common understanding by the several governmental levels and
21 agencies concerned and enable these levels and agencies of government to program [and
22 plan] the necessary area wide and local implementation work;” and
23

24 **WHEREAS**, in 2017, Racine County was awarded a \$100,000.00 grant from the Fund
25 for Lake Michigan to study options for bringing the Horlick Dam into DNR compliance; and
26

27 **WHEREAS**, thereafter, by Resolution No. 2019-106, Racine County authorized
28 participation in the DNR Dam Grant Program, whereby the County requested financial
29 assistance under s. 31.385 and s. 227.11, Wisconsin State Statutes, and NR 335, Wisconsin
30 Administrative Code, for the purpose of dam compliance which could include modification or
31 abandonment and removal; and
32

33 **WHEREAS**, by Resolution No. 2019-127, Racine County authorized the Public Works
34 and Development Services Department to accept the Fund for Lake Michigan grant for the
35 Horlick Dam study; and
36

37 **WHEREAS**, Racine County requested that the U.S. Army Corps of Engineers, Chicago
38 District (USACE) initiate a study under the Great Lakes Fishery & Ecosystem Restoration
39 (GLFER) authority per Section 506 of the Water Resources Development Act of 2000, as
40 amended, to ascertain the feasibility of restoring important riverine habitat and connectivity for
41 fish, mussels, and wildlife along an approximately 6.5-mile reach on the Root River that is
42 affected by the presence of the Horlick Dam; and
43

44 **WHEREAS**, Section 506(a)(2) states, “the Great Lakes fishery and ecosystem should
45 be developed and enhanced in a coordinated manner” which authorizes the Secretary of the
46 Army to carry out a program of aquatic ecosystem restoration with the objective of restoring
47 degraded ecosystem structure, function, and dynamic processes to a less degraded, more
48 natural condition considering the ecosystem’s natural integrity, productivity, stability, and
49 biological diversity; and
50

4 **WHEREAS**, the need for the USACE project was driven by the presence of an
5 impoundment that has changed riverine habitat (lotic) to lake-like (lentic) conditions, induced
6 abnormal hydrogeomorphic settings, fragmented the river system, degraded substrate
7 transport and sorting above and below the dam, and degraded water quality; and
8

9 **WHEREAS**, the resulting Root River Ecosystem Restoration study, entitled the
10 Integrated Feasibility Report/Environmental Assessment (IFR/EA) of that the project, was
11 deemed warranted for federal participation based on a feasibility level assessment of
12 estimated costs, potential benefits, and possible environmental impacts of various alternatives;
13 and
14

15 **WHEREAS**, the Horlick Dam IFR/EA concludes – through an exhaustive analysis of
16 various alternatives and potential effects – that the recommended plan known as the National
17 Ecosystem Restoration (NER) plan takes into consideration costs, habitat benefits, USACE
18 policy, risk and uncertainty along with plan acceptability, completeness, efficiency, and
19 effectiveness, and includes:
20

- 21 • Demolition and removal of the Horlick Dam to the natural bedrock elevation;
- 22 • Incremental removal of the Horlick Dam to ensure that restored sediment transport
23 does not exceed the average annual sediment budget for a stream and watershed
24 of this size and type;
- 25 • Appropriate recycling and disposal of all man-made materials generated from the
26 dam demolition and removal;
- 27 • Use of machinery and equipment specifically designed and environmentally safe for
28 aquatic work;
- 29 • Sowing of temporary native cover crops on exposed banks, new upland soils or fine
30 sediment bars that become exposed during the incremental dewatering and removal
31 process;
- 32 • A three-year construction period to support staged removal, monitoring, and
33 adaptive management;
- 34 • A three-year post construction monitoring period to determine success and future
35 sustainability; and
- 36 • Finding that, while dam removal may have temporary short-term impacts from
37 construction, it is not expected to result in long-term significant net adverse impacts
38 to recreation (e.g., kayaking, fishing, etc.); and
- 39 • Finding that dam removal would not have any direct or indirect, long-term significant
40 adverse effects to resident and migratory birds and has the potential to provide
41 beneficial impacts with the newly exposed riparian habitat.
42

43 **WHEREAS**, in February 2024, Racine County requested an extension of the NR 333
44 compliance deadline based upon the feasibility study conducted by the USACE and its
45 estimated schedule of design and construction milestones for bringing the dam into DNR
46 compliance; and
47

48 **WHEREAS**, that request was approved and the NR 333 compliance deadline for
49 Horlick Dam spillway capacity was moved to December 31, 2025; and
50

4 **WHEREAS**, SEWRPC and the Root-Pike Watershed Initiative Network have indicated
5 support for the USACE’s findings and recommendation for removal of the Horlick Dam as set
6 forth above; and
7

8 **WHEREAS**, a public meeting on the USACE’s findings was held on June 14, 2023, and
9 public review of the draft Horlick Dam IFR/EA was completed on June 30, 2023; and
10

11 **WHEREAS**, a public hearing was held before the Racine County Public Works, Parks,
12 and Facilities Committee on March 14, 2024.
13

14 **NOW, THEREFORE, BE IT RESOLVED** by the Racine County Board of Supervisors
15 that Racine County hereby accepts and adopts the U.S. Army Corps of Engineers Integrated
16 Feasibility Report and Environmental Assessment of the Horlick Dam, and its recommendation
17 to proceed with removal of the Horlick Dam; and
18

19 **BE IT FURTHER RESOLVED** by the Racine County Board of Supervisors that any two
20 of the County Clerk, the County Executive, and/or the Racine County Board Chairman are
21 authorized to execute any contracts, agreements, amendments, or other documents necessary to
22 carry out the intent of this resolution, except that the commitment of Racine County’s specific cost
23 share as the local cost-sharing sponsor for the dam removal project will be set forth in the Project
24 Partnership Agreement (PPA) and separately authorized by action of the Racine County Board of
25 Supervisors.
26

27 Respectfully submitted,
28

29 1st Reading _____

**FINANCE AND HUMAN RESOURCES
COMMITTEE**

30
31 2nd Reading _____

32
33 **BOARD ACTION**

34 Adopted _____

35 For _____

36 Against _____

37 Absent _____
38

Donald J. Trottier, Chairman

Robert N. Miller, Vice-Chairman

John A Wisch, Secretary

39
40 VOTE REQUIRED: Majority

41
42 Prepared by:
43 Corporation Counsel

Scott Maier

Nick Demske

Jody Spencer

Jason Eckman

3
4 **PUBLIC WORKS, PARKS, AND FACILITIES**
5 **COMMITTEE**

6
7 _____
8 Tom Kramer, Chairman

9
10 _____
11 Robert D. Grove, Vice-Chairman

12
13 _____
14 Eric Hopkins, Secretary

15
16 _____
17 Marlo Harmon

18
19 _____
20 Jessica Malacara

21
22 _____
23 Greg Horeth

24
25
26 **The foregoing legislation adopted by the County Board of Supervisors of**
27 **Racine County, Wisconsin, is hereby:**

28 **Approved:** _____

29 **Vetoed:** _____

30
31 **Date:** _____,

32
33 _____
34 **Jonathan Delagrave, County Executive**