

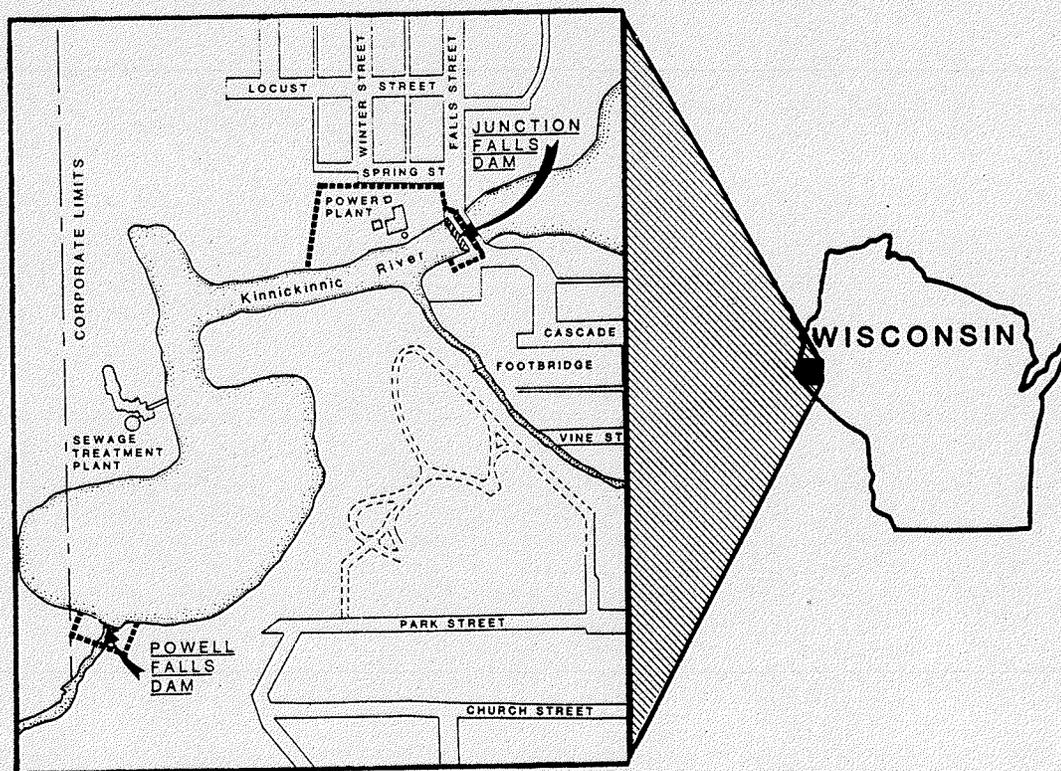
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BEFORE THE FEDERAL ENERGY  
REGULATORY COMMISSION

Application for License for Minor  
Hydroelectric Power Project

RIVER FALLS MUNICIPAL  
HYDROELECTRIC FACILITIES  
RIVER FALLS, WISCONSIN



**HDR Techserv**  
A Centerra Company

August, 1987

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RIVER FALLS MUNICIPAL HYDROELECTRIC FACILITIES

RIVER FALLS, WISCONSIN

APPLICATION FOR LICENSE

HDR TECHSERV, INC.

300 Parkdale 1 Building  
5401 Gamble Drive  
Minneapolis, Minnesota 55416

August 1987

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INITIAL STATEMENT

Before the Federal Energy Regulatory Commission

Application for License for a Minor Water Power Project

(1) River Falls Municipal Utility applies to the Federal Energy Regulatory Commission for a license for the City of River Falls Municipal Hydroelectric Facility, a minor hydroelectric power project as described hereinafter.

(2) The location of the project is:

State of Wisconsin  
County of Pierce  
City of River Falls  
Kinnickinnic River

(3) The exact name and business address of the applicant is:

River Falls Municipal Utility  
125 East Elm Street  
River Falls, Wisconsin 54022  
(715) 425-6715

(4) The exact name and business address of the person authorized to act as agent for the applicant in this application is:

Kenneth DeVillers  
River Falls Municipal Utility  
125 East Elm Street  
River Falls, Wisconsin 54022  
(715) 425-6715

(5) River Falls Municipality organized under the laws of the State of Wisconsin and is claiming preference under Section 7(a) of the Federal Power Act.

(6) (i) The statutory or regulatory requirements of the state(s) in which the project would be located that affect the project as proposed with respect to bed and banks and the appropriation, diversion, and use of water for power purposes, and with respect to the right to engage in the business of developing, transmitting, and distributing power and in any other business necessary to accomplish the purposes of the license under the Federal Power Act, are:

Wisconsin Statutes Chapter 30 and regulations promulgated there-  
under govern structures, deposits and activities in navigable waters as well  
as diversion and use of water.

Wisconsin Statutes Chapter 31 and regulations promulgated there-  
under govern permitting, construction operation and maintenance of dams in  
navigable and non-navigable waters.

A copy of the River Falls Municipal Charter is attached in  
Appendix B. Also included is a copy of the Wisconsin Statutes General  
Municipality Law Chapter 66 on the authority to construct and operate  
electrical utilities and statutory sections on permits for dams.

(ii) The facilities described in this application are existing and are  
not proposed to be modified, therefore, no additional steps are contemplated  
at this time relative to the above requirements other than those associated  
with the preparation and review of this license application. The required  
request for water quality certification has been made to the WDNR and has  
been issued.

(7) Brief Project Description:

(i) Installed Generating Capacity = 1 unit at 250 kW  
1 unit at 125 kW

(ii) Check appropriate box:

existing dam

(8) Lands of the United States affected: None

surveyed land

(9) Construction of project is complete. It is an unlicensed existing  
facility which is not proposed to be modified.

The facility is located entirely within Pierce County and the City of River Falls. There is only one city with a population over 5,000 within 15 miles: Hudson, Wisconsin.

There are no other known independent political subdivisions within which any portion of the project is located or which are interested in or affected by this application. Addresses and telephone numbers for the above political subdivisions are:

Pierce County  
Planning Department  
P.O. Box 367  
Ellsworth, Wisconsin 54011  
(715) 273-3531

City of River Falls  
123 East Elm Street  
River Falls, Wisconsin 54022  
(715) 425-7615

City of Hudson  
City Clerk  
505 Third Street  
Hudson, Wisconsin 54016  
(715) 386-5821

This application for a minor license is executed in the

State of Wisconsin  
County of Pierce

By: Kenneth DeVillers  
River Falls Municipal Utility  
125 East Elm Street  
River Falls, Wisconsin 54022

being duly sworn, deposes and says that the contents of this application for a minor license are true to the best of his knowledge or belief. The undersigned application for minor license this

\_\_\_\_\_ day of \_\_\_\_\_, 1987.

RIVER FALLS MUNICIPAL UTILITY

By: \_\_\_\_\_  
Kenneth DeVillers  
Utility Administrator

Subscribed and sworn to before me, a Notary Public of the State of Wisconsin this day of \_\_\_\_\_, 1987.

By: \_\_\_\_\_  
Notary Public

SEAL (if any)

EXHIBIT A  
PROJECT DESCRIPTION

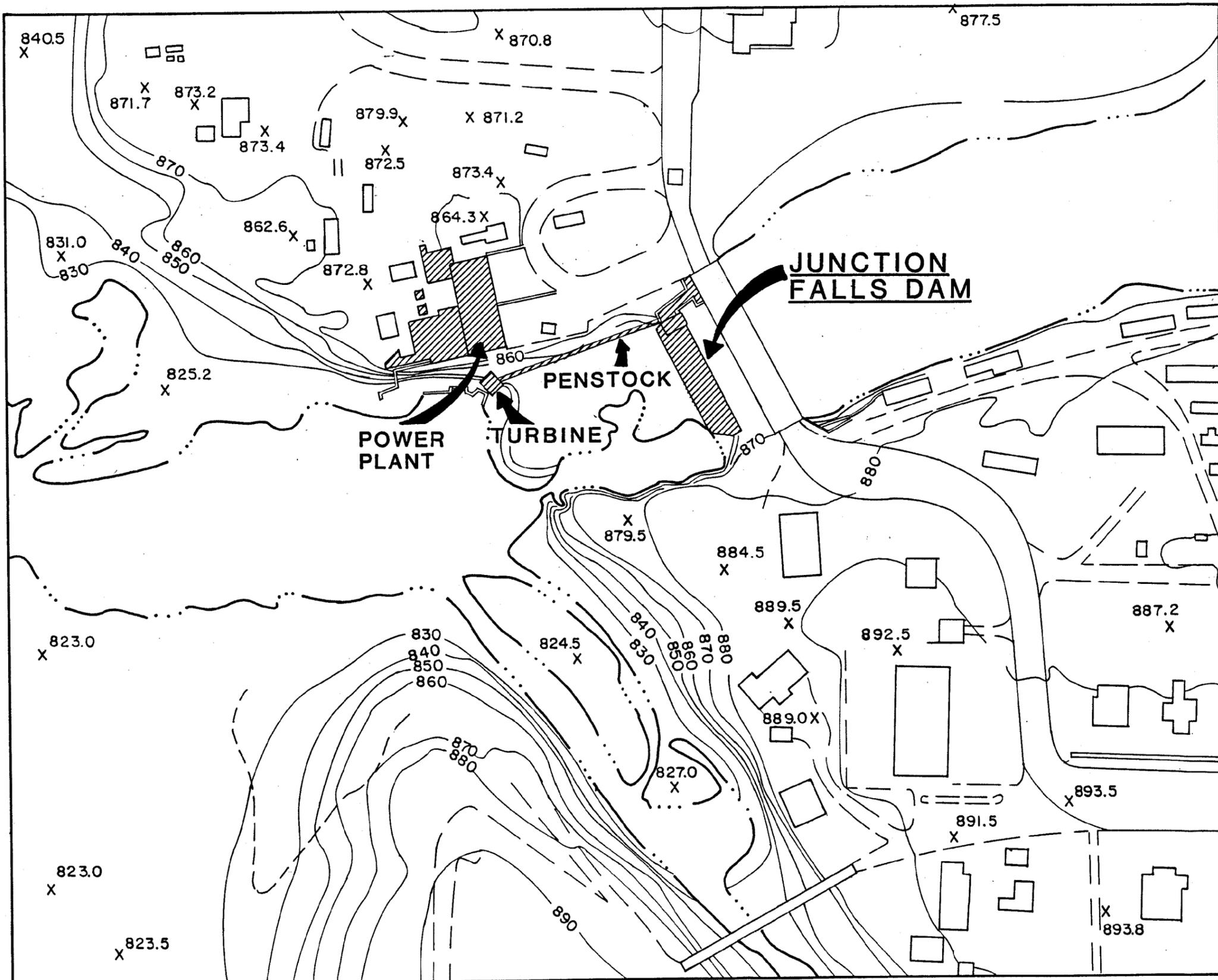
Location

The River Falls Municipal Hydroelectric Facilities Project is located on the Kinnickinnic River within the city limits of River Falls, Wisconsin. River Falls is approximately 32 miles east of Minneapolis, Minnesota. The dam is located in Section 1, Township 27 North, Range 19 West, Pierce County, Wisconsin. Location of the project is illustrated in Figure G-1.

Junction Falls Dam began as a privately owned rock filled timber crib dam originally designed in 1862 to generate power for a mill located adjacent to the site. In 1900 the City of River Falls acquired ownership of the dam and in 1920 the existing dam was built to replace the damaged timber crib dam. A new power house and discharge facility was constructed in 1948, and in about 1962 the steel penstock was encased in concrete. Although some repairs have been made to the dam, the structural configuration has not been changed since its construction. A facility plan is shown as Figure A-1.

The Powell Falls, or lower dam, was built in 1966 to replace an earlier timber structure that was destroyed by high water on the Kinnickinnic. The hydroelectric facility at Powell Falls was also replaced in 1948 when equipment was installed replacing hydroelectric facilities installed in 1903. Powell Falls Dam is located about 1/2-mile downstream from the main facility and also generates hydroelectric power. This structure is part of the municipal hydroelectric facility. A facility plan is shown as Figure A-2.

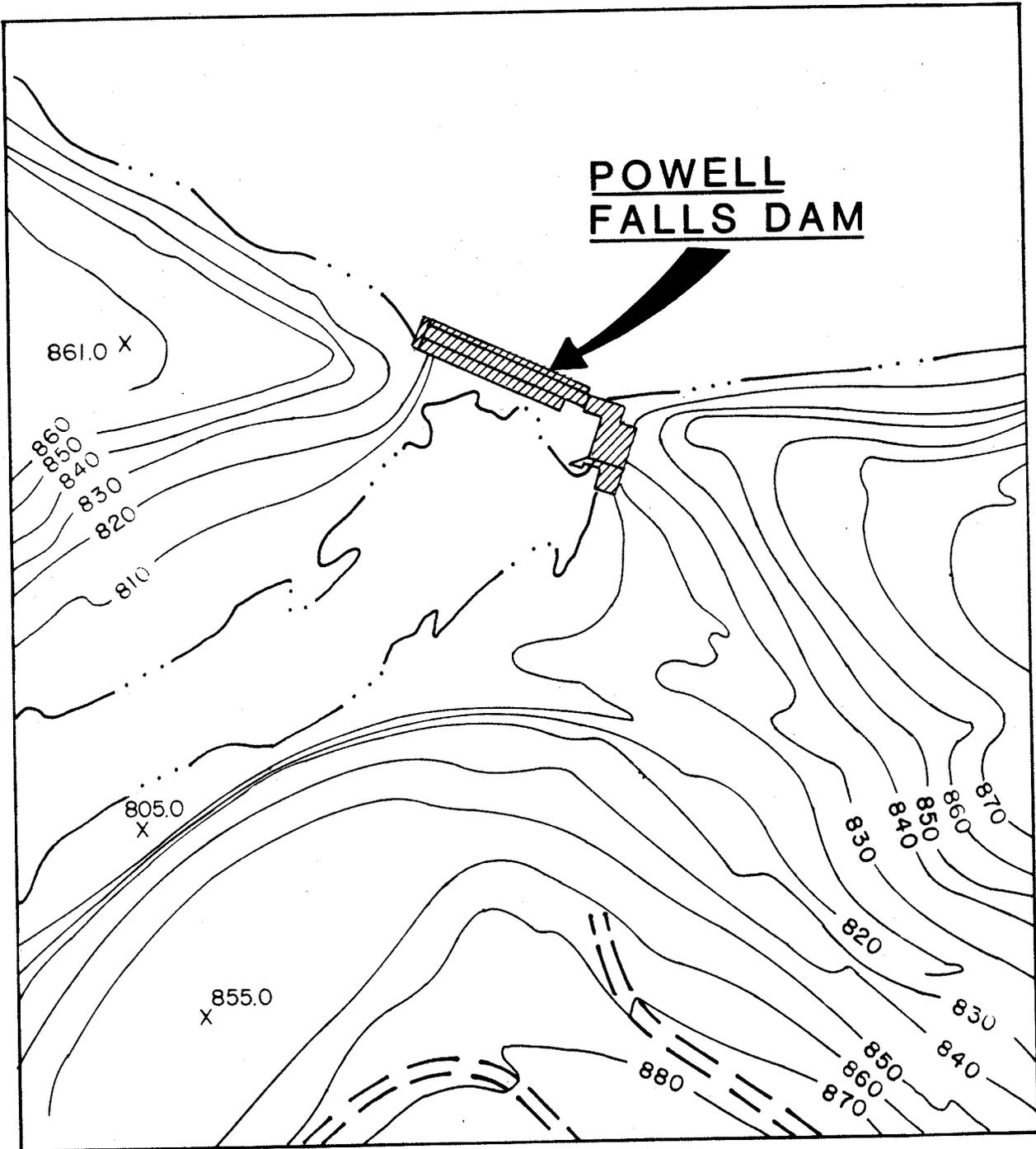
The utility also has a fossil fuel-fired plant, as shown in Figure A-1, however this Facility is separate from the hydroelectric plant and is not part of this Application.



This drawing is a part of the application for license made by the undersigned this day of

Facility Plan:  
Upper Dam

Figure  
A-1



This drawing is a part of the application for license made by the undersigned this day of

Facility Plan,  
Lower Dam

Figure  
A-2

## Facility Components

Junction Falls Dam consists of a 32-foot-high, 140-foot-long mass concrete overflow dam which crosses a narrow rock gorge of the Kinnickinnic River. Detailed drawings of the Junction Falls and Powell Falls dams are available in Exhibit F. Technical Data for facilities is contained in Table A-1. The headworks is located on the north abutment of the dam and contains slide gates which control flow to the power plant and discharge through a low flow conduit. Water from the headworks is discharged 200 feet through a 6-foot-diameter penstock to the power house which is located downstream of the dam. The entire headworks and dam structure are founded and abutted by bedrock. All of the power lines are installed in conduits within the plant building to the main bus. Other components of the dam include an uncontrolled ogee spillway with a crest length of approximately 115 feet. The ogee spillway is about 21 feet wide at its base and stands about 25 feet high. The right abutment of the dam, which also serves as the headworks, has two gated waterway openings located near the stream bed and consists of mass concrete founded and abutted by bedrock, as does the ogee spillway. One of the gated waterway openings is 5 feet square, elevation 845.3 plus or minus, and can serve to discharge excess flows but is normally closed, while the other opening consists of a 6-foot-diameter concrete and steel penstock, elevation 850.8, (National Dam Safety Report, 1979), and leads to a power house situated approximately 200 feet downstream of the dam. The penstock gate can be operated electrically, or by handwheel. The waste gate is operated by handwheel. The Junction Falls Dam is classified small based on its height of 32 plus feet above streambed and maximum storage capacity of 142 plus or minus acre-feet, and 135 plus or minus net.

Powell Falls Dam, a smaller concrete overflow structure than the Junction Falls Dam, lies 2,500 feet downstream and to the southwest of Junction Falls Dam. This lower dam has a height above the streambed of 16 feet, 6 inches and contains an estimated 15 surface-acres in the pool at its normal elevation of about 820 feet. Storage capacity of the lower pool is 30 plus or minus acre-feet (net), and 37 plus or minus gross. The power house is located at the east end of the dam with overhead transmission lines running to the plant's main bus. The crest length is approximately 110 feet, and its width is approximately 21 feet (excluding the 6-foot-wide bucket). Powell Falls Dam has no penstock, but rather a 39-inch direct intake, controlled by electrically and handwheel operated gates, with a 6-foot by 6-foot discharge and both intakes at an elevation of about 811. The spillway runs the length of the dam and is uncontrolled. The Powell Falls Dam has a waste gate, approximately 6 feet square, to discharge excess flows during flood conditions. Discharge capacity for the turbine is about 82 cfs, and the waste gate capacity is 530 cfs plus or minus. The spillway capacity at Powell Falls dam is about 10,000 cfs.

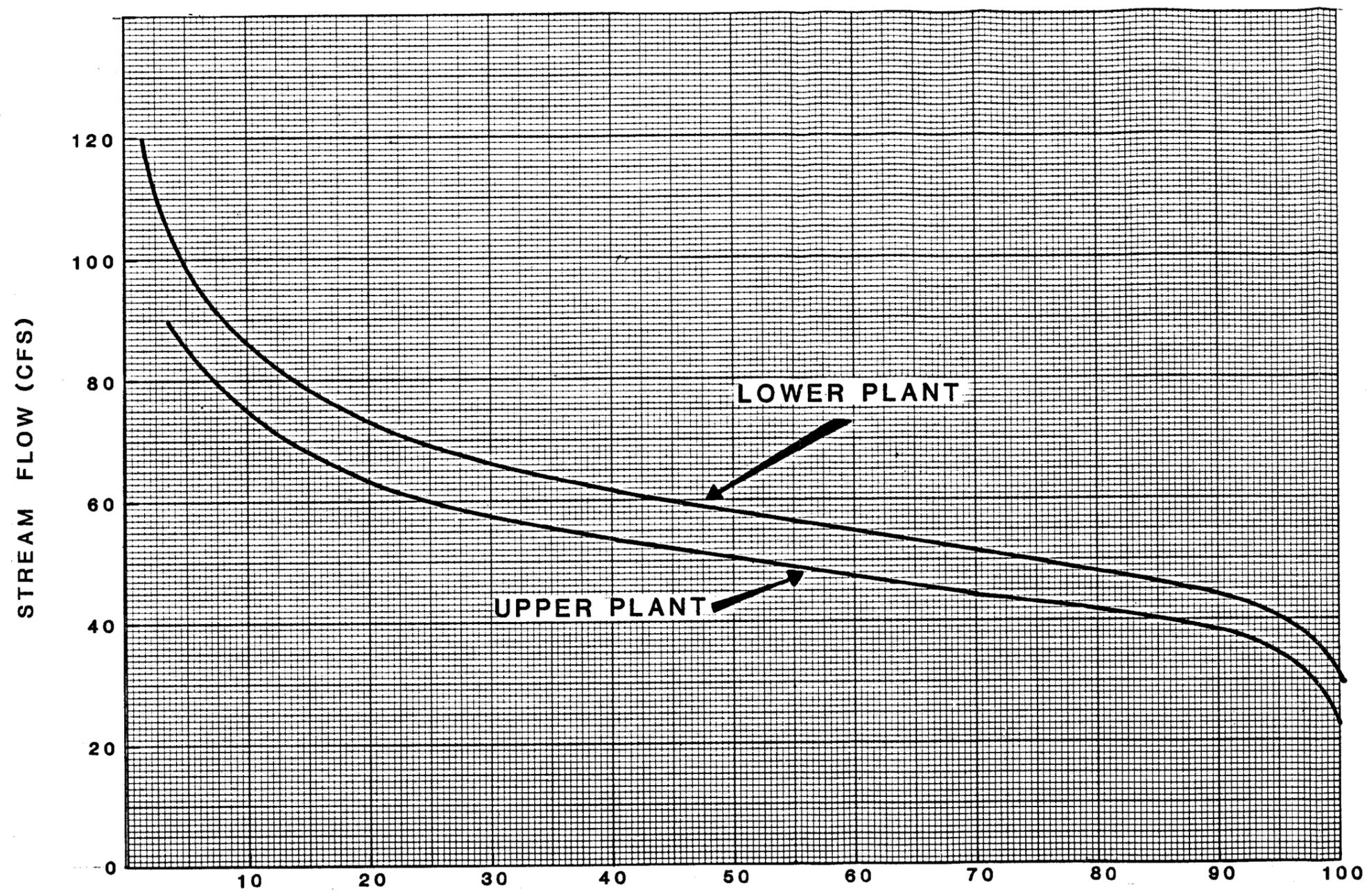
### Operations

The operation of the facility is "run-of-river," and may be considered to be relatively simple because of the presence of the uncontrolled overflow spillway. Neither the Junction Falls or Powell Falls Dams have a formal written operating plan nor a formal flood warning plan in the event of a large flood. The majority of the discharge capacity (about 90 percent at overtopping flows) is provided by the uncontrolled spillway during flood or overflow conditions. During normal operations, the majority of the flow is discharged through the turbines. The pool levels are monitored 24 hours a

day by plant personnel using pool level measuring systems linked to level indicators located in the power house. Flow duration data for each plant during the period 1917-1921 is presented in Figure A-3. This was the only period that flow was ever consistently measured on the Kinnickinnic by the U.S. Geologic Survey. The curve in Figure A-3 was measured over a period of only five years and represents a conservative estimation of flow. Actual flow may prove to be greater, if measured over a longer period of time. During normal operations, the discharge rate through the turbine is adjusted to maintain the pool level slightly below the crest of the spillway of each dam. The facility's units are on-line continuously, maintaining a full holding pond level. When the water level rises, the hydro facilities are first adjusted for maximum flow (about 80 cubic feet per second (cfs)). Excess flow is then allowed to flow over the spillway.

The waste gates would only be opened in the event of extremely high discharge. These gates and the gate to the penstock, at the Junction Falls Dam, are controlled electrically, or by hand operated hoists (National Dam Safety Report, 1979). The waste gates at either dam are intended for emergency situations and have not been used in recent years, except for routine testing. Conditions on the Kinnickinnic have not been serious enough to warrant their use.

The discharge for the Powell Falls unit occurs at the dam. Turbine discharges from the Junction Falls Dam are released at the power house, approximately 200 feet downstream from the dam. The impoundment pools are kept at a level as close to the top of each dam as possible without overtopping. Minimum pool elevation is 864.8 for the upper dam and 814 for the lower dam. Water is kept moving at all times through the structures, to a minimum flow of 25 percent of stream flow. The constant flow of water



PERCENT OF TIME EQUALLED OR EXCEEDED  
 (Adjusted to normal flow and drainage area)

This drawing is a part of the application for license made by the undersigned this day of

SOURCE: U.S. Geologic Survey. 1950

Flow Duration Curve for the Kinnickinnic River at River Falls, Wisconsin: Years 1917 - 1921

Figure A-3

prevents dewatering downstream. Upper pond level is determined by a water column gauge located at the main plant. The lower pond has an electronic level indicator with a transducer mounted near the discharge of the upper unit. Pool levels are maintained by operators regulating loads on units. Water levels are monitored and recorded 24 hours a day by the operator on duty. Minimum pool elevation is six inches below the top of the dam for both structures. Turbine gates are adjusted according to increases or decreases in pond levels. Inlet gates are normally open wide and turbine discharge gates are used to regulate pond levels. Turbine intakes are determined by water availability according to pond level, and no large fluctuations occur.

Plant operating personnel observations over the past 20 years of operation indicates that river flows rarely go below 50 percent of the unit capacity (40 cfs). Peaking use of the facilities was discontinued after 1975 pursuant to requests made by the Wisconsin DNR. Minimum flow requirements were established such that minimum flows of no less than 25 percent of the normal low river flow are required and maintained.

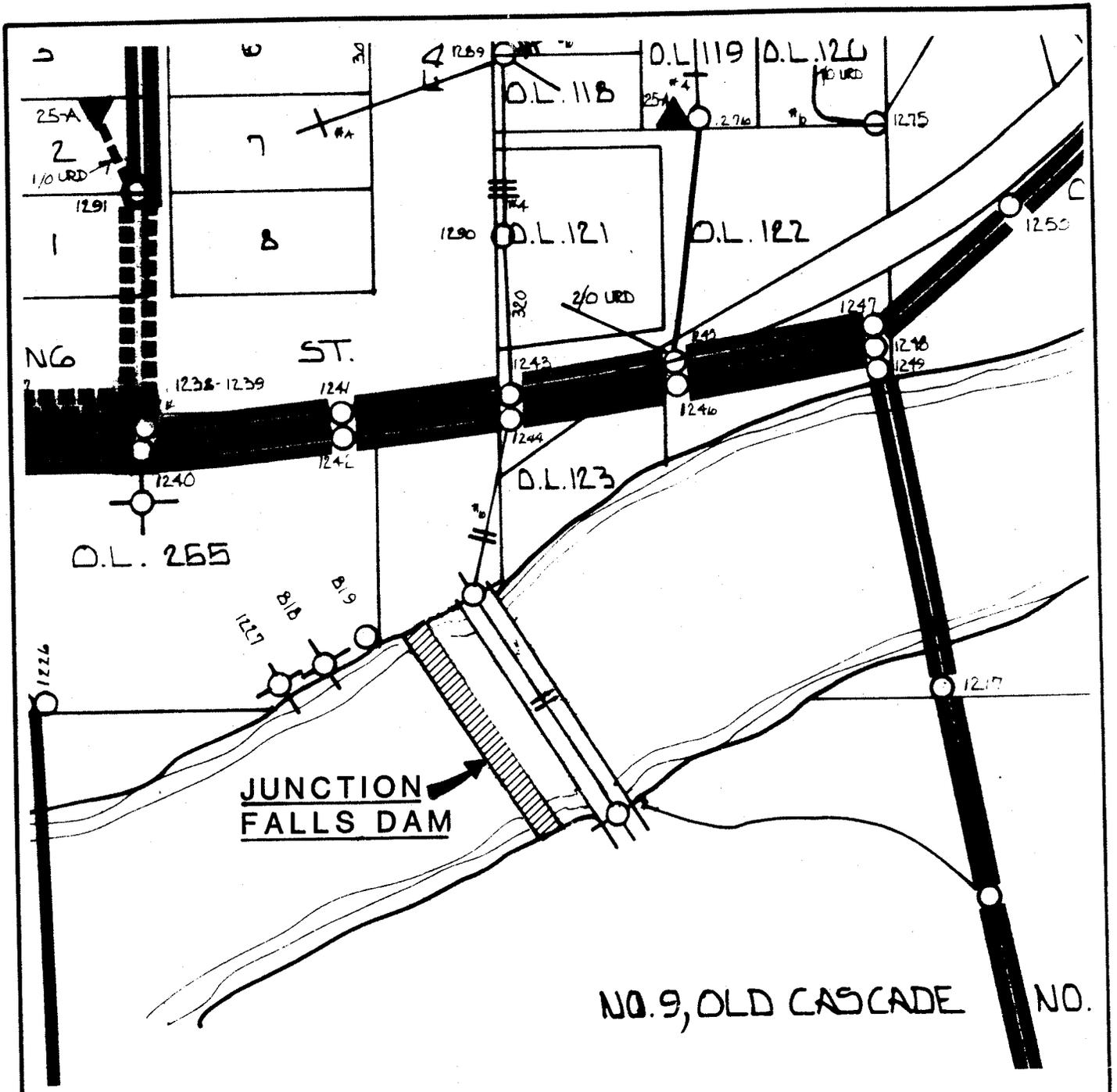
Normal low flow was determined to be about 50 cfs for the river at River Falls. See copy of letter from WDNR to Elmer Thon, March 18, 1985. Therefore, 12 cfs is the flow which was required to pass at all times. These requirements have been complied with and will continue to be complied with in the operation of the facility. At times when the hydro units need to be shut down the flow through the unit is gradually reduced allowing pool levels to rise so that water spills over the dams before the turbines are completely shut down.

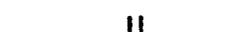
Annual average flow in the Kinnickinnic River relative to the subject facilities is estimated at approximately 95 cfs. This is based on stream

flow data collected between 1916 and 1921 at a point about 5 miles west (downstream) from River Falls. This is the only U.S.G.S. flow data available in the vicinity of River Falls. The only major tributary to the Kinnickinnic River is the South Fork of the Kinnickinnic which joins the river immediately below the upper dam (Junction Falls) in River Falls. No other significant tributaries discharge to the River between the lower dam (Powell Falls) and the point where the gauging station data was collected, therefore this flow data is reasonably representative of flows within River Falls.

Based on hydraulic and hydrologic analysis, the total discharge capacity of the Junction Falls Dam at an elevation where the headworks are overtopped (elevation 872.8 feet) is 11,100 cfs. This is about the 50-year return period flood (2 percent chance of occurrence) and also equivalent to 0.17 Probable Maximum Flood (PMF). At an elevation of 873.9 feet, when the road is overtopped, the total capacity of the structure is about 13,000 to 14,000 cfs, which is approximately the 100-year flood (1 percent chance) and equivalent to .20 PMF (National Dam Safety Report, 1979).

The River Falls Municipal Hydroelectric Facilities Project possesses two generators for producing the hydroelectric power. At the Junction Falls Dam there is one 250 kilowatt (kW) unit, and at the Powell Falls Dam there is one 125 kW unit. Both of the turbines have been rebuilt within the last three years, therefore, there are no plans for retirement or rehabilitation of the units. At the present time there are no provisions for future units. The local electrical distribution system associated with the project for the Junction Falls Dam and Powell Falls Dam are shown in Figures A-4 and A-5, respectively.

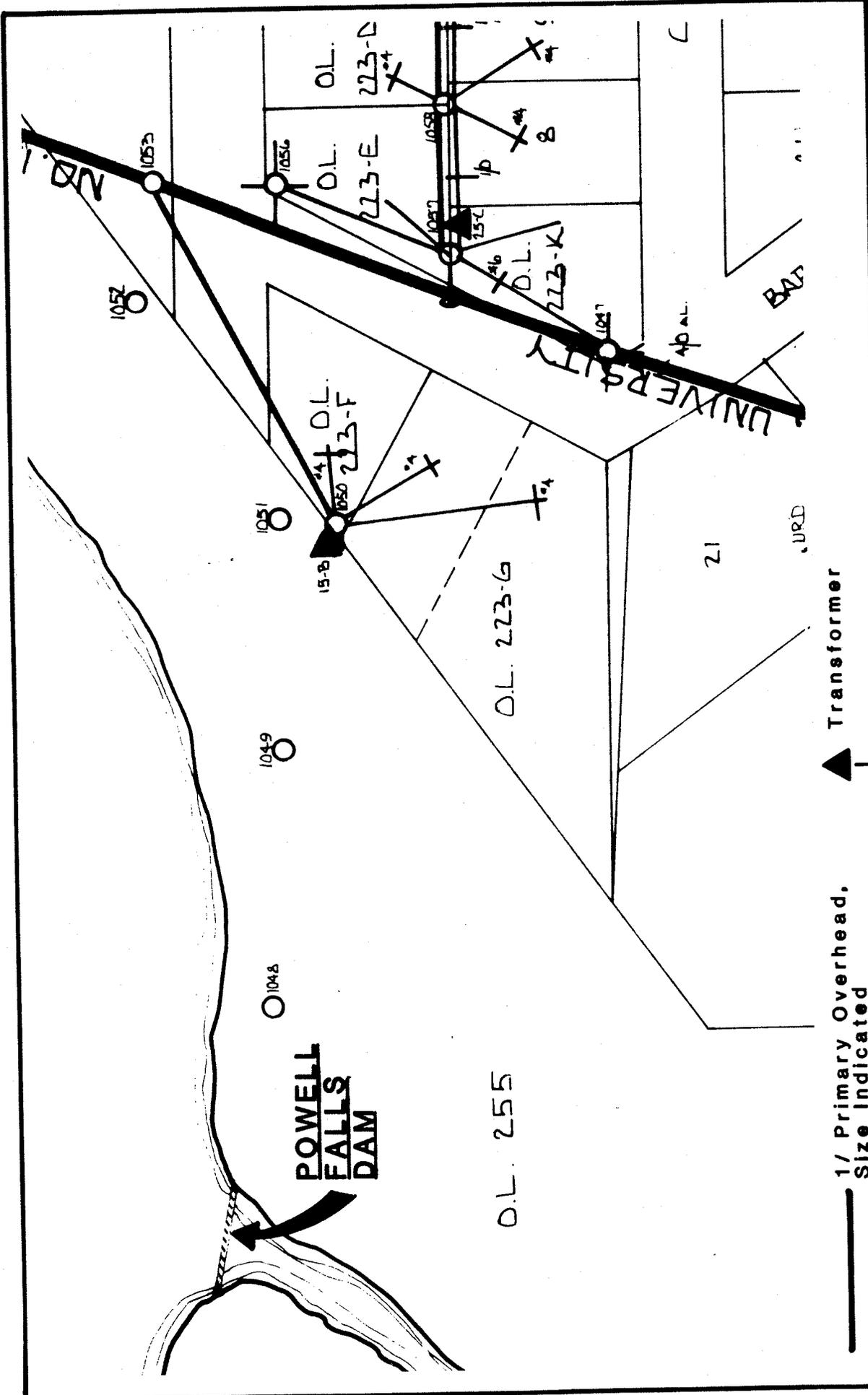


-  1/ Primary Overhead, Size Indicated
-  3/ Primary Overhead, Size Indicated
-  1/ Primary Underground, Size Indicated
-  3/ Primary Underground, Size Indicated
-  Single Wire Service, Size Indicated
-  Two Wire Service, Size Indicated

-  Transformer
-  Street Light
-  Pole

Transmission Line Corridors: Upper Dam

Figure A-4



Transmission Line  
Corridors:  
Lower Dam

Figure  
A-5

- 1/ Primary Overhead,  
Size Indicated
- 3/ Primary Overhead,  
Size Indicated
- Single Wire Service,  
Size Indicated
- Transformer
- Street Light
- Pole

The National Dam Safety Program Report has shown that there are areas of Junction Falls Dam which are deteriorating, predominantly by freeze-thaw action. Although evidence of efflorescence and cracking exists, the integrity of the dam is not threatened. A recent evaluation report of the Upper Dam concludes that "repairs, if constructed, will serve to lengthen the life of the structure and reduce future maintenance costs" (Ayres Associates, 1983).

### Proposed Repairs

Due to deterioration on the Junction Falls Dam, repairs have been proposed for various parts of the concrete structure. The recommended repairs would be maintenance of existing features of the dam and will not change the present characteristics or operation mode of the facility. No alterations in flow or impoundment storage area will result from these repairs. There are no plans to retire or rehabilitate the turbine generator, or any other aspects of the facility. These repairs do not include the Powell Falls Dam. An inspection of the upper dam by Ayres Associates, Engineers, of Eau Claire, determined the following repair recommendations.

- o On the left abutment, deteriorated concrete should be removed and replaced with new, extend wall downstream and anchor into bedrock both vertically and horizontally, and install drain material behind the wall. In addition to this construction, the large shrubs and trees should be cleared off the overbank slopes. However, the overburden should be kept in-place to minimize the penetration of freeze-thaw action along seepage paths. The wall should extend about 15 feet vertically above the spillway apron.
- o Remove deteriorated concrete from spillway crest and downstream face and resurface with a 12-inch minimum concrete layer. The crest, particularly the left end, will probably require 18 to 36 inches of concrete. The toe of the spillway should be anchored into existing bedrock a minimum of 4 feet.

- o On the right abutment extended downstream, construct a wall with drains behind it. The drain will provide some protection against future freeze-thaw action on the rock, and thus minimize undermining of the penstock. Also, the large trees and shrubs should be removed as discussed for left abutment.
- o Repair crack in top of waste gate outlet and resurface spalled areas.
- o Suggest repairing concrete adjacent to the beam in the turbine chamber at the time when other concrete work is being done.

In addition to the aforementioned repairs to the structure, regular and systematic observation of the dam is recommended, and the woody growth, trees and shrubs should be removed and not allowed to regrow.

No date has been set for commencing repair operations at the site. The recommended repairs are not yet definite, or considered to be a part of the Licensing Application.

### Costs

The project is an existing operating facility and no new construction is proposed. Therefore, no new costs will be incurred beyond licensing costs and normal operation and maintenance costs. The present licensing application costs are estimated at approximately \$20,000.00. City records for the hydroelectric facilities indicate a book value of approximately \$180,000.00.

Table A-1

## River Falls Hydroelectric Facility

## TECHNICAL DATA

(Page 1 of 2)

KINNICKINNIC RIVER

Length (miles)	25
Average gradient (feet/mile)	6- 9.9
Drainage Area at Junction Falls Dam (sq.mi.)	102
Estimated Average Annual Stream Flow (cfs) <sup>1</sup>	95.2

Junction Falls Dam

Type	Mass concrete gravity
Length (feet)	140±
Height at centerline of dam (feet)	32±
Generating unit (kW)	250
Average head (feet)	43.82
Design head (feet)	42
Hydraulic Capacities:	
6-ft. diameter turbine and penstock outlet at powerhouse discharge (cfs); pool elev. 872.8	80±
5-ft. square wastegate outlet at top of dam (cfs); pool elev. 872.8	880±
Ungated spillway capacity at maximum pool elev. of 872.8 (cfs)	10,200±
Total discharge capacity at pool elev. 872.8 (cfs)	11,160±
Plant Turbine Capacity (cfs) <sup>2</sup>	80±
Elevations (feet):	
Top of dam (elev. of top of headworks)	872.8±
Normal pool	865.3±
Spillway crest	865.3±
Streambed at centerline of dam	841.0±
Storage Capacity (acre-feet);	
Net	135±
Gross (top of dam)	142.7±
Surface acres	15.5±

<sup>1</sup> Last period gauged was 1917-1921, U.S. Geological Survey, 1950.

<sup>2</sup> Turbine is Francis hydraulic-type unit installed in 1947.

## TECHNICAL DATA

(Page 2 of 2)

### Powell Falls Dam

Type	Mass concrete gravity
Length (feet)	110±
Height above streambed	16'-0"±
Generating unit (kW)	125
Average head (feet)	20.27
Design head (feet)	20
Hydraulic Capacities:	
Turbine discharge outlet; pool elev. 820 (cfs)	82±
6-ft. wastegate outlet discharge; pool elev. 820 (cfs)	530±
Ungated spillway capacity @ 8-ft. over normal pool elevation (cfs)	10,000±
Plant Turbine Capacity (cfs) <sup>3</sup>	82±
Elevations (feet):	
Top of dam (spillway)	820±
Normal pool	820±
Spillway crest	820±
Streambed at centerline of dam	803.4±
Storage Capacity (acre-feet):	
Net	30±
Gross	37±
Surface acres	15.4±
Total Facility Estimated Average Annual Power Generation (Junction Falls and Powell Falls Dams)	2,000,000 kWh

<sup>3</sup> Turbine is Francis hydraulic-type unit installed in 1948.

EXHIBIT E  
ENVIRONMENTAL REPORT AND IMPACTS ANALYSIS

Location

Geographic Setting

The River Falls Hydroelectric Facility is located in the City of River Falls, Section 1, Township 27 North, Range 19 West, Pierce County, west-central Wisconsin on the Kinnickinnic River. The Facility consists of two dams and is situated at the confluence of the North and South Branches of the Kinnickinnic, with the production of hydroelectric power as its primary purpose. The Junction Falls Dam is located at the former site of a natural falls, immediately upstream of the confluence of the Kinnickinnic River and the South Fork. The Powell Falls dam is located approximately one-half mile downstream from the main power plant.

Physiographically, the site lies in the Western Upland province and is part of the Northern Lake States, Forest and Forage Region, which is characterized by lumbering, recreation areas, small grain and potato production. Within this region are many depressional areas occupied by lakes, a variety of till units, and an overlying thin loess layer which are all of glacial origin. This glacial activity is responsible for the rolling terrain that is characteristic of the Kinnickinnic Basin. The soils are typically silty while to the southwest they become gradually sandier and consist primarily of outwash overlying bedrock. (Wisconsin State Board of Soil and Water Conservation Districts, 1980) Grassland is the predominant ground cover with cropland and forest areas also present. The immediate

setting of the Facility is within the city limits and may be considered urban.

### Climate

The climate of the region, classified as continental, is characterized by long, cold, relatively snowy winters and warm summers with cool nights. In the winter months polar air masses bring cold air into Wisconsin, while air from the Gulf of Mexico is responsible for hot, humid weather in the summer.

Mean annual temperatures in January, the coldest month, vary from about 13 degrees Fahrenheit (F) to 24 degrees F., while the mean temperature ranges from about 66 degrees F. to 73 degrees F. in July, the warmest month. The mean annual temperature is, therefore, approximately 44 degrees F. Fluctuations in temperature can range from above 100 degrees F. in the summer to below -30 degrees F. in the winter.

The average annual precipitation ranges from 29 to 32 inches, with approximately 58 percent of this precipitation occurring during the period of May through September. A large portion of the remaining percentage exists as snowfall with average annual amounts of 35 to 50 inches. This precipitation is usually adequate to produce very good crop yields, with only occasional droughts producing crop failure.

The ground in this area is typically frozen from late November through early April, with frost depths reaching an average 26 inches and obtaining maximum depths in early March. This creates a growing season or frost-free period ranging typically from 131 to 150 days, beginning in mid-May and lasting until early October.

## Geology and Soils

The project area is characterized by a glaciated surface consisting of a thin layer of silty loess over an acid glacial till. Intensely faulted and folded Precambrian granites, diorites, and gneisses comprise the underlying units in the area. Cambrian sandstones, dolomites and shales superpose the Precambrian igneous rocks, and are in turn overlain by Ordovician dolomitic limestones, sandstones, and shales, (Ostrom, 1981).

The most recent geologic events occurring within the last million years during the Pleistocene Epoch, profoundly modified the landscape by smoothing off the crests of hills and filling the valleys with Wisconsin Age drift, leaving an unsorted mixture of boulders, gravel, sand, silt and clay materials as overburden above the bedrock formations.

In the upland areas upstream of River Falls, the two branches of the Kinnickinnic River flow through broad outwash plains bordered by steeply sloped valley walls which rise to heights of two hundred feet. The most predominant exposure is the Prairie du Chien group, with various outcrops of the overlying St. Peter sandstone also evident, (National Dam Safety, 1979).

The Junction Falls Dam is located in a steep narrow rock gorge of the North Branch of the Kinnickinnic River. At the damsite the walls of this stream-cut valley consist predominately of the sandy dolomitic rock of the Shakopee formation. The confluence of the north branch of the Kinnickinnic and the South Fork occurs immediately after the North Branch drops over a twelve foot rock ledge, approximately two hundred and fifty feet downstream of the dam. The Powell Falls dam is situated about one-half mile below the confluence. The Kinnickinnic then continues on its course for 25 miles until it joins the St. Croix River.

The River Falls/Kinnickinnic River Basin area typically is comprised of productive Ridge and Valley Prairie soils including black silt loams and silty soils (Antigo) on plains of outwash sand and gravel. The other major soils in this region include the Dakota and Onamia loams and the Waukegan silt loams. They are found in natural terraces, on valley floors and on ridges, (Hole, 1974). The uplands are covered by silts which were formed in 2 to 3 feet of loess over stoney glacial till, glacial outwash, or weathered bedrock; while the southern portion of the basin and the River Valley contain silt loams and loams underlain by sand. These soils are characteristically sufficient for general livestock and farming, yet have some limitations regarding urban development, and are somewhat limited with regard to forestry. These Prairie soils were formed in 20 to 40 inches of medium textured deposits, on a bench of Prairie du Chien dolomite covered by sand and gravel outwash, (Wisconsin Department of Natural Resources, 1980).

No construction activity is associated with this facility because it has been in existence in its present configuration for many years. Some maintenance and repair of the dams is being considered as described in Exhibit A. No impacts will result relative to geology or soils matters. It is likely that there is substantial sedimentation behind the dams due to the presence of the dams. The municipal utility and City of River Falls have discussed the possibility of removing sediment build up but no plans or action has been decided upon.

### Flood Hazard Potential

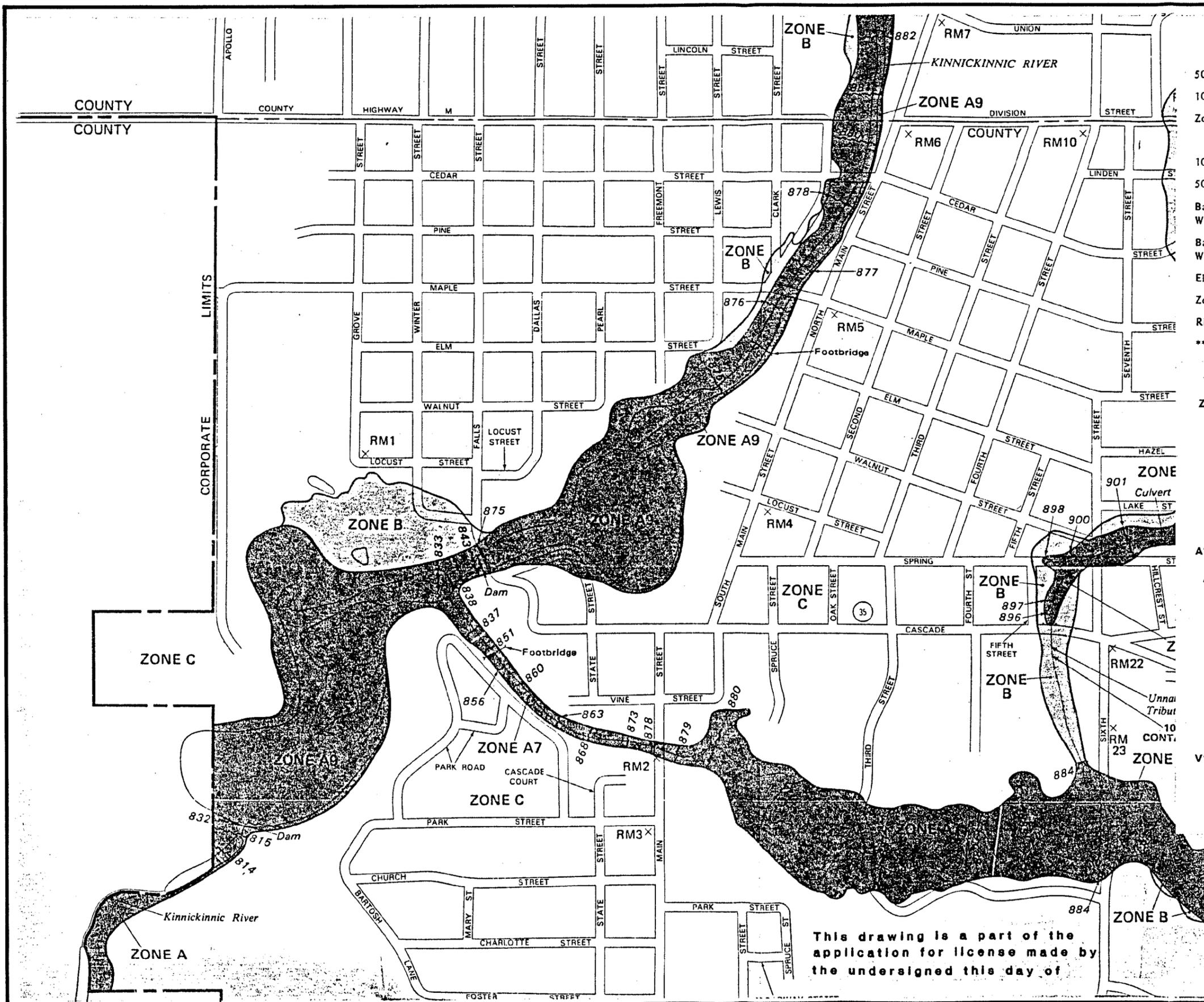
Flooding in River Falls is due primarily to rapid spring snowmelts in conjunction with intense rainstorms. The Kinnickinnic River and the South Fork Kinnickinnic flood about once every 15 years, with the most recent

flood occurring in 1966, (Federal Emergency Management Agency, 1982). The largest recorded flood in the area occurred in April, 1934, and established the 100-year flood elevations for the city. The flood was caused by a combination of high water and large ice chunks, about two feet thick, which jammed against the Falls Street bridge forcing the water to go around the northerly end of the bridge and thereby flooding the existing power plant. Nothing similar has happened since.

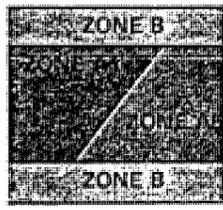
Within River Falls there exists a small number of areas that are more prone to flooding than others. One of these is along Unnamed Tributary No. 1 that runs north to south through the city (Figure E-1). Due to inadequate storm sewers, this area ranks as the most serious potential flooding zone in the city, (Federal Emergency Management Agency, 1982).

Flooding downstream from Junction Falls Dam could occur due to breaching of the structure. The only mode of breaching would be a failure of the spillway section and would probably occur due to tipping, (National Dam Safety Program, 1979). This type of failure could occur rapidly and include the entire width of the section. In that the volume of reservoir storage is small, it is unlikely that the duration of the flood would be long enough to displace the tipped section downstream sufficiently to open the channel completely.

Calculations performed to predict the results of instantaneous breaching of the Junction Falls Dam determined that under a high flow condition at elevation 873.9, when the road is just subject to overtopping, the discharge rate prior to breaching would be approximately 14,000 cfs. The pool elevation at the lower dam would be about 832.1. Upon breaching the peak discharge rate would climb to about 19,000 cfs, raising the maximum pool elevation to approximately 835. A possible result of such a failure



**KEY TO MAP**

- 500-Year Flood Boundary ————
- 100-Year Flood Boundary ————
- Zone Designations\* 
- 100-Year Flood Boundary ————
- 500-Year Flood Boundary ————
- Base Flood Elevation Line With Elevation In Feet\*\*  513
- Base Flood Elevation in Feet Where Uniform Within Zone\*\* (EL 987)
- Elevation Reference Mark RM7x
- Zone D Boundary ————
- River Mile •M1.5

\*\*Referenced to the National Geodetic Vertical Datum of 1929

**\*EXPLANATION OF ZONE DESIGNATIONS**

ZONE	EXPLANATION
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
A0	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
AH	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
A99	Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
B	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
C	Areas of minimal flooding. (No shading)
D	Areas of undetermined, but possible, flood hazards.
V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
V1-V30	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

**NOTES TO USER**

**SOURCE: Federal Emergency Management Agency, 1982.**

This drawing is a part of the application for license made by the undersigned this day of

**Flood Hazard Potential** Figure E-1

could be a flood wave with a height of about 6-8 feet. This might raise instantaneous water levels to perhaps an elevation of 840 feet. Even a maximum breaching incident such as this would not threaten any downstream development with the possible exception of the lower dam which has historically passed floods of about 13,000 cfs. It is, therefore, surmised that breaching event would create limited damage and minimal impact on existing downstream development, (National Dam Safety Program, 1979).

Junction Falls Dam, classified as small based on its height of 32 feet and its maximum storage capacity of 142 acre feet, has a significant hazard classification based on the low probability of loss of life in the event of failure of the structure. The dam does not meet current hydraulic design criteria of between the 100-year and 0.5 PMF recommended for a structure of this size and hazard category because it has a capacity immediately prior to overtopping of the 50-year return period flood (2 percent chance at occurrence) which is equivalent to 0.17 of the PMF. The 1979 Junction Falls (Upper City) Dam, W121, National Dam Safety Program Report states, "since the lack of discharge capacity does not create a definable threat to loss of life, no recommendations for increased capacity are made." With all of this information considered, it is concluded that the Junction Falls Dam is a stable, reliable structure and the operational system as a whole is safe and effective.

No dam safety study has been carried out for the Powell Falls dam and consequently no flood hazard data exists specifically for that dam. However, because of the smaller size of Powell Falls dam and its impoundment in comparison with the Junction Falls dam, it is reasonable to surmise that the probability of significant hazard would be low.

The dams do not serve as flood control facilities. Since pool levels are normally maintained near the crest of each dam there is minimal effect on water flow in the river.

### Population

The City of River Falls is surrounded by the unincorporated areas of both Pierce and St. Croix Counties. The population was estimated to 9,743 in 1980. River Falls has developed into an urban, business, and academic community. The University of Wisconsin-River Falls has student enrollment of 5,284, with a faculty of over 350 (1986). The labor force is estimated to be 3,016 strong, with 43 percent of the occupations being service related, 23 percent retail, and 13 percent manufacturing, (Wisconsin Department of Natural Resources, 1980). The City of Hudson, about 10 miles away, is the only other subdivision with a population of 5,000 or more within a 15-mile radius of the Project.

No irrigation, drainage, or watershed special purpose districts have been identified in the area. The only other such districts in the vicinity of the facility are the County Land Conservation Committees, or Soil Conservation Districts. These exist county-wide in both Pierce and St. Croix counties under the authority of the County Boards. They are considered part of County government.

The licensing of these existing facilities does not involve any construction or operation changes therefore there will be no impact on population.

## Water Use and Quality

The project area encompasses two branches of the Kinnickinnic River; the Kinnickinnic River, or main stream, and the South Fork. Both streams come together at the hydropower site. The South Fork Kinnickinnic River, originating near the town of Pleasant Valley, St., Croix County, flows westerly for seven miles when it empties into the Kinnickinnic River at River Falls. The Kinnickinnic River itself originates near Casey Lake, north of Baldwin, in central St. Croix County. It continues southwesterly until it joins the St. Croix River 25 miles downstream. The drainage area of the Kinnickinnic River is 174 square miles, and is an integral part of the 7,468 square miles of the St. Croix River Basin.

In this region of Wisconsin, groundwater is more widely available than surface waters; therefore, more of it is used for municipal water supplies. As a result, the Junction Falls and Powell Falls dams are used exclusively for hydro power production.

The quality of both the ground and surface water in the Basin is generally very good. The pollution that does exist comes predominantly from agricultural runoff, not specific point sources. There has been some indication of construction and roadside erosion, yet no documented evidence exists suggesting this affects water quality, (Wisconsin Department of Natural Resources, 1980). Acid rain is a growing concern regarding water quality and environmental issues.

Most of the Kinnickinnic River's surface water is moderately hard and sediment load is also a concern because of the area's average annual erosion rate of 5.0 tons/acre/year, which is high compared to other portions of Wisconsin, (Wisconsin Department of Natural Resources, 1980). Biochemical

oxygen demand is generally low and dissolved oxygen is, therefore, usually above the minimum required to support warm water fish.

Maximum runoff from the basin usually is caused by intense rainstorms and/or spring snowmelts. The basin has relatively little storage upstream creating the potential for "flash" floods, (National Dam Safety Program, 1979). Although the Kinnickinnic River and the South Fork Kinnickinnic River flood about once every 15 years, the maximum recorded flood at Junction Dam occurred on April 3, 1934 and would probably establish the 100-year flood elevations for the city, (Federal Emergency Management Agency, 1982). Low probability of loss of life in the event of failure of the structure puts it in the significant hazard category, (National Dam Safety Program, 1979).

The City of River Falls possesses a Municipal Wastewater Treatment Facility located on the lower pool, which as of 1979, was hydraulically overloaded and unable to meet the Wisconsin Pollutant Discharge Elimination System (WPDES) final effluent limits. Major concern developed in the areas of biochemical oxygen demand (BOD<sub>5</sub>), suspended solids, and high fecal coliform counts. There are two industrial permittees that discharge effluent into the Kinnickinnic River; River Falls Municipal Utility and Vollrath Refrigeration Company.

With increased effluent discharge and the known effects of such pollution, and concern for the protection of the fish and wildlife of the area, prompted action to be taken. In 1981, an upgraded treatment facility was developed in which the primary wastewater flows through static screens and then moves by gravity to two oxidation ditches. The water then flows by gravity to two final clarifiers followed by chlorination and

discharge into the Kinnickinnic River. Since the facility was upgraded, there has been no indication of water quality degradation to the Kinnickinnic River, as evidenced by its good to excellent water quality rating, (Eigenbrodt, 1983).

The River Falls hydroelectric facility is a run-of-river operation with generating units on-line continuously. All water that is impounded is returned to the river in the same condition it was appropriated in. A minimum flow of 25 percent is maintained through the facility turbines at all times in order to avoid dewatering downstream. Water is appropriated only to turn the turbines of the generating plants, nothing is discharged back into the Kinnickinnic other than the river water. There are no plans to alter any of the facility operations as part of the Licensing Application, and there will be no impacts on the present water use and quality of the Kinnickinnic as a result of the licensing.

### Vegetative Cover

Historically, the natural vegetation of the area was part of the Oak Savanna plant community and consisted of bur oak (Quercus macrocarpa), white oak (Quercus alba), and blue stem (Andropogon gerardi), (University of Wisconsin, 1965). It was dominated by grasses, herbaceous plants, and some shrubs. The region surrounding the Kinnickinnic River Basin is now characterized by 60 percent grassland, 20 percent cropland, and forest acreage accounting for only 17 percent of the area. Sugar Maple (Acer saccharum), red oak (Quercus rubra), basswood (Tilia americana), and paper birch (Betula papyrifera) trees account for the forested areas.

Deciduous forest, primarily ash species (Fraxinus sp.), sugar maple (Acer saccharum), and basswood (Tilia americana), dominates the river

valley, with white pine (Pinus strobus) occurring in localized areas. Open oak forests at the crest of the river bluffs grade into a maple/basswood association which, in turn, grades into a cottonwood and willow association adjacent to the stream, (U. S. Fish and Wildlife Service).

This area is quite unique with respect to vegetation due to the fact that it represents a portion of each the northern coniferous forest, the prairie, and southern forest types. In the Kinnickinnic River Valley alone there have been four hundred eighty species of vascular plants identified which represent 30 to 40 percent of the different types found in the State of Wisconsin. Some representative species found within the St. Croix River Basin, which may also thrive in the Kinnickinnic Basin, are identified in Table E-1. There also exists a number of endangered and threatened species in Wisconsin, of which some may exist in the Kinnickinnic River Valley. The Wisconsin Bureau of Endangered Resources has identified the presence of a state-threatened plant species, Besseya bullii, nearby. This is the only threatened, or endangered species, that has been actually documented in the area. The U.S. Fish and Wildlife Service has indicated that native prairie bush clover (Lespedeza leptostachya) may be found in the area.

In that there are no plans to expand or alter the existing hydroelectric facility as part of the Licensing Application process, no significant impacts on vegetation above present levels are anticipated.

### Fish and Wildlife

The Kinnickinnic River Basin contains a wide variety of fish and wildlife species due to its unique and diverse habitat. The setting provides an acceptable environment for a number of fish species including the northern pike, walleye, bass, brook and brown trout. The Kinnickinnic

Table E-1

## River Falls Hydroelectric Facility

## SHRUBS AND TREES, WESTERN WISCONSIN &amp; KINNICKINNIC RIVER BASIN (page 1 of 5)

<u>Latin Name</u>	<u>Common Name</u>	<u>Relative Freq.</u>	<u>Latin Name</u>	<u>Common Name</u>	<u>Relative Freq.</u>
<u>Abies balsamea</u>	Balsam fir	.2	<u>Lonicera prolifera</u>	Rock honey suckle	.2
<u>Acer negundo</u>	Box elder**	10.1	<u>Lonicera sp.</u>	Honeysuckle*	6.7
<u>Acer rubrum</u>	Red Maple	2.2	<u>Morus sp.</u>	Mulberry species*	.2
<u>Acer saccharinum</u>	Silver maple	20.2	<u>Ostrya virginiana</u>	Ironwood	17.6
<u>Acer saccharum</u>	Sugar maple	9.2	<u>Physocarpus opulifolius</u>	Ninebark	1.2
<u>Alnus rugosa</u>	Speckled alder	1.2	<u>Picea glauca</u>	White spruce	.7
<u>Amelanchier sp.</u>	Amelanchier species	1.7	<u>Pinus resinosa</u>	Red pine	2.2
<u>Betula nigra</u>	River birch	.2	<u>Pinus strobus</u>	White pine	3.6
<u>Betula papyrifera</u>	Paper birch	11.6	<u>Populus deltoides</u>	Cottonwood	7.2
<u>Carpinus caroliniana</u>	Blue beech	2.9	<u>Populus grandidentata</u>	Big tooth aspen	5.8
<u>Carya cordiformis</u>	Yellowbud hickory	8.4	<u>Populus tremuloides</u>	Trembling aspen	6.0
<u>Celtis occidentalis</u>	Hackberry	5.1	<u>Prunus americana</u>	American plum	1.2
<u>Cornus racemosa</u>	Grey dogwood	10.4	<u>Prunus serotina</u>	Black cherry	7.5
<u>Cornus rugosa</u>	Round leaf dogwood	7.5	<u>Prunus virginiana</u>	Choke cherry	10.8
<u>Cornus stolonifera</u>	Red osier dogwood	2.7	<u>Quercus alba</u>	White oak	14.2
<u>Corylus sp.</u>	Hazelnut	6.5	<u>Quercus macrocarpa</u>	Burr oak	14.5
<u>Diervilla lonicera</u>	Dwarf bush honeysuckle	.7	<u>Quercus rubra</u>	Red oak	20.0
<u>Fraxinus sp.</u>	Ash species	20.7	<u>Quercus velutina</u>	Black oak	9.4
<u>Juglans cinerea</u>	Butternut	1.0	<u>Rhamnus sp.</u>	Buckthorn species*	3.4
<u>Juglans nigra</u>	Black walnut	1.9	<u>Rhus glabra</u>	Smooth sumac	8.0
<u>Juniperus communis</u>	Dwarf juniper	2.4	<u>Rhus typhina</u>	Staghorn sumac	.7
<u>Juniperus virginiana</u>	Red cedar	15.9	<u>Ribes sp.</u>	Gooseberry	14.5
<u>Larix laricina</u>	Tamarack	.2	<u>Robinia pseudo-acacia</u>	Black locust	1.9
<u>Lonicera dioica</u>	Mountain honeysuckle	.7	<u>Rosa sp.</u>	Wild rose	3.6
			<u>Rubus sp.</u>	Blackberry	9.2
			<u>Sambucus sp.</u>	Elderberry species	5.3

Source: University of Wisconsin, 1978

SHRUBS AND TREES, WESTERN WISCONSIN & KINNICKINNIC RIVER BASIN

(page 2 of 3)

<u>Latin Name</u>	<u>Common Name</u>	<u>Relative Freq.</u>	<u>Latin Name</u>	<u>Common Name</u>	<u>Relative Freq.</u>
<u>Salix interior</u>	Sandbar willow	2.9	<u>Amphicarpa bracteata</u>	Hog peanut	15.2
<u>Salix nigra</u>	Black willow	1.2	<u>Anaphalis margaritacea</u>	Pearly everlasting	.2
<u>Salix sp.</u>	Willow species	4.1	<u>Andropogon gerardi</u>	Big blue stem	5.5
<u>Taxus canadensis</u>	Canada yew	.5	<u>Andropogon scoparius</u>	Little blue stem	2.4
<u>Thuja occidentalis</u>	White cedar	.2	<u>Anemone canadensis</u>	Canada anemone	2.7
<u>Tilia americana</u>	Basswood	31.8	<u>Anemone cylindrica</u>	Thimble weed	3.9
<u>Ulmus americana</u>	American elm	18.3	<u>Antennaria sp.</u>	Pussy toes	1.4
<u>Ulmus rubra</u>	Slippery elm	4.6	<u>Apocynum androsaemifolium</u>	Dogbane	4.8
<u>Vaccinium angustifolium</u>	Blueberry	.7	<u>Apocynum sibiricum</u>	Indian hemp	2.7
<u>Viburnum lentago</u>	Nanney berry	1.2	<u>Aquilegia canadensis</u>	Columbine	11.1
<u>Viburnum rafinesquianum</u>	Rafinesque viburnum	4.1	<u>Aralia nudicaulis</u>	Wild sarsaparilla	10.8
<u>Viburnum trilobum</u>	Highbush cranberry	.5	<u>Aralia racemosa</u>	Spikenard	.7
<u>Xanthoxylum americanum</u>	Prickly ash**	19.0	<u>Arctium minus</u>	Burdock*	1.9
HERBACEOUS SPECIES					
<u>Achillea millefolium</u>	Yarrow*	2.9	<u>Arisaema triphyllum</u>	Jack-in-the-pulplt	4.3
<u>Acorus calamus</u>	Sweet flag	.2	<u>Asarum canadense</u>	Wild ginger	1.9
<u>Actaea pachypoda</u>	White baneberry	1.2	<u>Asclepias incarnata</u>	Marsh milkweed	6.3
<u>Actaea rubra</u>	Red baneberry	1.7	<u>Asclepias syriaca</u>	Common milkweed**	2.9
<u>Adiantum pedatum</u>	Maidenhair fern	7.7	<u>Asclepias verticillata</u>	Whorled milkweed	.2
<u>Alisma plantago-aquatica</u>	Water plantain	.2	<u>Asparagus officinalis</u>	Asparagus*	.5
<u>Allium tricoccum</u>	Wild leek	.5	<u>Aster macrophyllus</u>	Big leaf aster	3.4
<u>Alopecurus sp.</u>	Fox tail*	4.8	<u>Aster sericeus</u>	Silky aster	.2
<u>Ambrosia artemisiifolia</u>	Ragweed**	13.3	<u>Aster sp.</u>	Aster	6.5
<u>Ambrosia trifida</u>	Giant ragweed**	1.0	<u>Athyrium filix-femina</u>	Lady fern	11.8
<u>Amorpha canescens</u>	Lead plant	3.1	<u>Bidens sp.</u>	Beggar's tick	2.9
			<u>Boehmeria cylindrica</u>	False nettle	1.4
			<u>Botrychium virginianum</u>	Rattlesnake fern	3.1
			<u>Souteloua hirsuta</u>	Hairy Grama Grass	.7

SHRUBS AND TREES, WESTERN WISCONSIN & KINNICKINNICK RIVER BASIN

(page 3 of 5)

<u>Latin Name</u>	<u>Common Name</u>	<u>Relative Freq.</u>	<u>Latin Name</u>	<u>Common Name</u>	<u>Relative Freq.</u>
<u>Bouteloua curtipendula</u>	Side-oats grama grass	1.7	<u>Fragaria virginiana</u>	Wild strawberry	2.4
<u>Brasenia schreberi</u>	Water shield	.2	<u>Fumaria officinalis</u>	Fumitory*	.7
<u>Bromus sp.</u>	European brome grass*	1.9	<u>Galium sp.</u>	Bedstraw species	5.5
<u>Calamagrostis canadensis</u>	Blue joint grass	2.9	<u>Geranium maculatum</u>	Wild geranium	13.5
<u>Caltha palustris</u>	Marsh marigold	.2	<u>Geum canadense</u>	Wood avens	1.2
<u>Campanula rotundifolia</u>	Harebell	5.5	<u>Goodyera pubescens</u>	Rattlesnake plantain	.5
<u>Cannabis sativa</u>	Hemp*	1.2	<u>Gratiola neglecta</u>	Hedge hyssop	2.9
<u>Carex sp.</u>	Sedge species	19.8	<u>Helenium autumnale</u>	Sneezeweed	1.9
<u>Caulophyllum thalictroides</u>	Blue cohosh	1.7	<u>Helianthus divaricatus</u>	Woodland sunflower	1.0
<u>Ceanothus americanus</u>	New Jersey tea	1.9	<u>Hepatica sp.</u>	Liverleaf species	5.5
<u>Ceratoophyllum demersum</u>	Coon tail	.7	<u>Heraclium lanatum</u>	Cow parsnip	.5
<u>Chenopodium sp.</u>	Lamb's quarters*	1.2	<u>Hydrophyllum virginianum</u>	Waterleaf	1.4
<u>Chimaphila umbellata</u>	Pipsissewa	1.2	<u>Hypericum perforatum</u>	St. John's wort*	1.2
<u>Circaea quadriflora</u>	Enchanter's nightshade	6.0	<u>Hystrix patula</u>	Bottlebrush grass	.2
<u>Cirsium muticum</u>	Swamp thistle	.7	<u>Imoatiens biflora</u>	Jewelweed	9.6
<u>Cirsium sp.</u>	Thistle species*	1.9	<u>Iris shrevei</u>	Blue flag or Wild iris	1.9
<u>Coreopsis palmata</u>	Coreopsis	.2	<u>Juncus sp.</u>	Rush species	.5
<u>Desmodium glutinosum</u>	Tick trefoil	12.0	<u>Laportea canadensis</u>	Wood nettle	7.0
<u>Dryopteris spinulosa</u>	Spinulose shield fern	4.3	<u>Leersia oryzoides</u>	Rice cut grass	11.1
<u>Eleocharis sp.</u>	Spike rush species	5.8	<u>Lemna minor</u>	Duckweed	1.9
<u>Elymus virginicus</u>	Wild rye	7.2	<u>Leonurus cardiaca</u>	Motherwort*	2.2
<u>Equisetum sp.</u>	Horsetail species	9.9	<u>Lepidium virginicum</u>	Peppergrass*	.7
<u>Eupatorium maculatum</u>	Joe-pye-weed	3.4	<u>Lespedeza capitata</u>	Roundheaded bush clover	1.4
<u>Eupatorium perfoliatum</u>	Boneset	.7	<u>Liatris sp.</u>	Liatris species	.7
<u>Eupatorium rugosum</u>	White snakeroot	9.4	<u>Linaria vulgaris</u>	Butter-and-eggs*	.7
<u>Euphorbia corollata</u>	Flowering spurge	7.2	<u>Lithospermum canescens</u>	Hoary puccoon	.2
<u>Euphorbia esula</u>	Leafy spurge*	.5	<u>Lobelia cardinalis</u>	Cardinal flower	6.0

SHRUBS AND TREES, WESTERN WISCONSIN & KINNICKINNIC RIVER BASIN

(Page 4 of 5)

<u>Latin Name</u>	<u>Common Name</u>	<u>Relative Freq.</u>	<u>Latin Name</u>	<u>Common Name</u>	<u>Relative Freq.</u>
<u>Lobelia siphilitica</u>	Great lobelia	.7	<u>Pilea pumila</u>	Clearweed	5.5
<u>Lycopus americanus</u>	Water horehound	4.3	<u>Plantago major</u>	Plantain*	4.8
<u>Lysimachia ciliata</u>	Fringed loosestrife	1.0	<u>Poa sp.</u>	Blue grass*	8.0
<u>Majanthemum canadense</u>	Canada mayflower	7.0	<u>Polyonatum canaliculatum</u>	Smooth Solomon's seal	3.4
<u>Matteuccia struthiopteris</u>	Ostrich fern	13.1	<u>Polygonum species</u>	Smart weed species	3.4
<u>Melilotus alba</u>	White sweet clover*	3.1	<u>Potamogeton crispus</u>	Curly pondweed	1.4
<u>Mentha sp.</u>	Mint species*	.5	<u>Potamogeton sp.</u>	Pondweed	.5
<u>Mimulus ringens</u>	Monkey flower	4.6	<u>Potentilla sp.</u>	Cinquefoil species* **	1.7
<u>Monarda fistulosa</u>	Bergamot	2.4	<u>Prenanthes alba</u>	Lion's foot	1.7
<u>Nepeta cataria</u>	Catnip mint*	7.0	<u>Pteridium aquilinum</u>	Bracken fern	4.8
<u>Nuphaea odorata</u>	White water lily	.5	<u>Pynacanthemum virginianum</u>	Mountain mint	.2
<u>Oenothera biennis</u>	Evening primrose**	.5	<u>Ratibida pinnata</u>	Yellow coneflower	.2
<u>Onoclea sensibilis</u>	Sensitive fern	6.0	<u>Rhus radicans</u>	Poison ivy	20.5
<u>Osmorhiza claytoni</u>	Sweet cicely	7.0	<u>Rumex crispus</u>	Curly dock	2.9
<u>Osmunda claytoniana</u>	Interrupted fern	3.6	<u>Rudbeckia laciniata</u>	Tall coneflower	6.0
<u>Oxalis stricta</u>	Hood sorrel**	8.7	<u>Saxifraga latifolia</u>	Arrowhead	6.7
<u>Panax quinquefolius</u>	Ginseng	1.2	<u>Sanquinaria canadensis</u>	Bloodroot	7.7
<u>Panicum sp.</u>	Panic grass	3.1	<u>Sanicula gregaria</u>	Black snakeroot	1.7
<u>Parthenocissus sp.</u>	Hoodbine species	24.8	<u>Saxifraga pensylvanica</u>	Swamp saxifrage	.7
<u>Pedicularis canadensis</u>	Hood betony	0.0	<u>Scirpus validus</u>	Bulrush	1.2
<u>Pallaea glabella</u>	Purple cliff brake	.5	<u>Smilax sp.</u>	Carrion flower	2.2
<u>Petalostemum purpureum</u>	Purple prairie clover	.5	<u>Smilicina racemosa</u>	False Solomon's seal	12.3
<u>Phalaris arundinacea</u>	Reed canary grass*	** 5.1	<u>Solanum dulcamara</u>	Deadly nightshade*	1.2
<u>Phleum pratense</u>	Timothy grass*	1.4	<u>Solidago sp.</u>	Goldenrod species	6.0
<u>Phragmites communis</u>	Giant reed grass	.2	<u>Sorghastrum nutans</u>	Indian grass	.2
<u>Phryma leptostachya</u>	Lopseed	2.4	<u>Sporanium eurycarpum</u>	Bur reed	2.2
<u>Physostegia virginiana</u>	Obedient plant	2.4	<u>Spartina pectinata</u>	Cord grass	8.9

SHRUBS AND TREES, WESTERN WISCONSIN & KINNICKINNIC RIVER BASIN

(page 5 of 5)

<u>Latin Name</u>	<u>Common Name</u>	<u>Relative Freq.</u>
<u>Sorobolis heterolepis</u>	Dropseed	1.4
<u>Stellaria media</u>	Chickweed*	.7
<u>Streptopus roseus</u>	Twisted stalk	2.4
<u>Symlocarpus foetidus</u>	Skunk cabbage	1.7
<u>Taraxacum officinale</u>	Dandelion*	6.5
<u>Thelypteris palustris</u>	Marsh fern	1.7
<u>Tradescantia ohioensis</u>	Spiderwort	.7
<u>Tropogon pratensis</u>	Meadow goat's beard*	1.7
<u>Trillium sp.</u>	Trillium species	1.2
<u>Typha latifolia</u>	Cattail	.5
<u>Urtica dioica</u>	Stinging nettle	7.0
<u>Verbascum thapsus</u>	Mullein*	8.2
<u>Verbena hastata</u>	Blue vervain	5.5
<u>Vernonia fasciculata</u>	Ironweed	5.3
<u>Veronicastrum virginicum</u>	Culver's root	1.0
<u>Viola pedata</u>	Bird's foot violet	.2
<u>Viola sp.</u>	Violet species	2.2
<u>Vitis sp.</u>	Wild grape	16.1
<u>Xanthium strumarium</u>	Cockle bur*	1.4
<u>Zizania aquatica</u>	Wild rice	.5

\* Non-native exotic weed species

\*\* Native "weedy" species

River is classified as Class I trout waters, above and below River Falls which represent ideal conditions for the reproduction and existence of trout and other fish species, (Wisconsin Department of Natural Resources, 1980). The terrestrial habitat features a variety of forests which are home to white-tailed deer, gray squirrel, bobcat, raccoon, and other small animals; and a prairie, or open field habitat, that contains partridge, pheasant, meadowlarks, and redwing blackbirds.

### Fish

Within the waters of the Kinnickinnic River exist at least 25 different species of fish. Some of the fish commonly found in the area include the brook trout, longnose dace, white sucker, walleye, smallmouth bass, and brown trout. The Kinnickinnic River upstream of River Falls is considered a Class I trout stream, presenting ideal conditions for the existence and reproduction of trout and other aquatic life. The river downstream from the Powell Falls Dam is also a Class I trout stream, with a self-sustained brown trout population. This classification does not include the impounded portions of the river within River Falls. The lower Kinnickinnic also provides seasonal spawning and foraging habitat for several species of fish from the St. Croix River. Although not actually identified by the Wisconsin Bureau of Endangered Resources as being present in the Kinnickinnic, the endangered crystal darter (Ammacrypta asprella) and the threatened gilt darter (Percina evides), may be present in the area, (Wisconsin Department of Natural Resources, 1982). If these species are found in the area, they will have proved adapted to the Facility.

Since the River Falls Municipal Wastewater Treatment Plant was upgraded in 1981 and point source pollution was controlled, the Kinnickinnic River

has become an ideal source for the spawning and rearing of brook and brown trout, as well as several other species of fish. The discontinuance of peaking operations in 1975 at the request of the WDNR is also regarded as a factor in the improved fishery resources below Powell Falls dam. It is not uncommon for brown trout in the six to eight pound class to be taken from the river. (U.S. Fish and Wildlife, Project Description, Lower Kinnickinnic River Valley).

Some of the species in the area include:

Brown Trout	<u>Salmo trutta</u>
Rainbow Trout	<u>Salmo gairdneri</u>
Brook Trout	<u>Salvelinus fontinalis</u>
Walleye	<u>Stizostedion vitreum</u>
Burbot	<u>Lota lota</u>
Sauger	<u>Stizostedion canadense</u>
Yellow Perch	<u>Perca flavescens</u>
Smallmouth Bass	<u>Micropterus dolomieu</u>
White Bass	<u>Morone chalcysops</u>
Carp	<u>Cyprinus carpio</u>
Shovelnose Sturgeon	<u>Scaphirhynchus platyrhynchus</u>
Channel Catfish	<u>Ictalurus punctatus</u>
Northern Pike	<u>Esox lucius</u>
Bullhead	<u>Ictalurus sp.</u>
Gilt Darter	<u>Percina evides</u>
Crystal Darter	<u>Ammocrypta asprella</u>
Crappie	<u>Pomoxis nigromaculatus</u>
Bluegill	<u>Lepomis macrochirus</u>
Redhorse	<u>Moxostoma erythrurum</u>

There are no plans to change any of the operations at the hydroelectric facilities at River Falls so the excellent fish habitat of the Kinnickinnic River will remain unchanged by the granting of the License. The existing minimal impacts on fish will continue.

### Mammals

Southeastern Wisconsin is habitat to several types of large and small mammals, totaling some 40 species. Some of the larger mammals found in the area include the white-tailed deer (Odocoileus virginianus), the black bear (Ursus americanus), and the bobcat (Lynx rufus). A wide variety of rodents

also reside in the Kinnickinnic Basin, such as the gray squirrel (Sciurus carolinensis), muskrat (Ondatra zibethicus), beaver (Castor canadensis), and the white-footed mouse (Peromyscus leucopus). Other species that may be found in Kinnickinnic River Valley are listed on Table E-2. The Wisconsin Bureau of Endangered Resources has not identified any threatened or endangered species of mammals in the area, but there may be some watch-species residing nearby. These species include: the gray fox (Urocyon cinereoargenteus); the white-tailed jackrabbit (Lepus townsendii); and bobcat (Lynx rufus), (B. L. Les, 1979).

There are no adverse impacts upon mammalian wildlife anticipated above present levels by the Licensing Application, in that there are no changes proposed for the existing facility or its operations.

### Birds

A great number of birds occur either as immigrants or residents in the Lower St. Croix Basin and Kinnickinnic area. Over two hundred bird species, many of them nesting species have been documented. The many different species are each aptly suited for the various habitats in the region. Ranging from the endangered peregrine falcon (Falco peregrinus), and threatened bald eagle (Haliaeetus leucocephalus) to the abundant house sparrow (Passer domesticus). Canada geese nest on the impoundments within the City and on downstream islands. Bird species that have been identified in the Lower St. Croix Valley and that may occur in the project area are listed in Table E-3.

There are no changes proposed for the existing Facility, or its operation, as part of this Application for Licensing. Therefore, there are no additional impacts on birds above present minimal levels anticipated.

Table E-2

**River Falls Hydroelectric Facility**  
**MAMMALS, WESTERN WISCONSIN**  
**AND KINNICKINNIC RIVER BASIN**

(Page 1 of 4)

<u>Species</u>	<u>Habitat</u>	<u>Abundance</u>
INSECTIVORA		
Masked Shrew <u>Sorex cinereus</u>	Bogs	Common
Shorttail Shrew <u>Blarina brevicauda</u>	Mixed	Common
Pigmy Shrew <u>Microsorex hoxy</u>	Mixed	Uncommon
MARSUPIALIA		
Virginia Opossum <u>Didelphis virginiana</u>	Forest	Uncommon
CHIROPTERA		
Big Brown Bat <u>Eptesicus fuscus</u>	Aerial	Common
Eastern Long-eared Bat _____	Aerial	Uncommon
Georgian Bat _____	Aerial	Rare
Hoary Bat <u>Lasiurus cinereus</u>	Aerial	Rare
Little Brown Bat <u>Myotis lucifugus</u>	Aerial	Abundant
LAGOMORPHA		
Eastern Cottontail <u>Sylvilagus floridanus</u>	Mixed	Abundant
White-tailed Jack Rabbit <u>Lepus townsendii</u>	Mixed	Uncommon

MAMMALS, WESTERN WISCONSIN  
AND KINNICKINNIC RIVER BASIN

(Page 2 of 4)

	<u>Habitat</u>	<u>Abundance</u>
RODENTIA		
Muskrat <u>Ondatra zibethica</u>	Aquatic	Common
Southern Bog Lemming <u>Synaptomys cooperi</u>	Mixed	Uncommon
Franklin Ground Squirrel <u>Citellus franklinii</u>	Mixed	Uncommon
Eastern Chipmunk <u>Tamias striatus</u>	Forest	Common
House Mouse <u>Mus musculus</u>	Prairie	Abundant
Meadow Vole <u>Microtus pennsylvanicus</u>	Mixed	Common
Beaver <u>Castor canadensis</u>	Aquatic	Common
Gray Squirrel <u>Sciurus carolinensis</u>	Forest	Abundant
Plains Pocket Gopher <u>Geomys busarius</u>	Mixed	Common
Red Squirrel <u>Tamiasciurus hudsonicus</u>	Forest	Uncommon
White-footed Mouse <u>Peromyscus leucopus</u>	Forest	Common
Norway Rat <u>Rattus norvegicus</u>	Prairie	Common
Striped Ground Squirrel <u>Citellus tridecemlineatus</u>	Mixed	Abundant

MAMMALS, WESTERN WISCONSIN  
AND KINNICKINNIC RIVER BASIN

(Page 3 of 4)

	<u>Habitat</u>	<u>Abundance</u>
Fox Squirrel <u>Sciurus niger</u>	Mixed	Common
Woodland Jumping Mouse <u>Napaeozapus insignis</u>	Forest	Uncommon
Deer Mouse <u>Peromyscus maniculatus</u>	Forest	Common
CARNIVORA		
Least Weasel <u>Mustela rixosa</u>	Prairie	Rare
Badger <u>Taxidea taxus</u>	Mixed	Common
Black Bear <u>Ursus americanus</u>	Forest	Rare
Otter <u>Lutra canadensis</u>	Aquatic	Uncommon
Red Fox <u>Vulpes vulpes</u>	Mixed	Common
Long-tailed Weasel <u>Mustela frenata</u>	Forest	Common
Bobcat <u>Lynx rufus</u>	Forest	Rare
Coyote <u>Canis latrans</u>	Forest	Uncommon
Striped Skunk <u>Mephitis mephitis</u>	Mixed	Common
Mink <u>Mustela vison</u>	Mixed	Common

MAMMALS, WESTERN WISCONSIN  
AND KINNICKINNIC RIVER BASIN

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	<u>Habitat</u>	<u>Abundance</u>
Raccoon <u>Procyon lotor</u>	Forest	Common
Gray Fox <u>Urocyon cinereoargenteus</u>	Forest	Uncommon
ARTIODACTYLA		
White-tailed Deer <u>Odocoileus virginianus</u>	Mixed	Abundant

Source: University of Wisconsin, 1978.

Table E-3

## River Falls Hydroelectric Facility

BIRDS, LOWER ST. CROIX  
AND KINNICKINNIC RIVER BASINS

(Page 1 of 11)

<u>Species</u>	<u>Relative Abundance</u>
American Bittern ( <u>Botaurus lentiginosus</u> )	Uncommon
American Black Duck ( <u>Anas rubripes</u> )	Rare/Migrant
American Coot ( <u>Fulica americana</u> )	Common
American Crow ( <u>Corvus brachyrhynchos</u> )	Abundant
American Goldfinch ( <u>Carduelis tristis</u> )	Common
American Kestrel ( <u>Falco sparverius</u> )	Common
American Redstart ( <u>Setophaga ruticilla</u> )	Common
American Robin ( <u>Turdus migratorius</u> )	Abundant
American Pigeon ( <u>Columba livia</u> )	Uncommon/Migrant
American Woodcock ( <u>Philohela minor</u> )	Common
Bald Eagle ( <u>Haliaeetus leucocephalus</u> )	Uncommon/Migrant
Bank Swallow ( <u>Riparia riparia</u> )	Common
Barn Swallow ( <u>Hirundo rustica</u> )	Abundant
Barn Owl ( <u>Tyto alba</u> )	Common
Bay-breasted Warbler ( <u>Dendroica castanea</u> )	Common/Migrant
Belted Kingfisher ( <u>Megaceryle alcyon</u> )	Common
Black and White Warbler ( <u>Mniotilta varia</u> )	Uncommon
Black-billed Cuckoo ( <u>Coccyzus erythrophthalmus</u> )	Uncommon
Blackburnian Warbler ( <u>Dendroica fusca</u> )	Common/Migrant
Black-capped Chickadee ( <u>Parus atricapillus</u> )	Abundant
Black-crowned Night Heron ( <u>Nycticorax nycticorax</u> )	Common

**BIRDS, LOWER ST. CROIX  
AND KINNICKINNIC RIVER BASINS**

(Page 2 of 11)

<u>Species</u>	<u>Relative Abundance</u>
Black Poll Warbler ( <u>Dendroica striata</u> )	Common/Migrant
Black Tern ( <u>Chilidonias niger</u> )	Common
Black-throated Blue Warbler ( <u>Dendroica caerulescens</u> )	Uncommon/Migrant
Black-throated Green Warbler ( <u>Dendroica virens</u> )	Uncommon/Migrant
Blue-grey Gnatcatcher ( <u>Poliophtila caerulea</u> )	Uncommon
Blue Jay ( <u>Cyanocitta cristata</u> )	Common
Blue-winged Teal ( <u>Anas discors</u> )	Common
Blue-winged Warbler ( <u>Vermivora pinus</u> )	Uncommon/Migrant
Bobolink ( <u>Dolichonyx oryzivorus</u> )	Uncommon
Bobwhite ( <u>Colinus virginianus</u> )	Uncommon
Bohemian Waxwing ( <u>Bombycilla garrulus</u> )	Common/Migrant
Brewer's Blackbird ( <u>Euphagus cyanocephalus</u> )	Common/Migrant
Broad-winged Hawk ( <u>Buteo platypterus</u> )	Common
Brown Creeper ( <u>Certhia familiaris</u> )	Uncommon
Brown-headed Cowbird ( <u>Molothrus ater</u> )	Common
Brown Thrasher ( <u>Toxostoma rufum</u> )	Common
Bufflehead ( <u>Bucephala albeola</u> )	Common/Migrant
Canada Goose ( <u>Branta canadensis</u> )	Common/Migrant
Canada Warbler ( <u>Wilsonia canadensis</u> )	Common/Migrant
Canvasback ( <u>Aythya valisineria</u> )	Uncommon/Migrant
Cape May Warbler ( <u>Dendroica tigrina</u> )	Uncommon/Migrant

BIRDS, LOWER ST. CROIX  
AND KINNICKINNIC RIVER BASINS

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<u>Species</u>	<u>Relative Abundance</u>
Carolina Wren ( <u>Thryothorus ludovicianus</u> )	Common
Caspian Tern ( <u>Hydroprogne caspia</u> )	Rare/Migrant
Cedar Waxwing ( <u>Bombycilla cedrorum</u> )	Uncommon
Cerulean Warbler ( <u>Dendroica cerulea</u> )	Abundant
Chestnut-sided Warbler ( <u>Dendroica pensylvanica</u> )	Uncommon
Chimney Swift ( <u>Chaetura pelagica</u> )	Common
Chipping Sparrow ( <u>Spizella passerina</u> )	Common
Clay-colored Sparrow ( <u>Spizella pallida</u> )	Uncommon
Cliff Swallow ( <u>Petrochelidon pyrrhonota</u> )	Common/Migrant
Common Flicker ( <u>Colaptes auratus</u> )	Common
Common Gallinule ( <u>Gallinula chloropus</u> )	Uncommon
Common Goldeneye ( <u>Bucephala clangula</u> )	Common/Migrant
Common Grackle ( <u>Quiscalus quiscula</u> )	Abundant
Common Loon ( <u>Gavia immer</u> )	Common
Common Merganser ( <u>Mergus merganser</u> )	Common/Migrant
Common Nighthawk ( <u>Chordeiles minor</u> )	Common
Common Pintail ( <u>Anas acuta</u> )	Uncommon/Migrant
Common Raven ( <u>Corvus corax</u> )	Uncommon/Migrant
Common Redpoll ( <u>Acanthis flammea</u> )	Common/Migrant
Common Snipe ( <u>Capella gallinago</u> )	Common
Common Tern ( <u>Sterna hirundo</u> )	Uncommon/Migrant

**BIRDS, LOWER ST. CROIX  
AND KINNICKINNIC RIVER BASINS**

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<u>Species</u>	<u>Relative Abundance</u>
Common Yellowthroat ( <u>Geothlypis trichas</u> )	Common
Connecticut Warbler ( <u>Oporonis agilis</u> )	Common/Migrant
Coopers Hawk ( <u>Accipiter cooperii</u> )	Uncommon
Dark-eyed Junco ( <u>Junco hyemalis</u> )	Common/Migrant
Double-crested Cormorant ( <u>Phalacrocorax auritus</u> )	Rare/Migrant
Downy Woodpecker ( <u>Dendrocopos pubescens</u> )	Common
Eastern Bluebird ( <u>Sialia sialis</u> )	Common
Eastern Meadowlark ( <u>Sturnella magna</u> )	Common
Eastern Kingbird ( <u>Tyrannus tyrannus</u> )	Common
Eastern Phoebe ( <u>Sayornis phoebe</u> )	Common
Wood Pewee ( <u>Contopus virens</u> )	Common
European Starling ( <u>Sturnus vulgaris</u> )	Abundant
Evening Grosbeak ( <u>Hesperiphona vespertina</u> )	Common/Migrant
Field Sparrow ( <u>Spizella pusilla</u> )	Common
Fox Sparrow ( <u>Passerella iliaca</u> )	Common/Migrant
Gadwall ( <u>Anas strepera</u> )	Rare/Migrant
Golden-crowned Kinglet ( <u>Regulus satrapa</u> )	Common/Migrant
Golden Eagle ( <u>Aquila chrysaetos</u> )	Rare/Migrant
Golden-winged Warbler ( <u>Vermivora chrysoptera</u> )	Uncommon/Migrant
Grasshopper Sparrow ( <u>Ammodramus savannarum</u> )	Uncommon/Migrant

**BIRDS, LOWER ST. CROIX  
AND KINNICKINNIC RIVER BASINS**

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<u>Species</u>	<u>Relative Abundance</u>
Gray Catbird ( <u>Dumetella carolinensis</u> )	Abundant
Gray-cheeked Thrush ( <u>Hylocichla minima</u> )	Uncommon/Migrant
Great Blue Heron ( <u>Ardea herodias</u> )	Common
Great Crested Flycatcher ( <u>Myiarchus crinitus</u> )	Uncommon
Great Egret ( <u>Casmerodius albus</u> )	Uncommon
Great Horned Owl ( <u>Bubo virginianus</u> )	Uncommon
Greater Scaup ( <u>Aythya marila</u> )	Uncommon/Migrant
Greater Yellowlegs ( <u>Tringa melanoleuca</u> )	Uncommon/Migrant
Green Heron ( <u>Butorides virescens</u> )	Common
Green-winged Teal ( <u>Anas crecca</u> )	Uncommon/Migrant
Harris Sparrow ( <u>Zonotrichia querula</u> )	Common/Migrant
Hairy Woodpecker ( <u>Dendrocopos villosus</u> )	Common
Hermit Thrush ( <u>Catharus guttatus</u> )	Common/Migrant
Herring Gull ( <u>Larus argentatus</u> )	Abundant/Migrant
Horned Grebe ( <u>Podiceps auritus</u> )	Common/Migrant
Horned Lark ( <u>Eremophila alpestris</u> )	Common/Migrant
House Sparrow ( <u>Passer domesticus</u> )	Abundant
House Wren ( <u>Troglodytes aedon</u> )	Common
Indigo Bunting ( <u>Passerina cyanea</u> )	Common
Killdeer ( <u>Charadrius vociferus</u> )	Common
King Rail ( <u>Rallus elegans</u> )	Rare

**BIRDS, LOWER ST. CROIX  
AND KINNICKINNIC RIVER BASINS**

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<u>Species</u>	<u>Relative Abundance</u>
Lapland Longspur ( <u>Calcarius lapponicus</u> )	Uncommon/Migrant
Lark Sparrow ( <u>Chondestes grammacus</u> )	Uncommon
Least Bittern ( <u>Ixobrychus exilis</u> )	Uncommon/Migrant
Least Flycatcher ( <u>Empidonax minimus</u> )	Common
Least Sandpiper ( <u>Calidris minutilla</u> )	Uncommon/Migrant
Lesser Scaup ( <u>Aythya affinis</u> )	Common/Migrant
Lesser Yellowlegs ( <u>Tringa flavipes</u> )	Uncommon/Migrant
Little Blue Heron ( <u>Florida caerulea</u> )	Rare/Migrant
Long-billed Dowitcher ( <u>Limnodromus scolopaceus</u> )	Uncommon/Migrant
Long-billed Marsh Wren ( <u>Cistothorus palustris</u> )	Uncommon
Long-eared Owl ( <u>Asio otus</u> )	Rare/Migrant
Louisiana Waterthrush ( <u>Seiurus motacilla</u> )	Common
Magnolia Warbler ( <u>Dendroica magnolia</u> )	Common/Migrant
Mallard ( <u>Anas platyrhynchos</u> )	Abundant
Merlin ( <u>Falco columbarius</u> )	Rare/Migrant
Mockingbird ( <u>Mimus polyglottos</u> )	Uncommon
Mourning Dove ( <u>Zeniida macroura</u> )	Abundant
Morning Warbler ( <u>Oporornis philadelphia</u> )	Uncommon/Migrant
Nashville Warbler ( <u>Vermivoa ruficapilla</u> )	Common/Migrant
Northern Cardinal ( <u>Richmondia cardinalis</u> )	Common
Northern Goshawk ( <u>Accipiter gentilis</u> )	Rare/Migrant

BIRDS, LOWER ST. CROIX  
AND KINNICKINNIC RIVER BASINS

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<u>Species</u>	<u>Relative Abundance</u>
Northern Harrier ( <u>Circus cyaneus</u> )	Common
Northern Oriole ( <u>Icterus galbula</u> )	Common
Northern Parula	Uncommon/Migrant
Northern Shoeller	Uncommon/Migrant
Northern Shrike ( <u>Lanius excubitor</u> )	Uncommon
Northern Waterthrush ( <u>Seiurus noveboracensis</u> )	Common/Migrant
Olive-sided Flycatcher ( <u>Nuttallornis borealis</u> )	Uncommon
Orange-crowned Warbler ( <u>Vermivora celata</u> )	Common
Orchard Oriole ( <u>Icterus spurius</u> )	Uncommon
Osprey ( <u>Pandion haliaetus</u> )	Uncommon/Migrant
Oven Bird ( <u>Seiurus aurocapillus</u> )	Common
Palm Warbler ( <u>Dendroica palmarum</u> )	Common/Migrant
Peregrine Falcon ( <u>Falco peregrinus</u> )	Rare/Migrant
Philadelphia Vireo ( <u>Vireo philadelphicus</u> )	Uncommon/Migrant
Pied-billed Grebe ( <u>Podilymbus podiceps</u> )	Common
Pileated Woodpecker ( <u>Dryocopus pileatus</u> )	Uncommon
Pine Grosbeak ( <u>Pinicola enucleator</u> )	Uncommon/Migrant
Pine Siskin ( <u>Carduelis pinus</u> )	Uncommon/Migrant
Pine Warbler ( <u>Dendroica pinus</u> )	Uncommon/Migrant
Prothonotary Warbler ( <u>Protonotaria citrea</u> )	Uncommon
Purple Finch ( <u>Carpodacus purpureus</u> )	Uncommon
Purple Martin ( <u>Progne subis</u> )	Common

**BIRDS, LOWER ST. CROIX  
AND KINNICKINNIC RIVER BASINS**

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<u>Species</u>	<u>Relative Abundance</u>
Red-bellied Woodpecker ( <u>Centurus carolinus</u> )	Common
Red-breasted Nuthatch ( <u>Sitta canadensis</u> )	Uncommon/Migrant
Red-breasted Merganser ( <u>Mergus serrator</u> )	Uncommon/Migrant
Red-eyed Vireo ( <u>Vireo olivaceus</u> )	Common
Redhead ( <u>Aythya americana</u> )	Uncommon/Migrant
Red-headed Woodpecker ( <u>Melanerpes erythrocephalus</u> )	Common
Red-headed Grebe ( <u>Podiceps</u> sp.)	Uncommon
Red-shouldered Hawk ( <u>Buteo lineatus</u> )	Common
Red-tailed Hawk ( <u>Buteo jamaicensis</u> )	Abundant
Red-winged Blackbird ( <u>Agelaius phoeniceus</u> )	Abundant
Red Crossbill ( <u>Loxia curvirostra</u> )	Uncommon/Migrant
Ring-billed Gull ( <u>Larus delawarensis</u> )	Abundant/Migrant
Ring-necked Duck ( <u>Aythya collaris</u> )	Uncommon
Ring-necked Pheasant ( <u>Phasianus colchicus</u> )	Common
Rock Dove ( <u>Columba liria</u> )	Abundant
Rose-breasted Grosbeak ( <u>Pheucticus indovicianus</u> )	Common
Rough-legged Hawk ( <u>Buteo lagopus</u> )	Uncommon/Migrant
Rough-winged Swallow ( <u>Stelgidopteryx ruficollis</u> )	Common
Ruby-crowned Kinglet ( <u>Regulus calendula</u> )	Common/Migrant
Ruby-throated Hummingbird ( <u>Archilocus colubris</u> )	Common
Ruddy Duck ( <u>Oxyura jamaicensis</u> )	Uncommon/Migrant

**BIRDS, LOWER ST. CROIX  
AND KINNICKINNIC RIVER BASINS**

(Page 9 of 11)

<u>Species</u>	<u>Relative Abundance</u>
Ruffed Grouse ( <u>Bonasa umbellus</u> )	Common
Rufous-sided Towhee ( <u>Pipilio erythrothalmus</u> )	Uncommon
Rusty Blackbird ( <u>Euphagus carolinus</u> )	Uncommon
Savanna Sparrow ( <u>Passerculus sandwichensis</u> )	Common
Scarlet Tanager ( <u>Piranga olivacea</u> )	Uncommon
Screech Owl ( <u>Otus asio</u> )	Uncommon
Semipalmated Plover ( <u>Charadrius semipalmatus</u> )	Uncommon
Semipalmated Sandpiper ( <u>Ereunetes pusillus</u> )	Uncommon/Migrant
Sharp-skinned Hawk ( <u>Accipiter striatus</u> )	Uncommon/Migrant
Snow Bunting ( <u>Plectrophenax nivalis</u> )	Uncommon/Migrant
Snow Goose ( <u>Chen hyperborea</u> )	Uncommon/Migrant
Snowy Owl ( <u>Nyctea scandiaca</u> )	Rare/Migrant
Solitary Sandpiper ( <u>Tringa solitaria</u> )	Uncommon
Solitary Vireo ( <u>Vireo solitarius</u> )	Uncommon/Migrant
Song Sparrow ( <u>Melospiza melodia</u> )	Common
Sora Rail ( <u>Porzana carolina</u> )	Uncommon
Spotted Sandpiper ( <u>Actitis macularia</u> )	Common
Summer Tanager ( <u>Piranga rubra</u> )	Rare
Swainson's Sparrow	Uncommon
Swamp Sparrow ( <u>Melospiza georgiana</u> )	Uncommon
Tennessee Warbler ( <u>Vermivora peregrina</u> )	Common/Migrant

BIRDS, LOWER ST. CROIX  
AND KINNICKINNIC RIVER BASINS

(Page 10 of 11)

<u>Species</u>	<u>Relative Abundance</u>
Tree Sparrow ( <u>Spizella arborea</u> )	Common/Migrant
Tufted Titmouse ( <u>Parus bicolor</u> )	Uncommon
Turkey Vulture ( <u>Cathartes aura</u> )	Uncommon/Migrant
Veery ( <u>Hylocichla fuscescens</u> )	Common
Vesper Sparrow ( <u>Pooecetes gramineus</u> )	Common
Virginia Rail ( <u>Rallus limicola</u> )	Uncommon
Warbling Vireo ( <u>Vireo gilvus</u> )	Common
Water Pipit ( <u>Anthus spinoletta</u> )	Rare/Migrant
Western Kingbird ( <u>Tyrannus verticalis</u> )	Uncommon
Western Meadowlark ( <u>Sturnella neglecta</u> )	Common
Whip-poor-will ( <u>Caprimulgus vociferus</u> )	Uncommon
Whistling Swan ( <u>Olor columbianus</u> )	uncommon/Migrant
White-breasted Nuthatch ( <u>Sitta carolinensis</u> )	Common
White-crowned Sparrow ( <u>Zonotrichia leucophrys</u> )	Common/Migrant
White-throated Sparrow ( <u>Zonotrichia albicollis</u> )	Common/Migrant
White-winged Crossbill ( <u>Loxia leucoptera</u> )	Uncommon/Migrant
Wilson's Warbler ( <u>Wilsonia pusilla</u> )	Common/Migrant
Winter Wren ( <u>Troglodytes troglodytes</u> )	Uncommon
Wood Duck ( <u>Aix sponsa</u> )	Common
Wood Thrush ( <u>Hylocichla mustelina</u> )	Uncommon
Yellow-bellied Flycatcher ( <u>Empidonax flaviventris</u> )	Uncommon

BIRDS, LOWER ST. CROIX  
AND KINNICKINNIC RIVER BASINS

(Page 11 of 11)

<u>Species</u>	<u>Relative Abundance</u>
Yellow-bellied Sapsucker ( <u>Sphyrapicus varius</u> )	Common
Yellow-billed Cuckoo ( <u>Coccyzus americanus</u> )	Uncommon
Yellow-crowned Night Heron ( <u>Nyctanassa violacea</u> )	Uncommon/Migrant
Yellow-headed Blackbird ( <u>Xanthocephalus xanthocephalus</u> )	Common
Yellow-rumped Warbler ( <u>Dendroica coronata</u> )	Common/Migrant
Yellow-throated Vireo ( <u>Vireo flavifrons</u> )	Uncommon
Yellow Warbler ( <u>Dendroica petchia</u> )	Common
Willow Flycatcher	Unknown

Source: University of Wisconsin, 1978; Robbins, Brown & Zim, 1966.

## Reptiles and Amphibians

The banks and waters of the Kinnickinnic River are habitat to a variety of reptiles and amphibians. Species that may occur in the project area are listed in Table E-4. No threatened or endangered species have been identified by the Wisconsin Bureau of Endangered Resources. However, the Blandings turtle (Emydoidea blandingi), and the wood turtle (Clemmys insculpta) have been found in Wisconsin and could possibly occur in the project area.

The continued operation of the River Falls hydroelectric facility in its existing mode of operation will continue the present minimal impacts on reptiles and amphibians in the project area. No significant impacts on these species greater than existing levels are anticipated.

## Endangered and Threatened Species

No state or federally listed endangered or threatened plant species other than the Besseya bulli, are known to exist in the project area. A proposed threatened plant species -- prairie bush clover (Lespedeza leptostachya), may be present.

No state or federally listed endangered or threatened animal species have been found in the vicinity of the facility other than the peregrine falcon and bald eagle which may be present in the general area.

Although the Kinnickinnic River is classified as a Class I trout fishery, no critical habitats have been documented nearby the plant or its impoundments.

Should another threatened or endangered species be identified in the future in the project area, this will further demonstrate the lack of adverse impacts of the existing facility operations on threatened or

Table E-4

## River Falls Hydroelectric Facility

## REPTILES AND AMPHIBIANS, WESTERN WISCONSIN AND KINNICKINNIC RIVER BASIN

AMPHIBIANS		REPTILES	
Common Name	Species	Common Name	Species
Blue-spotted Salamander	( <u>Ambystoma laterale</u> )	Smooth Green Snake	( <u>Ophedryx vernalis</u> )
Eastern Tiger Salamander	( <u>Ambystoma tigrinum tigrinum</u> )	Blue Racer	( <u>Coluber constrictor foxi</u> )
Central Newt	( <u>Notophthalmus viridescens louisianensis</u> )	Western Fox Snake	( <u>Elaphe vulpina vulpina</u> )
Mudpuppy	( <u>Necturus maculosus maculosus</u> )	Bullsnake	( <u>Pituophis melanoleucus sayi</u> )
Western Chorus Frog	( <u>Pseudacris triseriata triseriata</u> )	Eastern Milk Snake	( <u>Lampropeltis triangulum triangulum</u> )
Northern Spring Peeper	( <u>Myia crucifer crucifer</u> )	Eastern Garter Snake	( <u>Thamnophis sirtalis sirtalis</u> )
Green Frog	( <u>Rana clamitans melanota</u> )	Northern Red-bellied Snake	( <u>Storeria occipitomaculata occipitomaculata</u> )
Northern Leopard Frog	( <u>Rana pipiens</u> )	Northern Water Snake	( <u>Nerodia sipedon sipedon</u> )
Mink Frog	( <u>Rana septentrionalis</u> )	Timber Rattlesnake	( <u>Crotalus horridus</u> )
Wood Frog	( <u>Rana sylvatica</u> )	Common Snapping Turtle	( <u>Chelydra serpentina serpentina</u> )
		Wood Turtle <sup>1</sup>	( <u>Clemmys insculpta</u> )
		Blanding's Turtle	( <u>Emydoidea blandingi</u> )
		Western Painted Turtle	( <u>Chrysemys picta belli</u> )
		Map Turtle	( <u>Graptemys geographica</u> )
		False Map Turtle	( <u>Graptemys pseudogeographica pseudogeographica</u> )
		Six-lined Racerunner	( <u>Cnemidophorus sexlineatus sexlineatus</u> )
		Northern Prairie Skink	( <u>Eumeces septentrionalis septentrionalis</u> )

<sup>1</sup> Threatened species

endangered species. No endangered or threatened species will be impacted above present levels by the Licensing of the Facility.

### Historical and Archaeological Resources

Due to the fact that this application is in regard to an existing facility, it is not expected that any difficulties associated with the National Register at Historic Places will develop. No previously undisturbed historic resources will be affected by this project. According to Richard W. Dexter of the Wisconsin Historical Society, Compliance and Archeology Section:

"There are no properties listed in the National Register of Historic Places located within the area of the proposed undertaking. Furthermore, we are not aware of any properties that may be eligible for the National Register in this area. No further actions are necessary for compliance with Section 106 and 36 CFR 800 provided that there are no revisions to current project plans."

There are no plans to change any of the physical plant or operation of the River Falls hydroelectric facility included with their Licensing Application. No historic properties will be impacted by this action.

### Recreational Resources

At the Junction Falls Dam site there are some existing recreational facilities. The Lake George Trails which wind throughout the immediate vicinity, and Glen Park which is adjacent to the section or the Kinnickinnic between the upper and lower dam facilities are the two recreational facilities available near the project area. The Kinnickinnic River, with its Class I trout waters, provides an excellent opportunity for fishing as one of the densest brown trout populations in the State, and it receives heavy fishing pressure. The Wisconsin Department of Natural Resources has

created the Kinnickinnic River Fishery Area upstream of River Falls because of the high quality of this river. The surrounding forests contain plentiful game for hunters and scenery for hikers and picnickers. In the immediate vicinity of the project site are the Lake George Trails. A number of existing developed trails and proposed additions provide some opportunity for recreational use in River Falls.

There is some use of the river below Powell Falls dam for canoeing. Canoeing above Junction Falls dam is limited according to plant personnel and WDNR staff observations. The presence of rocks, trees and other natural obstacles in the river above the Junction Falls pool limits the use of this part of the river for canoeing. A take out point above Junction Falls was identified by a sign at one time. The portage to the river below Powell Falls would be about 1/2 mile and could use some of the trails available in the adjacent park property. WDNR staff has requested replacement of the portage take out sign.

The 1,034 acres of Kinnickinnic State Park at the confluence of the Kinnickinnic and St. Croix rivers provide extensive water recreation such as swimming, fishing, and boating as well as areas for hiking, riding, cross-country skiing, and bird watching. This is a very popular area for boaters and canoeists to stop and swim, picnic at and explore the surrounding bluffs. The delta that formed at the convergence with the St. Croix River is an important landform to maintain because of its unique community at aquatic habitat and desirable resting spot. Recent acquisition of funds for the development and preservation of the park has led to an increased awareness of the area and the stream flow rates of the Kinnickinnic River.

The licensing for the River Falls hydroelectric facility will allow recreational use to continue at its present level and have no additional impacts on recreational resources.

### Land Use and Visual Aesthetics

#### Land Use

At the present time, grassland covers 60 percent of the Kinnickinnic River drainage area surrounding the project site, while cropland accounts for 20 percent, forest areas - 15 percent, lakes and swamps - 5 percent, and urban areas - less than 1 percent.

Land development in the immediate vicinity of Junction Falls Dam has occurred on a limited basis. Within the first 1000 feet downstream from the dam there is no flood plain development with the exception of the facility's power house. Between 1000 feet and one mile there occurs a sewage treatment plant and the lower dam, beyond which agricultural uses dominate, (National Dam Safety Program, 1979).

#### Visual Aesthetics

All features of facility that could potentially be interpreted as visual impairments are already in existence and have been part of the visual landscape for many years. None will be changed as a part of this application. The dams, powerhouses, transmission lines and other facility features will maintain their present degree of visibility. The present impoundments on the Kinnickinnic can be considered to have improved visual aesthetics in River Falls by the creation of Lake George and the lower pool. The City of River Falls has taken advantage of these features to create the Lake George and Glen Parks. Both parks are considered scenic assets to the

River Falls downtown area and provide highly desirable green space. The Kinnickinnic River below the Powell Falls dam is known for its scenic quality. The presence of a hydroelectric facility does not appear to have significantly impaired the visual quality of this area. Impacts on visual resources will not be increased above any existing levels by the granting of a License to the Facility.

### General Impacts

There are no physical changes in the existing facility as part of the Licensing Application. The environmental setting will not experience any adverse impacts from the physical presence of the facility above present levels.

No operational changes from the present mode are proposed as a part of this Application. The U. S. Army Corps of Engineers, WDNR and U.S. Fish and Wildlife service have recommended that the facility continue its current run-of-river mode of operation as a condition of the license in order to avoid any future adverse effects on hydropower operation on the Kinnickinnic River Valley resources. In that the applicant originally intended to continue the run-of-river status of the facility, there will be no difficulty in meeting this condition.

There will be no impacts on the environment beyond present levels as a result of facility operations.

### Agency Consultation, Application for Exemption Draft

On January 20, 1986, letters were sent to federal and state fish and wildlife agencies, national and state resource and environmental protection agencies, and some local agencies requesting comments on the River Falls

hydroelectric facility. A project description and project map were included with each of the letters. Copies of the letters sent are attached in Appendix A. The materials were sent to the following agencies:

- o Mr. Tom Sheldrick  
U. S. Fish and Wildlife Service  
Regional Office  
U. S. Federal Office Building  
St. Paul, Minnesota 55111
- o Mr. James D. Fossum  
U.S. Fish and Wildlife Service  
Green Bay Field Office  
University of Wisconsin  
Green Bay, Wisconsin 54302
- o Mr. Terry Engel or  
Mr. Charles F. Crist  
Department of the Army  
St. Paul District, Corps of Engineers  
1135 U. S. Post Office and Custom House  
St. Paul, Minnesota 55101
- o Mr. Bill Franz  
Chief Environmental Review Branch  
U. S. Environmental Protection Agency  
Region V  
230 South Dearborn Street  
Chicago, Illinois 60604
- o Mr. Tom Lovejoy  
Wisconsin Department of Natural Resources  
1300 West Clairemont Avenue  
Eau Claire, Wisconsin 54701
- o Mr. Richard Dexter  
Historical Preservation Officer  
Wisconsin Historical Society  
816 State Street  
Madison, Wisconsin 53706
- o Mr. Jim Harrison  
Interstate Compact Commission  
MN/Wisc. Boundary Area Commission  
619 2nd Street  
Hudson, Wisconsin 54016
- o River Falls Planning and Zoning  
125 East Elm Street  
River Falls, Wisconsin 54022

- o Mr. Elmer Thon  
River Falls Municipal Utilities  
125 East Elm Street  
River Falls, Wisconsin 54022  
(Sent February 3, 1986)

It has since been brought to our attention that there are additional agencies that may wish to be included in the prelicense consultation process. In the interests of considering the broadest range of comments, the agency consultation list for the license application has been expanded to include the following agencies:

- o Richard Andre  
Director of Planning  
Pierce County  
P.O. Box 367  
Ellsworth, Wisconsin 54701
- o Wisconsin Public Utilities Commission  
Attn: Lanny Smith, Engineering Division  
P.O. Box 7854  
Madison, Wisconsin 53707
- o Dennis Kulhanek  
Planner  
Wisconsin Bureau of Parks and Recreation  
P.O. Box 7921  
Madison, Wisconsin 53707
- o Sheila D. Huff  
Regional Environmental Officer  
Department of the Interior  
175 West Jackson Boulevard, Room A 1147  
Chicago, Illinois 60604
- o Michael Gallagher  
U.S. National Park Service  
1709 Jackson Street  
Omaha, Nebraska 68102

### Written Responses

Written responses received to date, from the following: (Copies of written responses are attached in Appendix A).

- o The State Historical Society of Wisconsin  
Historic Preservation Division  
February 18, 1986
- o State of Wisconsin  
Public Service Commission  
4802 Sheboygan Avenue  
P.O. Box 7854  
Madison, Wisconsin 53707  
August 8, 1986
- o U.S. Department of the Interior  
Fish and Wildlife Service  
Green Bay Field Office  
University of Wisconsin  
Green Bay, Wisconsin 54302  
July 16, 1986  
August 7, 1986
- o Department of the Army  
St. Paul District, Corps of Engineers  
Project Management; Engineering Division  
February 20, 1986
- o U.S. Environmental Protection Agency  
Region V  
230 South Dearborn Street  
Chicago, Illinois 60604  
March 5, 1986  
July 15, 1986  
August 20, 1986
- o Wisconsin Department of Natural Resources  
Bureau of Endangered Resources  
Box 7921  
Madison, Wisconsin 53707  
February 7, 1986
- o Wisconsin Department of Natural Resources  
West Central District Headquarters  
1300 West Claremont Avenue  
Call Box 4001  
Eau Claire, Wisconsin 54702-4001  
June 16, 1986  
July 25, 1986  
September 9, 1986  
May 19, 1987  
June 17, 1987

## Agency Response Summary

Copies of written agency responses, in addition to other memoranda, are attached in the appendices. The Federal Energy Regulatory Commission has determined that a license was required for the facility, after the project description and draft exemption applications were sent out. The respondents comments reflect an exemption application. Generally, the respondents did not identify any major objections or concerns about the facility, or the Exemption from Licensing Application.

The Wisconsin State Historical Society stated in their letter that there are no properties located within the area that are listed in the National Register of Historic Places. They were also not aware of any properties that may be eligible for inclusion on the National Register in the project area. The State Historical Society concluded that no further actions were necessary for compliance with Section 106 of the National Historic Preservation Act and CFR 800, provided that there are no revisions to current project plans.

The Army Corps of Engineers recommended that run-of-river operation be a condition of the exemption. They indicated that some points concerning the geographic setting, fish and wildlife resources, and recreation, could be clarified. Additional information has been included in the application on these points. The Corps stated that the continued operation of hydropower facilities at River Falls would have no adverse effect on existing Corps of Engineers projects. The Wisconsin Department of Natural Resources indicated in a telephone conversation that they were concerned about potential peaking use and dewatering below the Powell Falls dam. The Wisconsin Department of Natural Resources expressed a desire for continuing run-of-river operation for both dams. Since the license exemption did not

involve any alterations to the dams, they did not feel it necessary to comment on intake design, velocity, or other facility features at present, but expressed interest in reviewing any future alterations of the dams.

To date, no other agencies listed in this summary have responded to consultation efforts. Copies of letters documenting attempts to consult with each of these agencies are attached in the appendices. All comments received have been considered in the preparation of this exemption application.

A meeting to discuss facility operations and other issues relative to the project was held on April 15, 1986 with representatives of the Wisconsin DNR, U.S. Fish and Wildlife Service, and River Falls Municipal Utilities staff. A summary of the meeting is contained in a meeting memorandum in Appendix A. The major points discussed were:

- a. Operation of the facility - agencies expressed concern whether facility was used for peaking and whether minimum flows were maintained.
- b. Improved fishery (trout) resources in river since mid 1970's.
- c. Desire for future data collection of dissolved oxygen levels below Powell Falls.
- d. Use of river for canoeing - agencies expressed desire for signing to be replaced.

Agency staff was provided with information on facility operation as run of river, record keeping, drawings of facility structure and equipment and other information. Utility staff confirmed run-of-river use of facilities would continue.

Agency staff expressed interest in collection of daily dissolved oxygen readings below Powell Falls dam for a period of at least one year to provide information which could be checked with dissolved oxygen levels monitored

near the sewage treatment plant to evaluate correlations between the data. If no significant differences or problems were identified collection of further dissolved oxygen data would not be necessary. Utility staff indicated that access to the river below Powell Falls dam could be limited in winter due to ice and snow making it hazardous. Agency staff indicated that some gap in data would be understandable due to safety concerns.

In a telephone conversation on April 18, 1986, between Tom Lovejoy of the Wisconsin DNR and Mark Wollschlager, HDR Techserv, it was concluded that dissolved oxygen data need not be collected as a condition of the exemption. A record of this conversation is available in Appendix A.

Utility staff indicated little observed use of river above Junction Falls for canoeing. The portage take out sign could be replaced but the previous sign had been destroyed by vandals. Agency staff recognized that a replacement sign could be subject to a similar fate due to impossibility of preventing vandalism.

WDNR has requested and River Falls Municipal Utilities has agreed to abide by conditions set out in WDNR correspondence and meetings.

#### Agency Response to Application for Exemption Draft

On May 28, 1986, the Draft Application for Exemption was sent out for review to the organizations listed under Agency Consultation. The only written responses received to date, were from the Wisconsin Department of Natural Resources dated June 16, 1986 and July 21, 1986; from the U.S. Fish and Wildlife Service dated July 16, 1986; and from the U.S. Environmental Protection Agency dated July 15, 1986. (Copies of these responses are attached in Appendix A).

Terms and conditions expressed by the WDNR are as follows:

- a. The project (both Junction Falls and Powell Falls dam) shall be operated as a run-of-river project such that instantaneous impoundment inflow equals instantaneous outflow discharged from either the project powerhouse(s) or dam(s). Should inflow become uncharacteristically low as to adversely impact the downstream trout fishery, the Department, in cooperation with the applicant, shall consider applicable protection measures.
- b. The applicant shall not cause flowage level fluctuation(s), including drawdown, at either dam without prior concurrence from the Department.
- c. The applicant shall maintain the canoe portage facilities around the dam.
- d. The Department reserves the right to review any proposed project operational changes.

The July 21, 1986 letter from the WDNR enclosed the notice of preliminary determination of water quality by the WDNR to be published in a local newspaper. The notice was published on August 7, 1986 in the River Falls Journal. The Affidavit of Publication is included in Appendix A.

Points expressed in these conditions are essentially the same as those covered in the April 15, 1986, meeting between the WDNR and River Falls Municipal Utility staff (meeting summary memorandum, Appendix A).

The U.S. Fish and Wildlife Service recommended that four terms be stipulated conditions of an exemption for the project. These conditions are summarized below:

- a. "Run-of-river" operation at all times.
- b. Reservoir fluctuations for inspection, etc., be given written approval by WDNR.
- c. Maintain portage facilities and signs.
- d. The Service reserves the right to evaluate and revise conditions as necessary to respond to any changes in project structure or operation.

The Service also listed four threatened, endangered or proposed species that may be in the project area, however, since no critical habitat has been designated and the nature of the project, the project will not affect listed species and no further action is required under Section 7 of the Endangered Species Act of 1973.

The U.S. EPA stated that the Draft Application for Exemption adequately addressed the environmental impacts of the project and that continued operation of the project will not result in significant environmental impacts.

No other agencies that received copies of the Draft Exemption Application have responded to date.

#### Minor License Application Revision

The Federal Energy Regulatory Commission (FERC) (Mr. Tom Deans, 6-27-86 and Mr. David Boergers, 6-30-86), subsequently determined that since there are no modifications or increases to facility capacity proposed, a minor license application would be required for the River Falls hydroelectric facility rather than an exemption. The exemption application was thereby revised to a minor license application. The project description, technical data, environmental impacts all remain unchanged as previously described in the exemption application drafts. The minor license application contains the following changes from the exemption application.

- a. An initial statement form for a minor license was substituted for the exemption initial statement form.
- b. Cities within 15 miles of the project with a population over 5,000 were identified.
- c. Exhibit A remained the description of the project and operation.
- d. Exhibit B became Exhibit G (project facility and location maps).

- e. Exhibit E remained the same (description of environmental setting and impacts plus agency consultation).
- f. Exhibit G became Exhibit F (drawings of facility equipment/structures).

No changes in the facility or its operations are proposed as a result of this revision. All facility features and modes of operation will remain the same as described in the Application for Exemption documents.

Following the change from an exemption to a minor license application, a list of changes and draft of the minor license application was mailed to federal, state, and local agencies, see lists pages 20-21, requesting additional comments or a waiver of further preapplication consultation. Examples of the form letters and waiver forms sent to agencies are in Appendix A-1. Responses are included in Appendix A-2. Telephone contacts are included in Appendix A-4.

Most agencies returned the executed waiver forms since they had no further comments. The U.S. Fish and Wildlife Service, Green Bay Field Office, provided additional data and reiterated its previous comments and conditions.

Wisconsin Laws - Municipal Authority  
Dams and Bridges - Permits

EXHIBIT F  
FACILITY DRAWINGS

Attached at the end of this Application are drawings showing the plan of the facility, facility elevations and section views. Elevations on the facility drawings are taken from Wisconsin Railroad Commissions benchmarks as elevation point 100.00. Elevation point 100.00 used in the General Arrangement Plan for the Upper Dam, is Wisconsin Railroad Commission Benchmark #411-A, and has been calculated to be at sea level elevation of approximately 867. The elevation point used in the drawings of the Lower Dam, is W.R.C. Benchmark #413-A. The sea level elevation for this point has been calculated to be about 825. References to elevations in the text of the Application are taken from the U.S.G.S. topographic maps.

Drawings attached in this Exhibit:

Upper Dam

Elevation-Inlet Works

Plan-Inlet Works

Plan & Elevation

Spillway Sections at Abutments

Wasteway Sections, Right Abutment Plan and Section

General Arrangement Plan\*

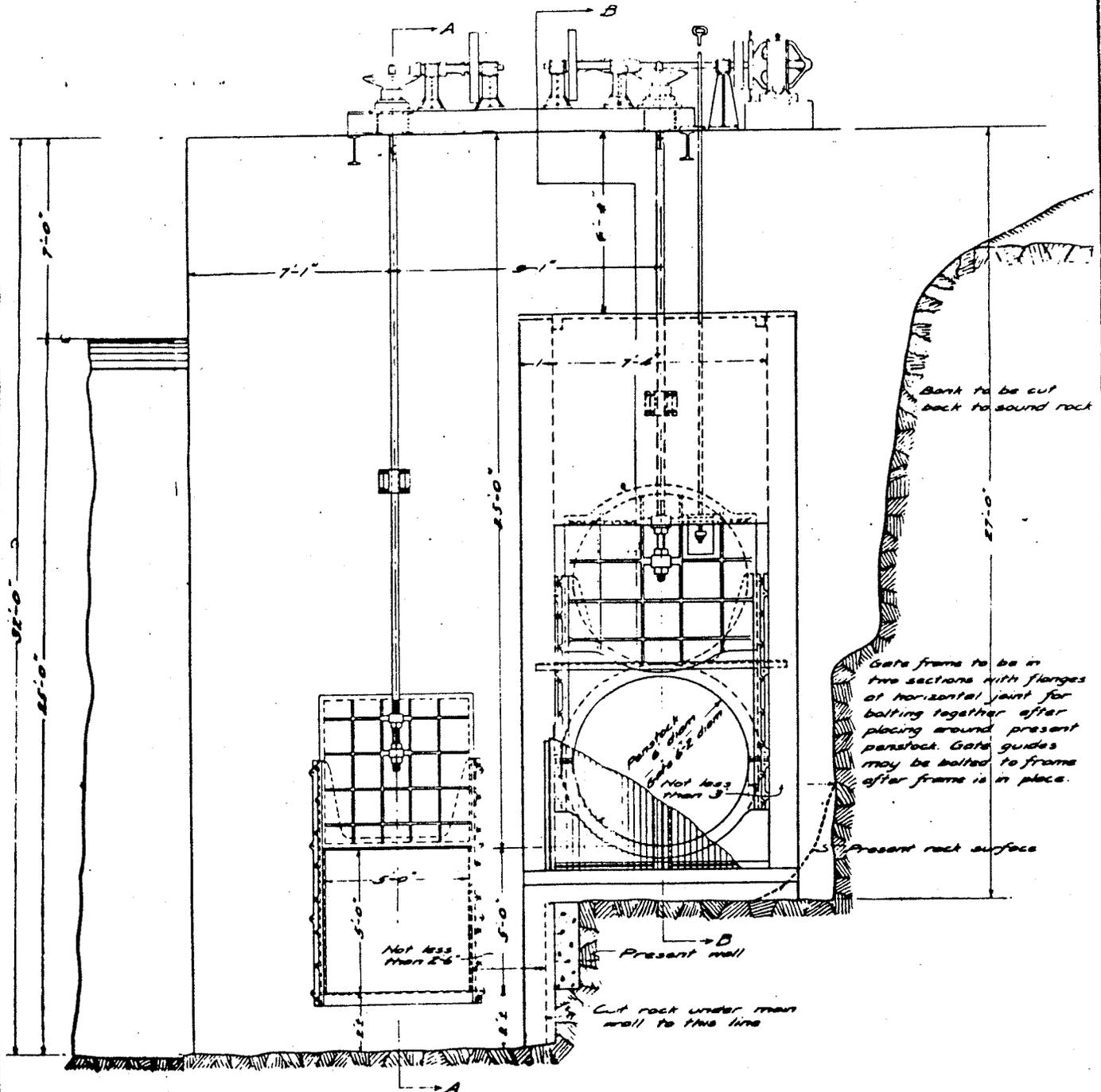
Lower Dam

Plan and Section

Sections and Details\*

General Arrangement Plan\*

\*Full-size drawings located in the pouch at the end of this application.

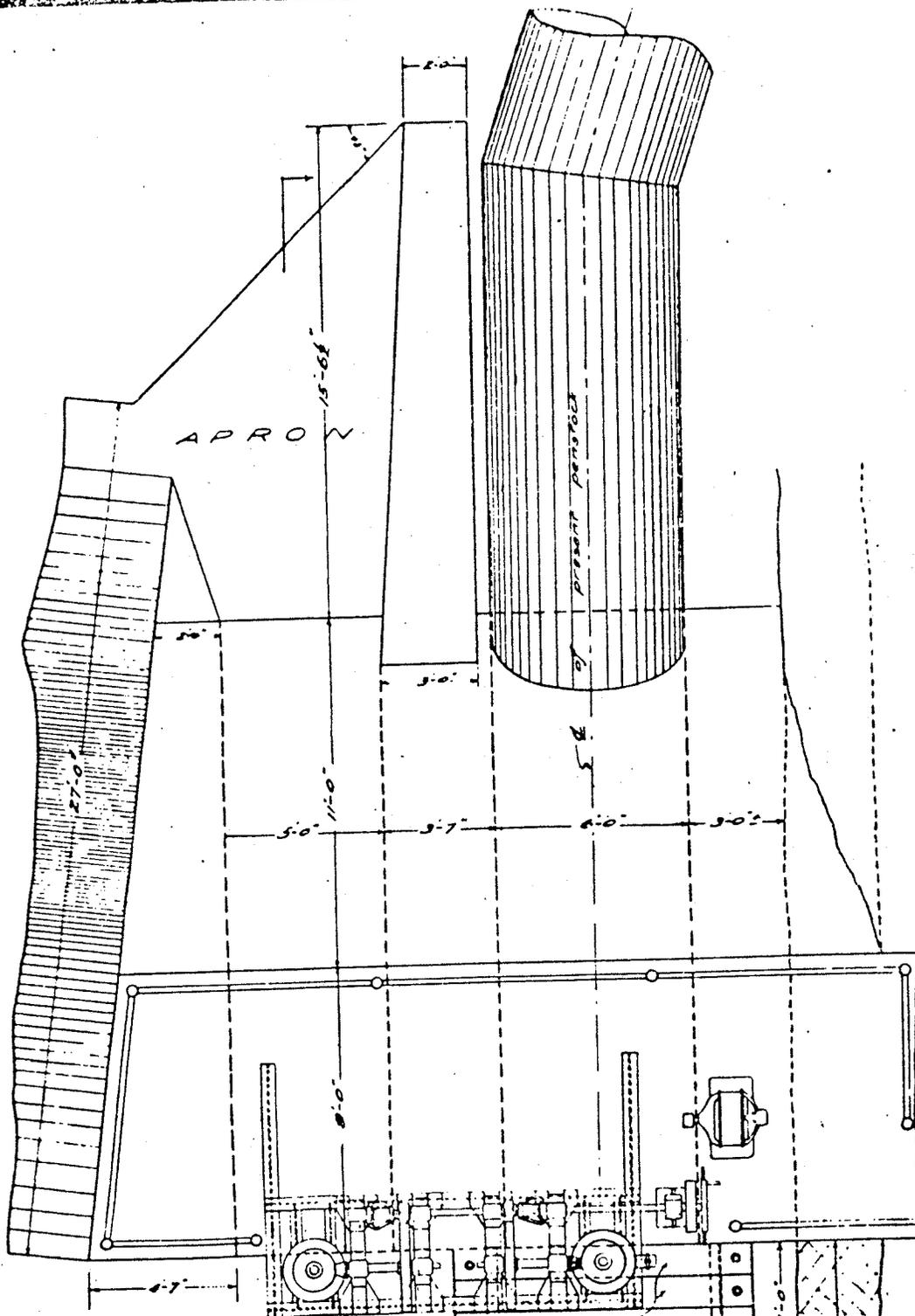


**FRONT ELEVATION  
HEADGATE AND SLUICeway**

<b>Indeco</b> Professional Engineers for Industrial Design - Engineering TWIN CITY DIVISION      1800 SOUTH 44th AVE DRIVE MINNEAPOLIS, MN 55408			
KINNICKINNIC RIVER, WISC. JUNCTION DAM <b>ELEVATION - INLET WORKS</b>			
DESIGNED BY	SCALE AS SHOWN	DATE	DRAWING NO. 7831-02-R/5

- NOTES**
- FOR OVERALL PLAN VIEW SEE PLATE 3
  - FOR SECTIONS SEE PLATES 6 & 7

*PLAN OF  
 UPPER CITY DAM  
 ACROSS  
 KINNICKINNIC RIVER  
 AT  
 RIVER FALLS WIS*



NOTES  
 1. FOR OVERALL PLAN VIEW SEE PLATE 3

**Indeco** Professional Engineers for Industrial Design-Engineering  
 TWIN CITY DIVISION 1000 SOUTH LYLAC DRIVE  
 MILWAUKEE, WIS. 53210

KINNICKINNIC RIVER, WISC.  
 JUNCTION DAM  
 PLAN - INLET WORKS

DESIGNED BY	SCALE AS SHOWN	DATE	DRAWING NO. 7231-02-R/4
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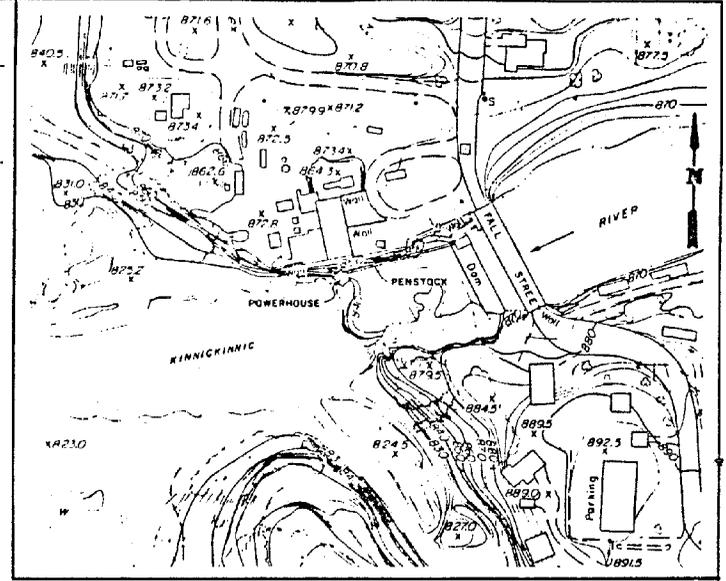
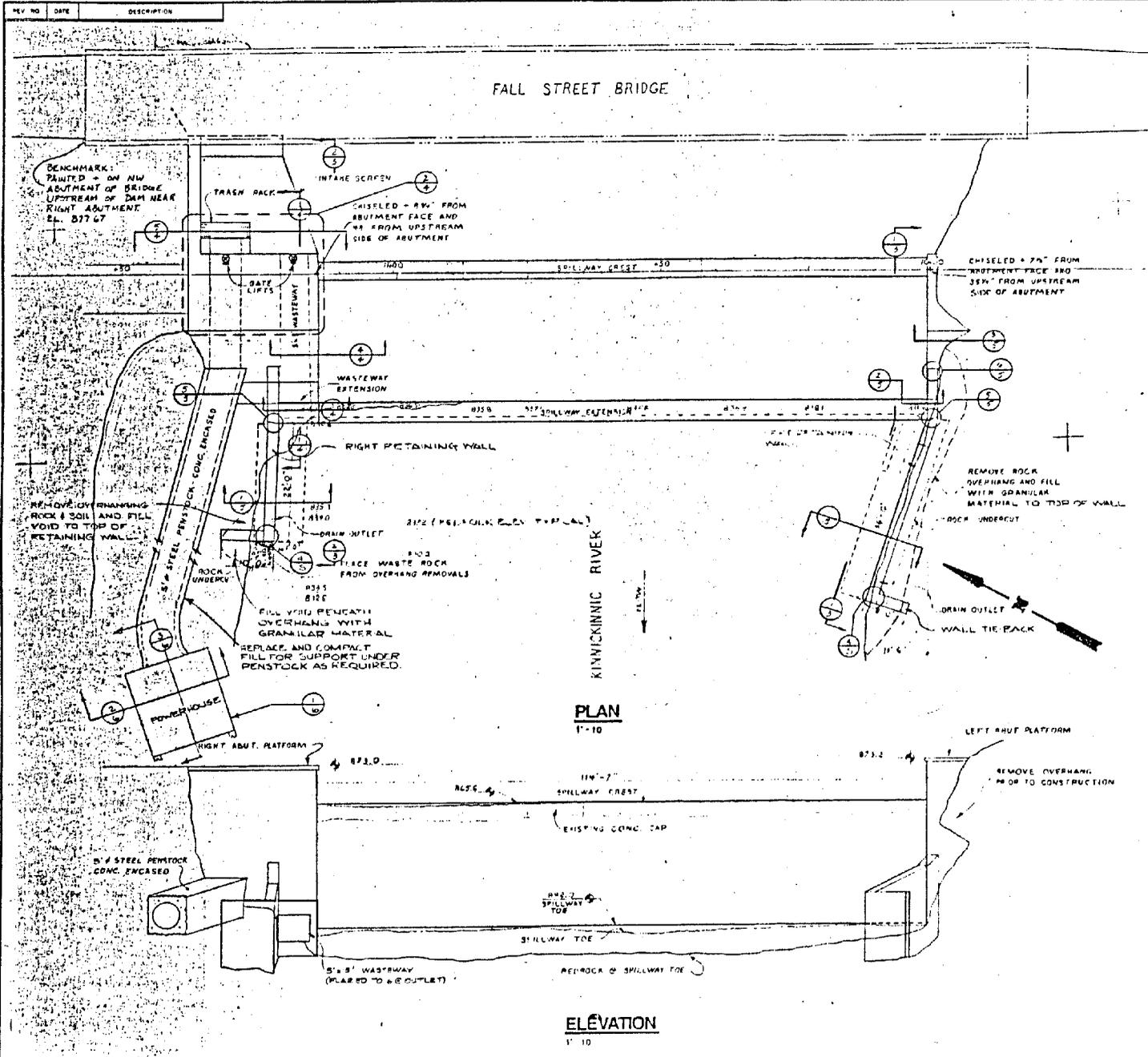
PLAN OF HEADGATE AND SLUICeway

PLAN OF UPPER CITY DAM  
 ACROSS  
KINNICKINNIC RIVER  
 AT  
RIVER FALLS WIS

Upstream edge of present headworks.

Cut not shown for L guide  
 Present wall

Trash rack in two sections



**LOCATION MAP**  
1" = 100'

- NOTES**
1. REMOVE ALL ROCK OVERHANGS IN WORK AREA PRIOR TO CONSTRUCTION.
  2. CLEAR ALL BRUSH AND TREES FROM ROCK ABUTMENTS AT ALL EXISTING WALLS.
  3. SKEWPILE ROCK FROM OVERHANGS FOR PROTECTION AT RETAINING WALL TIE BACKS.
  4. SUPPORT CONCRETE ENCASED STEEL PENSTOCK DURING CONSTRUCTION AT RIGHT RETAINING WALL.
  5. SECTION IDENTIFICATION:  $\textcircled{1}$  - SECTION NUMBER,  $\textcircled{2}$  - SHEET WHERE SECTION IS SHOWN (UNLESS NOTED OTHERWISE).

This drawing is a part of the application for license made by the undersigned this day of

DESIGNED BY	J.C.H.	CHECKED BY	
DRAWN BY	W.L.W. G.A.T.	DATE	AUGUST 1985
SCALE	AS SHOWN		

**RIVER FALLS UPPER DAM REHABILITATION •**  
KINICKINNIC RIVER  
RIVER FALLS, WISCONSIN

**AVRES ASSOCIATES**  
Engineers / Architects  
Planners / Surveyors  
Dean Avres & Associates Inc.  
P.O. Box 2000, River Falls, WI 54982

**PLAN & ELEVATION**

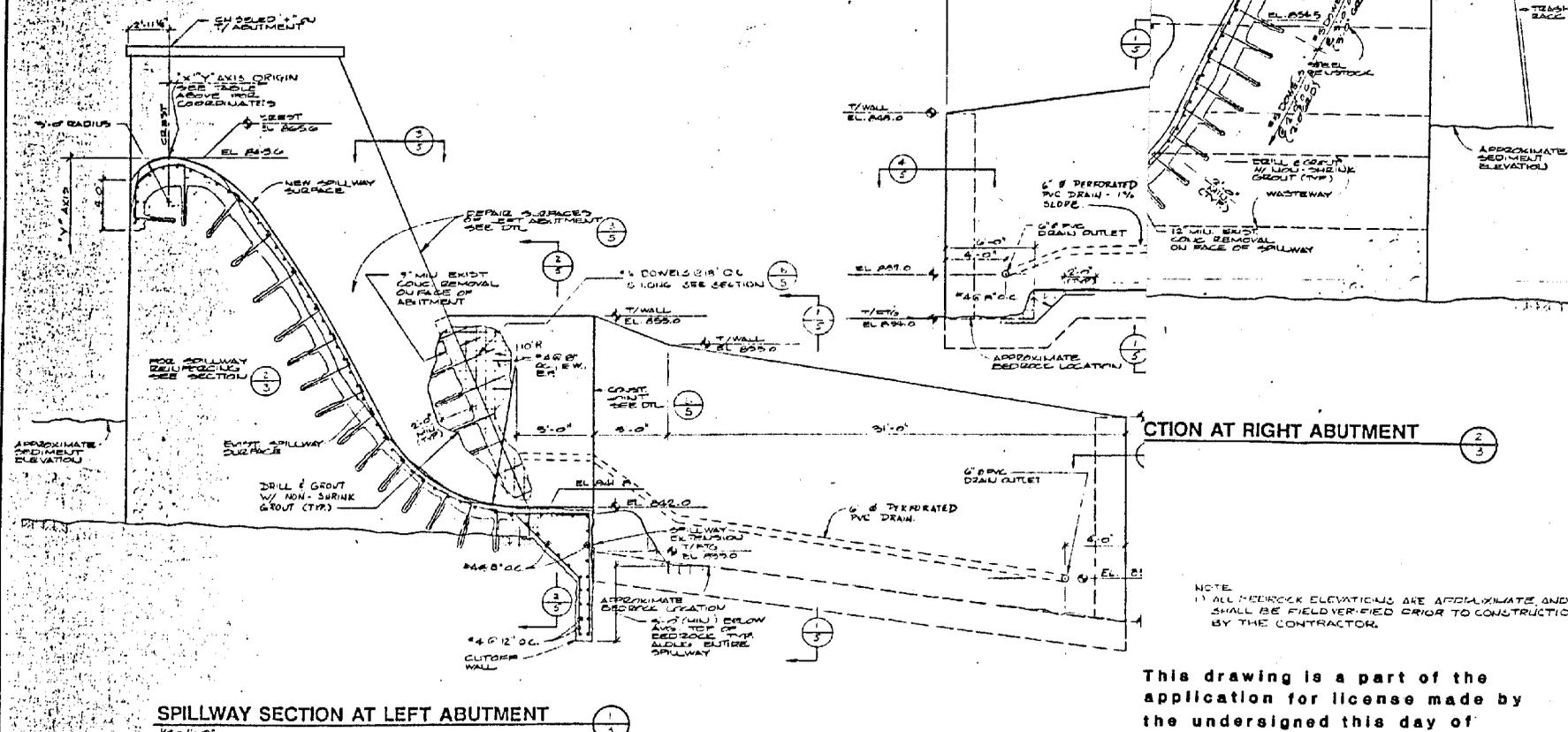
REV NO	DATE	DESCRIPTION

TABLE OF SPILLWAY COORDINATES

DISTANCE X FROM NEW SPILLWAY BASELINE	DISTANCE Y FROM NEW SPILLWAY CREST	ELEVATION OF SPILLWAY COORDINATES
0	0	855.60
1	.09	855.51
2	.40	855.20
3	.83	854.77
4	1.60	854.00
5	2.75	852.85
6	4.05	851.34
7	5.63	849.97
8	7.16	848.44
9	9.00	846.60
14.92**	18.74	846.05
23.5***	23.6	842.00
28.5	23.6	842.00

\*\* BEGINNING OF 0.6 HORIZONTAL TO 1.0 VERTICAL SPILLWAY SLOPE (0.6:1.0).  
 \*\*\* END OF 0.6:1.0 SLOPE AND TANGENT POINT TO 10.0 FT. RADIUS. RADIUS POINT AT X = 23.50 AND ELEVATION 852.00.  
 \*\*\*\* END OF 10.0 FT. RADIUS AND START OF FLAT APRON.

NOTE: SPILLWAY SURFACE AS DRAWN DOES NOT CONFORM TO CALCULATED COORDINATES. DO NOT SCALE DRAWING OF SPILLWAY FOR LAYOUT OR QUANTITIES.



SPILLWAY SECTION AT LEFT ABUTMENT

SECTION AT RIGHT ABUTMENT

NOTE: ALL BEDROCK ELEVATIONS ARE APPROXIMATE AND SHALL BE FIELD VERIFIED PRIOR TO CONSTRUCTION BY THE CONTRACTOR.

This drawing is a part of the application for license made by the undersigned this day of

DESIGNED BY	R.J.P.	CHECKED BY	
DRAWN BY	N.L.W. D.B.T.	SCALE	AS SHOWN
DATE	AUGUST 1984		

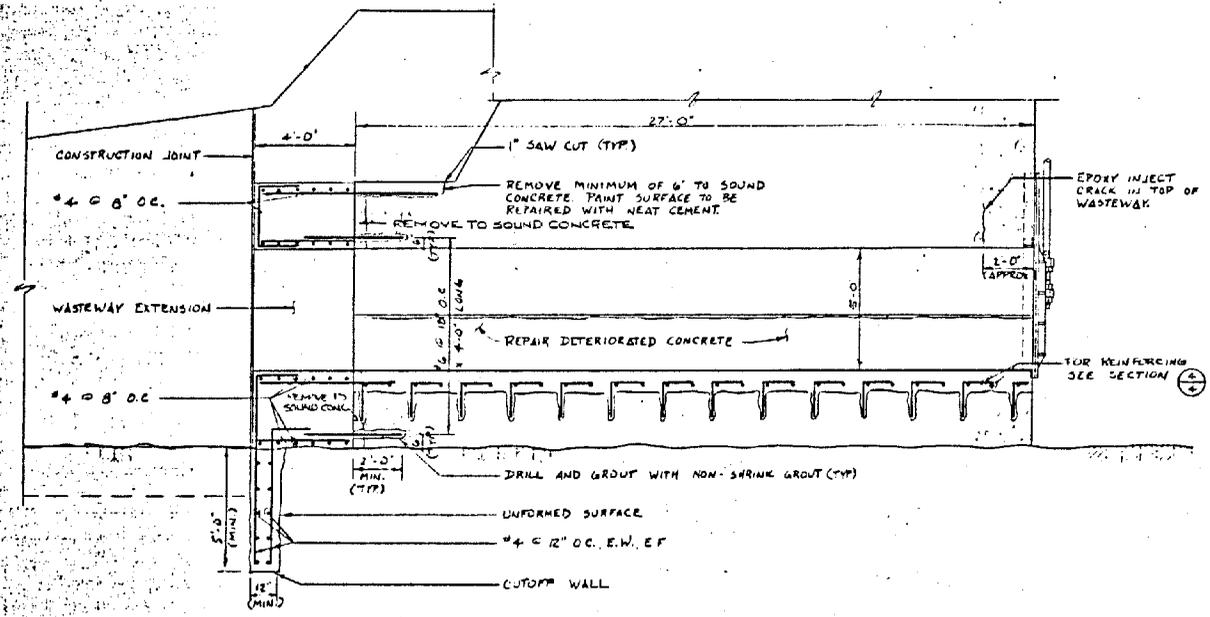
RIVER FALLS UPPER DAM REHABILITATION  
 KINNICKINNIC RIVER  
 RIVER FALLS, WISCONSIN

**AVRES ASSOCIATES**  
 Engineers / Architects  
 Planners / Surveyors  
 Owen Arnes & Associates Inc.  
 Eau Claire, Wisconsin

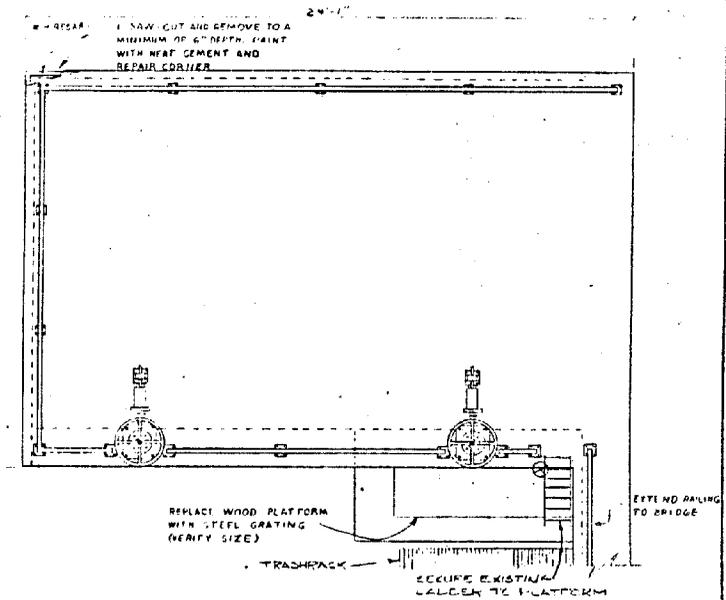
AT ABUTMENTS

SHEET NO	3
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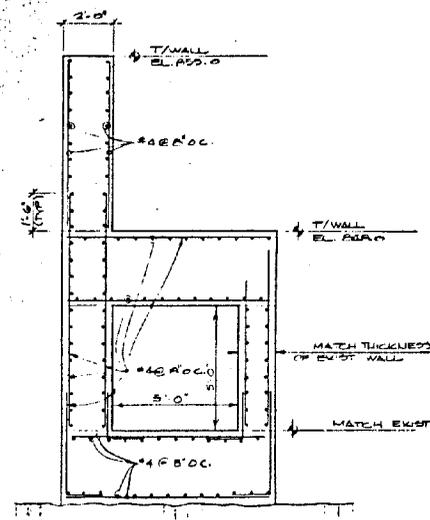
REV. NO.	DATE	DESCRIPTION



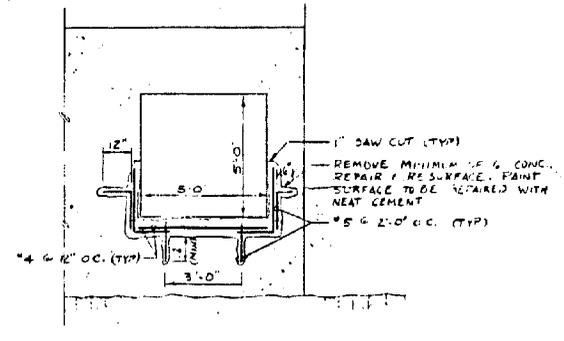
**EXIST. WASTEWAY SECTION**  
 3/8" = 1'-0" (4)



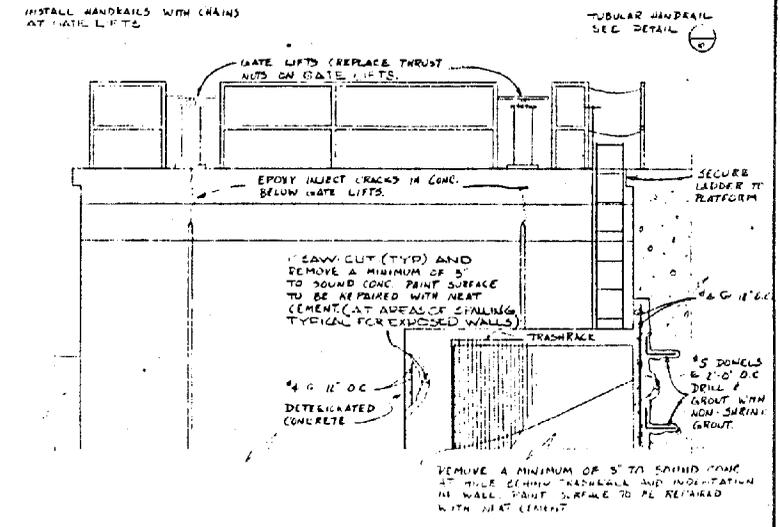
**PARTIAL PLAN RIGHT ABUTMENT**  
 3/8" = 1'-0" (2)



**WASTEWAY EXTENSION SECTION**  
 3/8" = 1'-0" (2)



**EXIST. WASTEWAY CROSS-SECTION**  
 3/8" = 1'-0" (1)



**SECTION AT RIGHT ABUTMENT**  
 3/8" = 1'-0" (3)

This drawing is a part of the application for license made by the undersigned this day of

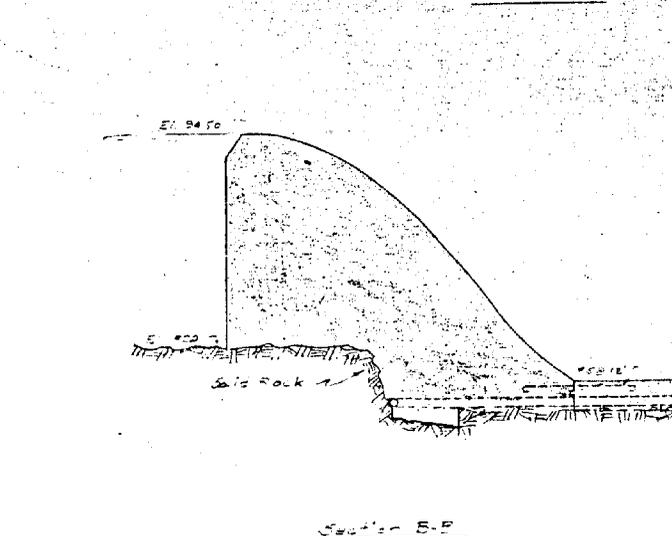
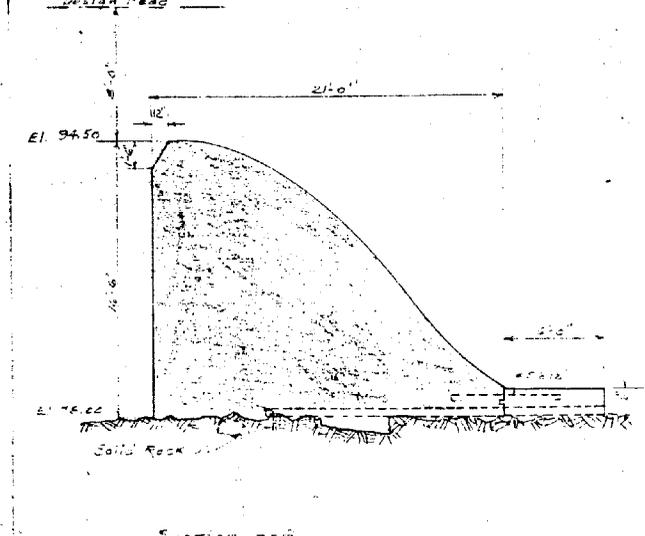
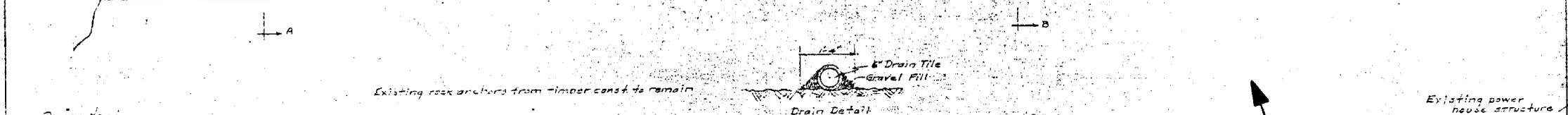
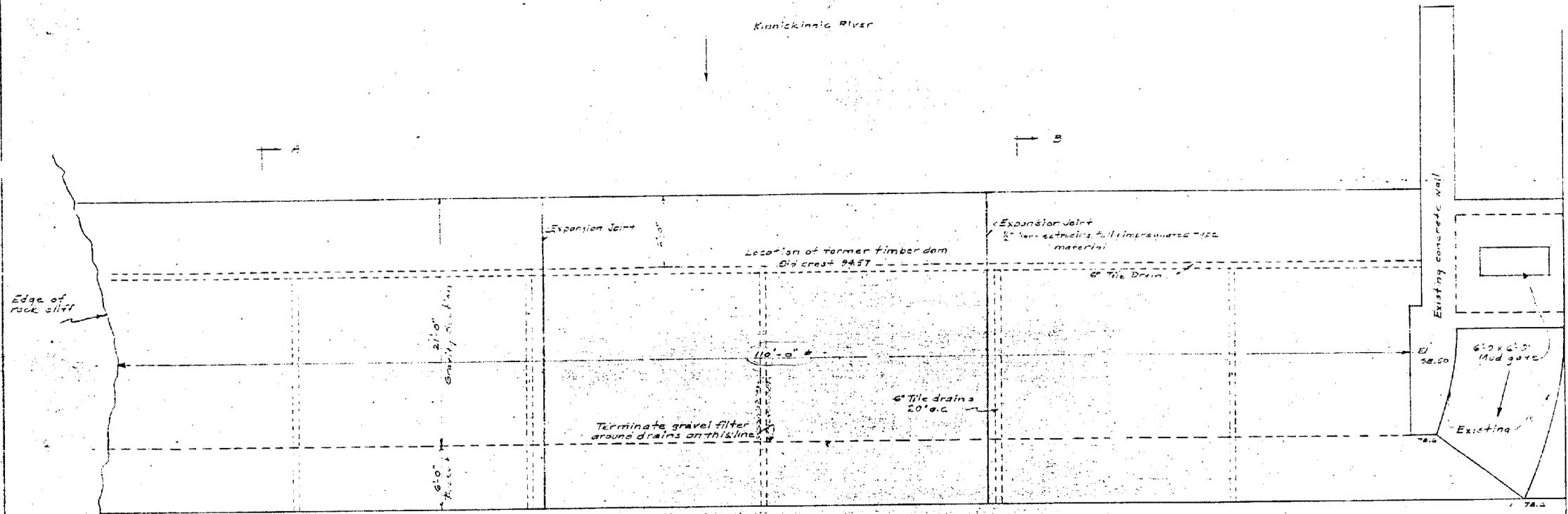

DR BY	R.J.F.	BOOK NO.	
CHK BY	G.R.T.		
DATE	AUGUST 1925	SCALE	AS SHOWN

RIVER FALLS UPPER DAM REHABILITATION  
 KINNICKINNIC RIVER  
 RIVER FALLS, WISCONSIN

**AYRES ASSOCIATES**  
 Engineers / Architects  
 Planners / Surveyors  
 One Ayres & Associates Inc.  
 Eau Claire, Wisconsin

WASTEWAY SECTIONS, RIGHT ABUTMENT PLAN & SECTION

SHEET NO.	4
-----------	---



This drawing is a part of the application for license made by the undersigned this day of

Plan and Section  
Lower Dam

Drawn C.A.G.	Checked C.A.G.	Scale As Shown
CARRILL A. GRUBB REGISTERED PROFESSIONAL ENGINEER Evanston, Wisconsin		Date 7-27-21

EXHIBIT G  
LOCATION MAPS AND FACILITY PLAN

The regional and local location of the facility are depicted in Figure G-1. Figure G-2 shows the structures and features of the hydroelectric facility in relation to the river and each other. The facility is entirely within the property lines of the River Falls Municipal Utility and the City of River Falls, therefore, the project boundary can be deemed contiguous with City property lines. No United States public lands or reservations will be occupied by the project. Project boundaries of the River Falls Municipal Utility are illustrated in Figure G-2.

44°50'30"

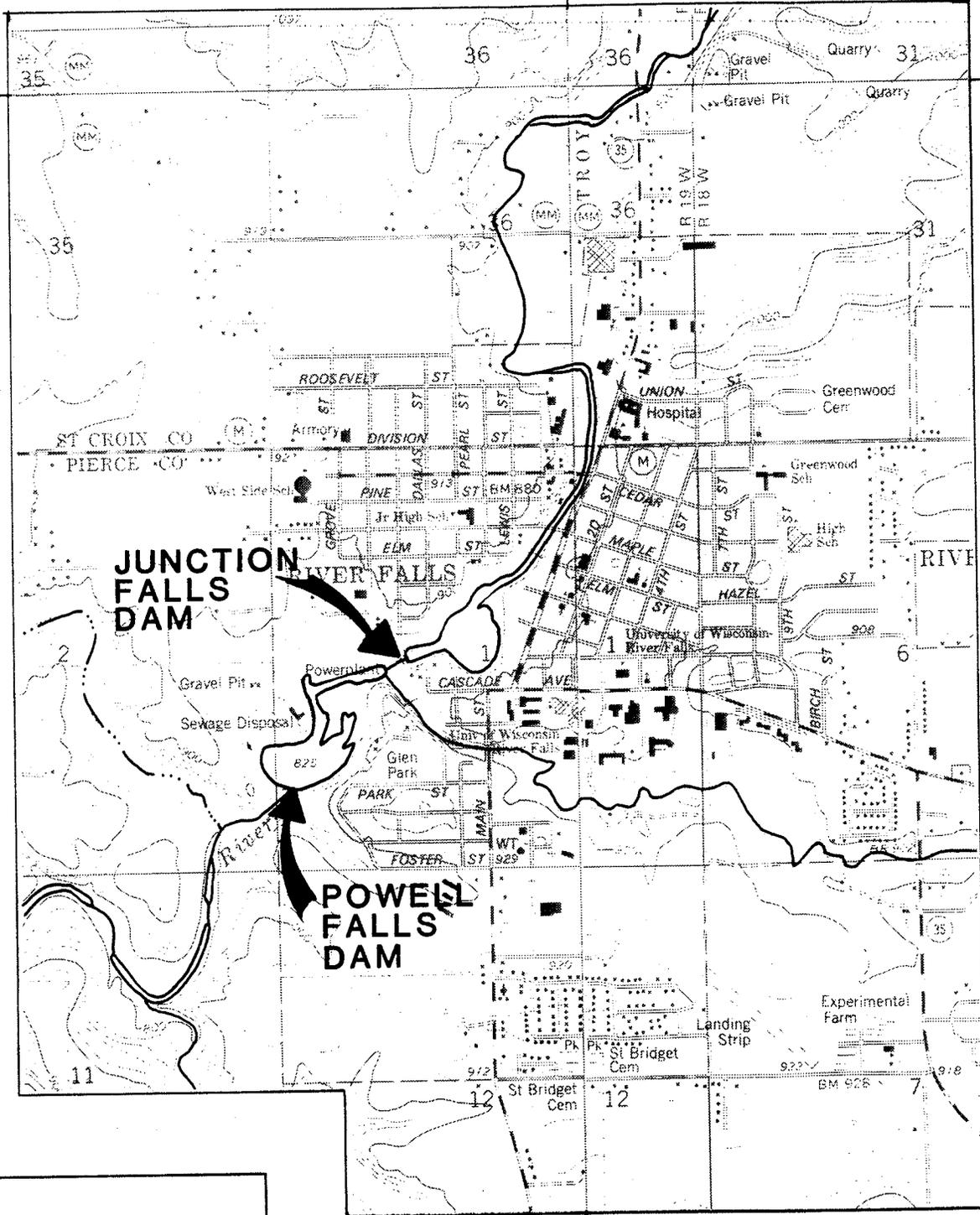
92°37'30"

R19W R18W

44°50'30"

T28N T27N

T27N T28N



**JUNCTION FALLS DAM**

**POWELL FALLS DAM**



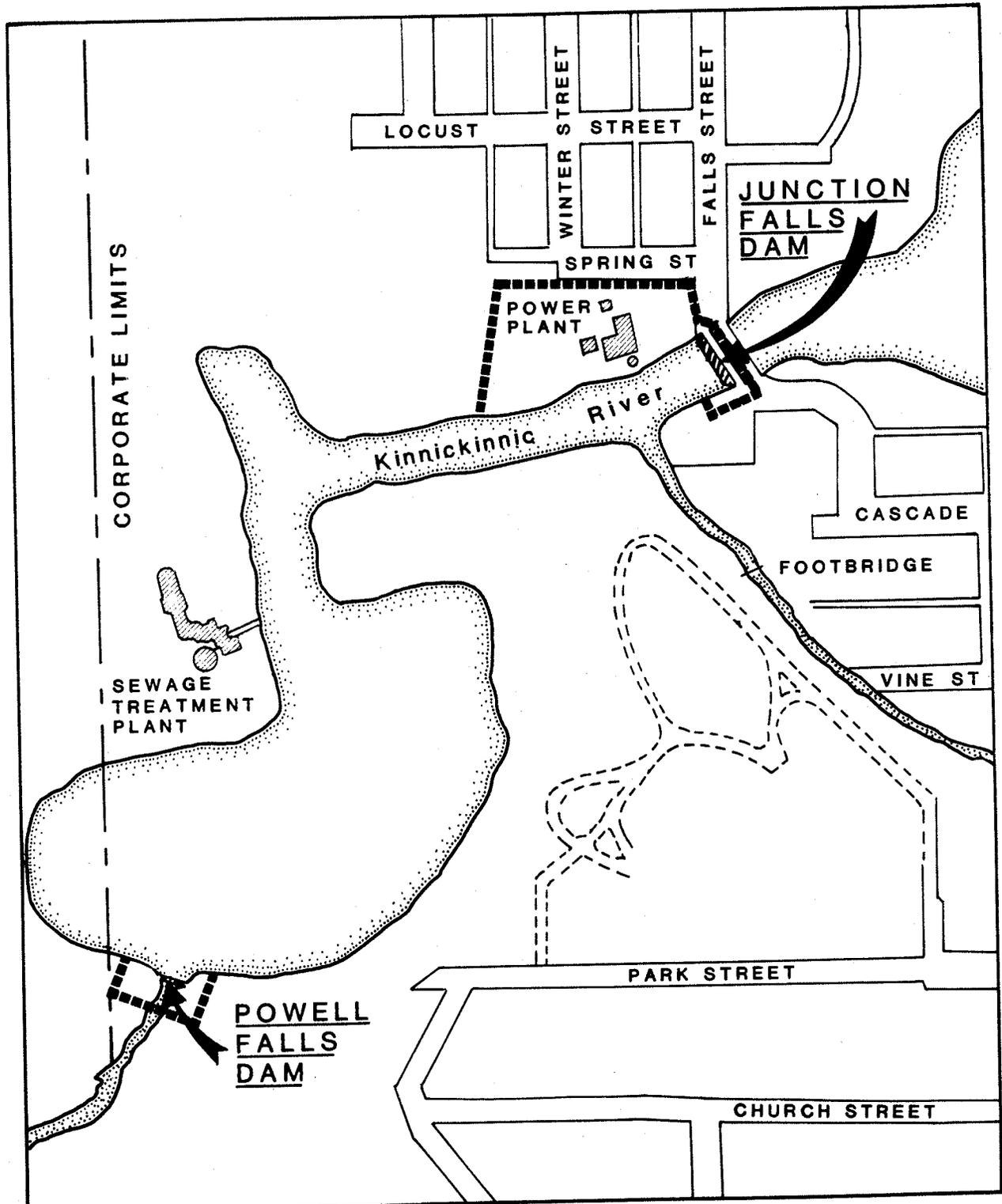
Location of Area

This drawing is a part of the application for license made by the undersigned this day of

SCALE 0 1/2 1 MILE

**Location Map**

**Figure G-1**



This drawing is a part of the application for license made by the undersigned this day of

Situation Map and Project Boundaries

Figure G-2

REFERENCE LIST

## REFERENCES

Ayres Associates, 1983 "Engineering Inspection and Evaluation Report: River Falls Upper Dam, Kinnickinnic River, Wisconsin. City of River Falls, Pierce County, Wisconsin". Eau Claire, Wisconsin.

Eigenbrodt, V., 1983. Report of Pre-operative and Post-operative Point Source Impact Studies on the Kinnickinnic River Above and Below the River Falls WWTF. West Central District Basin Assessment Survey Program.

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Federal Emergency Management Agency, 1982. Flood Insurance Rate Map, National Flood Insurance Program, City of River Falls, Wisconsin, Pierce and St. Croix Counties. Community-Panel Number 550330 000 1 C.

Hole, F.D., University of Wisconsin Extension, Geological and Natural History Survey, 1974. Soil Regions of Wisconsin (Map).

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National Dam Safety Program Report, Junction Falls (Upper City) Dam, WI 21, Kinnickinnic River, Pierce County, Wisconsin, 1979.

Ostrom, M.E., University of Wisconsin-Extension, Geological and Natural History Survey, 1981, Bedrock Geology of Wisconsin (Map).

River Falls Municipal Utility, 1986. Letter from Elmer Thon to Mark Wollschlager, Project Manager, HDR Techserv, Inc.

Robbins, C.S., B. Bruun and H. S. Zim, 1966. Birds of North America. Golden Press. 340 P.

United States Fish and Wildlife Service, "Project Description, Lower Kinnickinnic River Valley, Pierce County, Wisconsin".

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University Wisconsin Madison, Department of Landscape Architecture, Department of Forestry, and Institute for Environmental Studies, 1978. "Lower St. Croix Riverway; User and Resource Conditions. Submitted to the Lower St. Croix Management Commission and Others". Madison, Wisconsin. 498 p.

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Wisconsin Department of Natural Resources, 1982. "Endangered and Threatened Species List".

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Wisconsin Department of Natural Resources, "Wisconsin's State Parks, Forests, Trails and Recreation Areas. 1985 Visitor's Guide". Pub. 4-8400 (82).

Wisconsin State Board of Soil and Water Conservation Districts, 1980. Wisconsin's Soil, Water and Related Natural Resources: An Appraisal.

**APPENDIX A**

**1. Agency Contact Letters**

HDR Techserv, Inc.  
A Centerra Company

300 Parkdale 1 Building  
5401 Gambie Drive  
Minneapolis, Minnesota  
55416-1518

Telephone:  
(612) 544-7741

Solid Waste Management  
Resource Recovery  
Pulp & Paper  
Utility & Energy

January 20, 1986

File: 6300-27-64 GE

Mr. Tom Sheldrick  
U.S. Fish and Wildlife Agency  
Regional Office  
U.S. Federal Office Building  
St. Paul, Minnesota 55111

Re: Exemption from Licensing of the River Falls Municipal  
Hydroelectric Facilities Project

Dear Mr. Sheldrick:

Enclosed is a project description of the River Falls Municipal Hydroelectric Facilities Project in River Falls, Wisconsin. HDR Techserv, Inc. is assisting in the preparation of an exemption application to the Federal Energy Regulatory Commission for this project. The facility has been in existence in its present configuration for about 38 years and there are no plans to make any modifications to the plant. Due to the small size of the facility and minimal potential for adverse environmental impacts, an exemption from licensing is appropriate.

Please review the project description and comment in writing on any concerns which you may have in regard to this facility which relate to your agency's areas of interest or jurisdiction. If there are any aspects of the project which create adverse impacts on the environment, please provide us with information on such issues and any mitigation measures you would consider appropriate. We would appreciate receiving the written comments at the above address within 2 weeks of your receipt of this letter.

Thank you for your cooperation and input in this matter.

Yours very truly,

HDR Techserv, Inc.



Mark Wollschlager

MW/jam

Enclosures



**HDR Techserv, Inc.**  
A Centerra Company

300 Parkdale 1 Building  
5401 Gamble Drive  
Minneapolis, Minnesota  
55416-1518

Telephone:  
(612) 544-7741

Solid Waste Management/  
Resource Recovery  
Pulp & Paper  
Utility & Energy

January 20, 1986

File: 6300-27-64 GE

Mr. Terry Engel or  
Mr. Charles E. Crist  
Department of the Army  
St. Paul District, Corps of Engineers  
1135 U.S. Post Office and Custom House  
St. Paul, Minnesota 55101

Re: Exemption from Licensing of the River Falls Municipal  
Hydroelectric Facilities Project

Dear Mr. Engel/Mr. Crist:



Enclosed is a project description of the River Falls Municipal Hydroelectric Facilities Project in River Falls, Wisconsin. HDR Techserv, Inc. is assisting in the preparation of an exemption application to the Federal Energy Regulatory Commission for this project. The facility has been in existence in its present configuration for about 38 years and there are no plans to make any modifications to the plant. Due to the small size of the facility and minimal potential for adverse environmental impacts, an exemption from licensing is appropriate.

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Thank you for your cooperation and input in this matter.

Yours very truly,

HDR Techserv, Inc.

Mark Wollschlager

MW/jam

Enclosures

**HDR Techserv, Inc.**  
A Centerra Company

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5401 Gamble Drive  
Minneapolis, Minnesota  
55416-1518

Telephone  
(612) 544-7741

Solid Waste Management/  
Resource Recovery  
Pulp & Paper  
Utility & Energy

January 20, 1986

File: 6300-27-64 GE

Mr. Bill Franz  
Chief Environmental Review Branch  
U.S. Environmental Protection Agency  
Region V  
230 South Dearborn Street  
Chicago, Illinois 60604

Re: Exemption from Licensing of the River Falls Municipal  
Hydroelectric Facilities Project

Dear Mr. Franz:

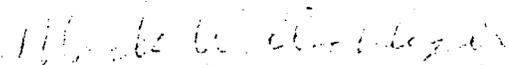
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Thank you for your cooperation and input in this matter.

Yours very truly,

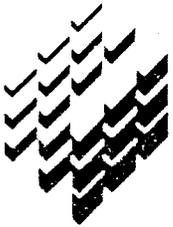
HDR Techserv, Inc.



Mark Wollschlager

MW/jam

Enclosures



**HDR Techserv, Inc.**  
A Centerra Company

300 Parkdale 1 Building  
5401 Gamble Drive  
Minneapolis, Minnesota  
55416-1518

Telephone:  
(612) 544-7741

Solid Waste Management/  
Resource Recovery  
Pulp & Paper  
Utility & Energy

January 20, 1986

File: 6300-27-64 GE

Mr. Tom Lovejoy  
Wisconsin Department of Natural Resources  
1300 West Clairemont Avenue  
Eau Claire, Wisconsin 54701

Re: Exemption from Licensing of the River Falls Municipal  
Hydroelectric Facilities Project

Dear Mr. Lovejoy:

Enclosed is a project description of the River Falls Municipal Hydroelectric Facilities Project in River Falls, Wisconsin. HDR Techserv, Inc. is assisting in the preparation of an exemption application to the Federal Energy Regulatory Commission for this project. The facility has been in existence in its present configuration for about 38 years and there are no plans to make any modifications to the plant. Due to the small size of the facility and minimal potential for adverse environmental impacts, an exemption from licensing is appropriate.

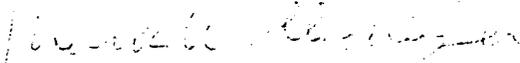


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Thank you for your cooperation and input in this matter.

Yours very truly,

HDR Techserv, Inc.



Mark Wollschlager

MW/jam

Enclosures

**HDR Techserv, Inc.**  
A Centerra Company

300 Parkdale 1 Building  
5401 Gambia Drive  
Minneapolis, Minnesota  
55416-1518

Telephone  
(612) 544-7741

Solid Waste Management/  
Resource Recovery  
Pulp & Paper  
Utility & Energy

January 20, 1986

File: 6300-27-64 GE

Mr. Richard Dexter  
Historical Preservation Officer  
Wisconsin Historical Society  
816 State Street  
Madison, Wisconsin 53706

Re: Exemption from Licensing of the River Falls Municipal  
Hydroelectric Facilities Project

Dear Mr. Dexter:

Enclosed is a project description of the River Falls Municipal Hydroelectric Facilities Project in River Falls, Wisconsin. HDR Techserv, Inc. is assisting in the preparation of an exemption application to the Federal Energy Regulatory Commission for this project. The facility has been in existence in its present configuration for about 38 years and there are no plans to make any modifications to the plant. Due to the small size of the facility and minimal potential for adverse environmental impacts, an exemption from licensing is appropriate.

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Thank you for your cooperation and input in this matter.

Yours very truly,

HDR Techserv, Inc.

*Mark Wollschlager*  
Mark Wollschlager

MW/jam

Enclosures

**HDR Techserv, Inc.**  
A Centerra Company

300 Parkdale 1 Building  
5401 Gamble Drive  
Minneapolis, Minnesota  
55416-1518

Telephone  
(612) 544-7741

Solid Waste Management/  
Resource Recovery  
Pulp & Paper  
Utility & Energy

January 20, 1986

File: 6300-27-64 GE

Mr. Jim Harrison  
Interstate Compact Commission  
MN/Wisc. Boundary Area Commission  
619 2nd Street  
Hudson, Wisconsin 54016

Re: Exemption from Licensing of the River Falls Municipal  
Hydroelectric Facilities Project

Dear Mr. Harrison:

Enclosed is a project description of the River Falls Municipal Hydroelectric Facilities Project in River Falls, Wisconsin. HDR Techserv, Inc. is assisting in the preparation of an exemption application to the Federal Energy Regulatory Commission for this project. The facility has been in existence in its present configuration for about 38 years and there are no plans to make any modifications to the plant. Due to the small size of the facility and minimal potential for adverse environmental impacts, an exemption from licensing is appropriate.

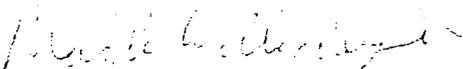


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Thank you for your cooperation and input in this matter.

Yours very truly,

HDR Techserv, Inc.



Mark Wollschlager

MW/jam

Enclosures

**HDR Techserv, Inc.**  
A Centerra Company

300 Parkdale 1 Building  
5401 Gamble Drive  
Minneapolis, Minnesota  
55416-1518

Telephone:  
(612) 544-7741

Solid Waste Management/  
Resource Recovery  
Pulp & Paper  
Utility & Energy

January 20, 1986

File: 6300-27-64 GE

River Falls Planning and Zoning  
125 East Elm Street  
River Falls, Wisconsin 54022

Re: Exemption from Licensing of the River Falls Municipal  
Hydroelectric Facilities Project

Dear Gentlemen:

Enclosed is a project description of the River Falls Municipal Hydroelectric Facilities Project in River Falls, Wisconsin. HDR Techserv, Inc. is assisting in the preparation of an exemption application to the Federal Energy Regulatory Commission for this project. The facility has been in existence in its present configuration for about 38 years and there are no plans to make any modifications to the plant. Due to the small size of the facility and minimal potential for adverse environmental impacts, an exemption from licensing is appropriate.



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Thank you for your cooperation and input in this matter.

Yours very truly,

HDR Techserv, Inc.

Mark Wollschlager

MW/jam

Enclosures

**HDR Techserv, Inc.**  
A Centerra Company

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5401 Gambie Drive  
Minneapolis, Minnesota  
55416-1518

Telephone:  
(612) 544-7741

Solid Waste Management/  
Resource Recovery  
Pulp & Paper  
Utility & Energy

February 3, 1986

File: 6300-27-64 GE

Mr. Elmer Thon  
River Falls Municipal Utility  
125 East Elm Street  
River Falls, Wisconsin 54022

Re: Exemption from Licensing of the River Falls Municipal  
Hydroelectric Facilities Project

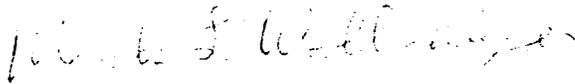
Dear Mr. Thon:

The Project Description for the hydroelectric licensing project is in the final stages of preparation and should be out by Friday, February 7, 1986. A copy of this report will be sent to you as well as to a number of federal, state and local agencies. These offices will comment on the Project Description and provide us with any information which relates to their areas of interest or jurisdiction. We will finalize the draft exemption from licensing application and circulate it to the agencies which are allowed 30 days to provide comments prior to filing the application. After receiving the comments on the draft application, we will finalize it and submit the report to FERC for review and approval.

If you have any questions, feel free to contact me at (612) 544-7741.

Yours truly,

HDR Techserv, Inc.



Mark L. Wollschlager

MLW/jam

Enclosures



HDR Techserv, Inc.  
A Centerra Company

300 Parkdale 1 Building  
5401 Gamble Drive  
Minneapolis, Minnesota  
55416-1518

Telephone  
612 544-7741

Solid Waste Management/  
Resource Recovery  
Pulp & Paper  
Utility & Energy

July 1, 1986

Mr. Tom Lovejoy  
Wisconsin Department of Natural Resources  
Environmental Coordinator  
1300 West Clairemont Avenue  
Call Box 4001  
Eau Claire, Wisconsin 54702-4001

Re: River Falls Hydro Project  
Application for Exemption

Dear Mr. Lovejoy:



We are converting the City of River Falls Hydro Project Application for Exemption to an application for a minor license. FERC has informed us that since no modifications or increase in capacity are contemplated for the facility, a minor license is necessary rather than an exemption. Requirements for minor licenses are very similar to exemption requirements. One significant difference is that a minor license application must include a request for, or waiver of, a Section 401 Water Quality Certificate under the Federal Water Pollution Control Act. Therefore, we are hereby requesting on behalf of the city of River Falls that a Section 401 Water Quality Certification be issued or waived as you deem appropriate relative to this project. Pursuant to our discussion on July 1, 1986, I am enclosing another copy of the draft exemption application to provide the data for the Water Quality Certificate determination.

The minor license application contains essentially the same data as you have previously reviewed relative to the exemption application. The following is a summary of what is modified to change the exemption application document to a minor license application:

1. An initial statement form for a minor license is substituted for the exemption initial statement form.
2. Cities within 15 miles of the project with a population over 5,000 are identified.
3. Exhibit A remains the description of the project and operation.
4. Exhibit B becomes Exhibit G (project facility and location maps).
5. Exhibit E remains the same (description of environmental setting and impacts plus agency consultation).
6. Exhibit G becomes Exhibit F (drawings of facility equipment/structures).

Mr. Tom Lovejoy  
July 1, 1986  
Page two...

We will send another consultation letter and a copy of the revised draft minor license application in the near future. A waiver form will be provided if you have no further comments. Thank you.

Sincerely,

HDR Techserv, Inc.

A handwritten signature in cursive script that reads "Mark L. Wollschlager".

Mark L. Wollschlager

MLW/mts

Enclosure

(Date)

(Name of Agency  
...and address

Re: City of River Falls, Wisconsin  
Minor Hydropower Project

Dear :

We have previously provided data and materials to your agency for purposes of preapplication consultation on a draft exemption application for the above project. The Federal Energy Regulatory Commission (FERC) has informed us that since no modifications or increases to facility capacity are proposed, a minor license application is necessary rather than an exemption. Since the project description, technical data, environmental setting and environmental impacts all remain the same as previously described in the exemption application documents, it would expedite the submission of the minor license application if you would provide a waiver of further preapplication consultation. A form is attached for your review and signature along with a stamped return envelope for your convenience.

The revision of the exemption application to a minor license application involves the following changes:

1. An initial statement form for a minor license is substituted for the exemption initial statement form.
2. Cities within 15 miles of the project with a population over 5,000 are identified.
3. Exhibit A remains the description of the project and operation.
4. Exhibit B becomes Exhibit G (project facility and location maps).
5. Exhibit E remains the same (description of environmental setting and impacts plus agency consultation).
6. Exhibit G becomes Exhibit F (drawings of facility equipment/structures).

A draft of the revised minor license application is enclosed. If you decide that you have additional comments or concerns relative to the minor license application that have not been expressed relative to the exemption application previously provided, please provide such comments within thirty (30) days of the date of this letter.

July , 1986  
Page two...

If you have no comments or concerns in addition to those previously provided, sign the enclosed form and return it in the enclosed envelope immediately. Your timely response is appreciated. Thank you.

Sincerely,

HDR Techserv, Inc.

Mark L. Wollschlager

MLW/mts

Enclosures

## AGENCY CONSULTATION WAIVER

Agency:

Date:

Address:

Project      City of River Falls, Wisconsin  
                 Minor Water Power Project

We have received and reviewed data on the above project relative to application for exemption. Since it is a minor existing facility and no changes or modifications are proposed as to facilities or operations, our previous review and comments (if any) would also apply for purposes of satisfying consultation requirements relative to a minor license application. Therefore, we waive further preapplication consultation but reserve our rights to participate in the licensing process subsequent to the acceptance of the application by the Federal Energy Regulatory Commission.

Signature: \_\_\_\_\_

Title

July, 1986

Name of Agency  
Address  
City, State, Zip

Dear \_\_\_\_\_

Enclosed is a draft Minor License Application for the River Falls Municipal Hydroelectric Facilities Project in River Falls, Wisconsin. HDR Techserv, Inc. is assisting in the preparation of a minor license application for this hydroelectric power project to the Federal Energy Regulatory Commission (FERC). We have previously been in contact with various federal, state and local agencies, including the U.S. Fish and Wildlife Service, the Environmental Protection Agency, the State Historical Preservation Office, the U.S. Army Corps of Engineers, the Eau Claire regional office of the Wisconsin Department of Natural Resources and the WDNR Bureau of Endangered Resources, Madison, Wisconsin. It has been brought to our attention that your agency may wish to be included in the pre-license consultation process. The facility consists of two generating units of 250 Kw and 125 Kw each, and has existed in its present configuration and mode of operation for about 38 years. There are no plans to make any changes in the plant or its operations.

Please review the draft application for license and comment in writing on any concerns which you may have regarding this facility which relate to your agency's areas of interest or jurisdiction. The facilities are part of the City of River Falls Municipal Utilities and are located on City property. There are no federal or state lands involved.

Please remit your written comments within 30 days of receiving this draft application. Should you find that you have no concerns or comments, please sign the enclosed pre-license consultation waiver and return it to us immediately. This would expedite submission of the application to FERC. The waiver does not apply to any comments you may make to FERC during the license review and issuance process. Your prompt response is greatly appreciated.

Sincerely,

HDR Techserv, Inc.

AGENCY CONSULTATION WAIVER

Agency:

Date:

Address:

Project: City of River Falls, Wisconsin  
Minor Water Power Project

We have received and reviewed data on the above project relative to application for a minor license. Since it is a minor existing facility and no changes or modifications are proposed as to facilities or operations, we have no areas of concern to comment on at this time by our agency. Therefore, we waive further preapplication consultation but reserve our rights to participate in the licensing process subsequent to the acceptance of the application by the Federal Energy Regulatory Commission.

Signature:

\_\_\_\_\_  
Title

## 2. Agency Responses



State of Wisconsin

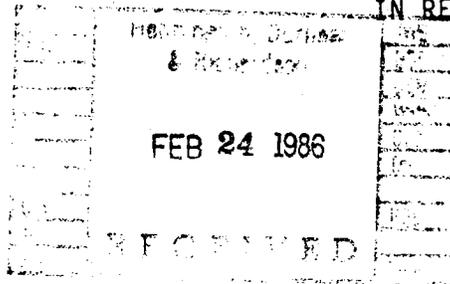
DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

February 7, 1986

Mr. David J. Ellingson  
HDR Techserv Inc.  
300 Parkdale 1 Building  
5401 Gamble Drive  
Minneapolis MN 55416-1518



IN REPLY REFER TO: 1650

Dear Mr. Ellingson:

The Bureau of Endangered Resources has reviewed the project area described in your letter of January 24, 1986 for the Junction Falls Dam Environmental Impact Statement, Pierce County.

Our data files contain the following information for this site:

Besseyia bullii, A state-threatened plant species, is found at T27N-R19W, SE 1/4 NE 1/4 SE 1/4 Section 2.

Sincerely,  
Bureau of Endangered Resources

*R.F. Nicotera*  
Ronald F. Nicotera  
Director

3887M

cc: Gary Birch - EA/6  
Endangered Resources Coordinator - WCD



THE STATE HISTORICAL SOCIETY OF WISCONSIN  
816 State Street Madison, Wisconsin 53706 608 262-3266

H. Nicholas Muller III, Director

HISTORIC PRESERVATION DIVISION

February 18, 1986

Mr. Mark Wolschlager  
HDR Techserve, Inc.  
300 Parkdale 1 Building  
5401 Gamble Drive  
Minneapolis, Minnesota 55464-1158

DATE	Hennington, Durbin & Richardson
PREP	
	FEB 21 1986
RAH	
OC	
JF	
JFT	RECEIVED

SHSW: #86-0211

RE: River Falls Small Hydroelectric Power Plant Exemption

Dear Mr. Wolschlager:

We have reviewed the above referenced project as required for compliance with Section 106 of the National Historic Preservation Act and the "Procedures for the Protection of Historic and Cultural Properties" (36 CFR 800).

There are no properties listed in the National Register of Historic Places located within the area of the proposed undertaking. Furthermore, we are not aware of any properties that may be eligible for the National Register in this area. No further actions are necessary for compliance with Section 106 and 36 CFR 800 provided that there are no revisions to current project plans.

If you have any questions on this matter, please contact me at (608) 262-2732.

Sincerely,

Richard W. Dexter  
Chief, Compliance and Archeology  
Section

RWD:1kr

0581a

1665a



and on downstream islands. Of the State- and federally-listed threatened and endangered species, the bald eagle and osprey are observed in the immediate project area. The peregrine falcon may occur in the river valley during migrations or as a result of future reintroduction efforts. The pine marten does not occur in the project area.

3. Section 2.8, Recreation: A recently constructed hiking trail along Lake George, the impoundment above the Junction Mill Dam, provides scenic urban recreation opportunities along the Kinnickinnic River within the downtown area. A number of hiking and cross-country ski trails have been built by the city; they extend along the river about 2 miles downstream of the Powell Falls Dam. Glen Park, with picnicking, softball, and other day-use facilities, is close to the Junction Mill Dam. The lower Kinnickinnic River is frequently used by canoeists.

The proposed continued operation of hydropower facilities at River Falls would not have any adverse effect on existing Corps of Engineers projects. If you have any questions about these comments, please call Mr. Dave Raasch, project manager for hydropower coordination, at 725-7569 or Mr. Daniel Wilcox, fisheries biologist, at 725-5936.

Sincerely,



Peter A. Fischer  
Chief, Engineering Division

Copy Furnished:

Regional Engineer  
FERC Chicago Regional Office  
230 South Dearborn Street  
Chicago, Illinois 60604

NCDED-W



Notice is hereby given that the applicant or any person whose substantial interest may be affected by the Department's determination may, within 30 days after publication of this notice, request in writing to Mr. James L. Lissack, District Director, Call Box 4001, Eau Claire, WI 54702-4001 a hearing date on the matter under Section 227.064, Wisconsin Statutes. Such a hearing request must address the specific jurisdictional criteria outlined in s. 227.064, Statutes. Unless written objection is filed within 30 days after publication hereof, this notice will become final without a public hearing.

Dated at Eau Claire, Wisconsin 7-22-86

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
For the Secretary

By James L. Lissack  
James L. Lissack  
District Director

TLT104

## AGENCY CONSULTATION WAIVER

Agency: Interstate Compact Commission  
MN/Wisc Boundary Area Commission

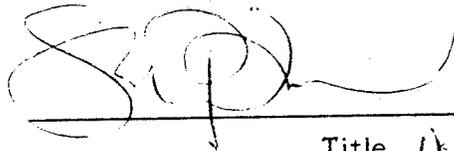
Date: 8/6/80

Address: 619 Second Street  
Hudson, Wisconsin 54016

Project: City of River Falls, Wisconsin  
Minor Water Power Project

We have received and reviewed data on the above project relative to application for exemption. Since it is a minor existing facility and no changes or modifications are proposed as to facilities or operations, our previous review and comments (if any) would also apply for purposes of satisfying consultation requirements relative to a minor license application. Therefore, we waive further preapplication consultation but reserve our rights to participate in the licensing process subsequent to the acceptance of the application by the Federal Energy Regulatory Commission.

Signature: \_\_\_\_\_



Title: Associate Executive Director



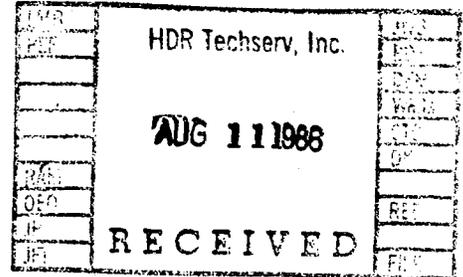
# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
GREEN BAY FIELD OFFICE (ES)  
Univ. of Wisconsin-Green Bay  
Green Bay, Wisconsin 54301-7001

IN REPLY REFER TO:

August 7, 1986

Mr. Mark Wollschlager  
HDR Techserv, Inc.  
300 Parkdale Drive  
Minneapolis, Minnesota 55416-1518



Dear Mr. Wollschlager:

The U.S. Fish and Wildlife Service (Service) has reviewed the River Falls Municipal Utility's draft application to the Federal Energy Regulatory Commission (FERC) regarding a minor license for the Junction Falls and Powell Falls Dams on the Kinnickinnic River, Pierce County, Wisconsin.

The Kinnickinnic River upstream and downstream of River Falls is classified by the Wisconsin Department of Natural Resources (DNR) as Class 1 brown trout water (high quality trout stream sustained entirely by natural reproduction). The south fork of the Kinnickinnic River, which joins the Kinnickinnic River within the pool upstream of the Powell Falls Dam, is designated as Class II brook and brown trout water (some stocking required to sustain the trout population). Other fish species present either in the Kinnickinnic River or the reservoirs in town include walleye, sauger, smallmouth and largemouth bass, white bass, black and white crappie, green sunfish, black bullhead, channel catfish, white sucker, carp and shorthead redhorse.

From the Powell Falls Dam, the Kinnickinnic River flows approximately 25 miles to its confluence with the St. Croix River. Several sections of land along the lower Kinnickinnic River have been identified by the Service as potential candidates for federal acquisition because of the valley's unique mixture of wildlife habitats (e.g., bluff, prairie, floodplain, forest) and an associated high species diversity of wildlife and plant fauna.

The following federally listed endangered or threatened species may be present in the project area:

<u>Classification</u>	<u>Common Name</u>	<u>Scientific Name</u>	<u>Habitat type or function</u>
endangered	peregrine falcon	<u>Falco peregrinus</u>	potential breeding
threatened	bald eagle	<u>Haliaeetus leucocephalus</u>	wintering
proposed threatened	prairie bush-clover	<u>Lespedeza leptostachya</u>	native prairies

There is no designated critical habitat in the project area at this time. Due to the nature of the project, namely the continued operation of the facilities in a run-of-the-river mode, the hydroelectric dams will not affect listed species. This precludes the need for further action on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. Should the project be modified or new information indicate listed or proposed species may be affected, consultation should be reinitiated.

The Service concurs with the applicant's commitment to continue operation of the facilities in a run-of-the-river mode. Accordingly, to protect the valuable fish and wildlife resources below Powell Falls Dam as well as wetland and other aquatic habitat in the reservoirs, the Service will recommend to the FERC that the following terms be stipulated articles of any license issued for both Junction Falls and Powell Falls Dams:

1. A run-of-the-river mode of operation (instantaneous inflow equals instantaneous outflow) shall be employed at all times.
2. Reservoir fluctuations for dam inspection, maintenance, etc., shall be approved in writing by the Wisconsin DNR.
3. The applicant shall maintain portage facilities around the dams including the installation of portage take-out signs.

The preapplication interagency meeting on April 15, 1986, was helpful to resolve project concerns. We appreciate the opportunity to be involved early in project planning.

Sincerely yours,

  
Janet M. Smith  
Field Supervisor

cc: Tom Lovejoy, Wisconsin DNR, Eau Claire, WI  
Kate Bohmer, Wisconsin DNR, Madison, WI  
Elmer Thon, River Falls Municipal Utility, River Falls, WI  
Bill Franz, U.S. EPA, Chicago, IL



# Affidavit of Publication

STATE OF WISCONSIN, }  
County of Pierce, } ss.

Jay Griggs  
George M. Kremer

being duly sworn on oath, says that he is the printer and publisher of the River Falls Journal, a weekly newspaper published at River Falls, in Pierce county, State of Wisconsin, and that a notice, of which the annexed printed notice is a copy, was published in said newspaper 1 successive weeks, once in each week, to-wit: Commencing Aug. 7, 1986, and ending Aug. 7, 1986; and further, that the annexed printed copy of such notice was taken from the said River Falls Journal, the newspaper in which the same was published.

Jay Griggs

Subscribed and sworn to before me

this 12<sup>th</sup> day of Aug 1986

Jay E. Robinson  
Notary Public  
My Comm. Expires 5-22-88

## Notice of Preliminary Determination of Water Quality Certification

The City of River Falls, as represented by HDR Techserv, Inc., 300 Park 1 Building, 500 Gambia Drive, Minneapolis, MN 55416-1518, Attn: Mr. [redacted] completed filing an application with the Department of Natural Resources for water quality certification pursuant to Section 227.064 of the Federal Water Pollution Control Act of 1972 (33 USC s. 4341) and Section NR 229.05(1), Wisconsin Administrative Code. The City of River Falls proposes to operate existing hydroelectric generation equipment in the Junction Falls and Powell Falls Dams on the Kinnickinnic River in St. Croix County, Wisconsin.

The Department has reviewed the completed application and, based on its evaluation of the information contained in the application, has determined that there is reasonable assurance that the activity can be conducted in a manner which will not violate the standards enumerated in Section NR 229.05(1), Wisconsin Administrative Code, and certification will be granted. The following conditions are necessary with respect to the discharge and associated project:

1. The project (both Junction Falls and Powell Falls Dams) shall be operated as a run-of-the-river project such that instantaneous impingement inflow equals instantaneous outflow discharged from the dam, characteristic of low as to adversely impact the downstream fishery, the Department, in cooperation with the applicant, shall consider applicable protection measures.
2. The applicant shall not cause flowage level fluctuation(s), including drawdown, at either dam without prior written concurrence from the Department.
3. The applicant shall maintain the canoe portage facilities around the dam, including the installation of portage takeout signs.
4. The Department reserves the right to evaluate the above conditions and revise them to respond to any changes in the projects' structure or operation.

Notice is hereby given that the applicant or any person whose substantial interest may be affected by the Department's determination within 30 days after publication of this notice, request in writing to James L. Lissack, District Director, Call Box 4001, Eau Claire 54702-4001 a hearing date on the matter under Section 227.064, Wisconsin Statutes. Such a hearing request must address the specific judicial criteria outlined in s. 227.064, Statutes. Unless written objection is filed within 30 days after publication hereof, this notice will be final without a public hearing.

Dated at Eau Claire, Wisconsin 7

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES  
For the Secretary

James L. Lissack  
District Director

## AGENCY CONSULTATION WAIVER

Agency: Wisconsin Bureau of Parks and Recreation

Date: 8/12/86

Address: P.O. Box 7921  
Madison, Wisconsin 53707

Project: City of River Falls, Wisconsin  
Minor Water Power Project

We have received and reviewed data on the above project relative to application for a minor license. Since it is a minor existing facility and no changes or modifications are proposed as to facilities or operations, we have no areas of concern to comment on at this time by our agency. Therefore, we waive further preapplication consultation but reserve our rights to participate in the licensing process subsequent to the acceptance of the application by the Federal Energy Regulatory Commission.

Signature:

W. M. Williams - Planning Coordinator

Title

**AGENCY CONSULTATION WAIVER**

Agency: Department of the Army  
St. Paul District, Corps of Engineers

Date:

Address: 1135 U.S. Post Office and Customs House  
St. Paul, Minnesota 55101

Project City of River Falls, Wisconsin  
Minor Water Power Project

	HDR Techserv, Inc.	
	AUG 14 1986	
	RECEIVED	

We have received and reviewed data on the above project relative to application for exemption. Since it is a minor existing facility and no changes or modifications are proposed as to facilities or operations, our previous review and comments (if any) would also apply for purposes of satisfying consultation requirements relative to a minor license application. Therefore, we waive further preapplication consultation but reserve our rights to participate in the licensing process subsequent to the acceptance of the application by the Federal Energy Regulatory Commission.

Signature: David R. Raasch

Title

DAVID R. RAASCH  
FERC COORDINATOR

## AGENCY CONSULTATION WAIVER

Agency: Wisconsin Department of Natural Resources

Date:

Address: 1300 West Clairemont Avenue  
Eau Claire, Wisconsin 54701

Project: City of River Falls, Wisconsin  
Minor Water Power Project

LMB	HDR Techserv, Inc.	JRS
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We have received and reviewed data on the above project relative to application for exemption. Since it is a minor existing facility and no changes or modifications are proposed as to facilities or operations, our previous review and comments (if any) would also apply for purposes of satisfying consultation requirements relative to a minor license application. Therefore, we waive further preapplication consultation but reserve our rights to participate in the licensing process subsequent to the acceptance of the application by the Federal Energy Regulatory Commission.

Signature: Thomas C. Long - Env Impact Coordinator, WCI  
 8/15/88 Title

LMB	HDR Techserv, Inc.	JWB
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AGENCY CONSULTATION WAIVER

Agency: Office of Environmental Project Review, Date: August 18, 1986  
 U.S. Department of Interior

Address: 175 West Jackson Boulevard  
 Room A1147  
 Chicago, Illinois 60604

Project: City of River Falls, Wisconsin  
 Minor Water Power Project

We have received and reviewed data on the above project relative to application for a minor license. Since it is a minor existing facility and no changes or modifications are proposed as to facilities or operations, we have no areas of concern to comment on at this time. Therefore, this office waives further preapplication consultation but reserves the right to participate in the licensing process subsequent to the acceptance of the application by the Federal Energy Regulatory Commission.

Signature: Sheila Marie Hoff  
 Title

AGENCY CONSULTATION WAIVER

Agency: National Park Service  
Address: 1709 Jackson Street  
Omaha, Nebraska 68102

Date: 8/18/86

Project: City of River Falls, Wisconsin  
Minor Water Power Project

LMB	HDR Techserv, Inc.	JWE	
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We have received and reviewed data on the above project relative to application for a minor license. Since it is a minor existing facility and no changes or modifications are proposed as to facilities or operations, we have no areas of concern to comment on at this time by our agency. Therefore, we waive further preapplication consultation but reserve our rights to participate in the licensing process subsequent to the acceptance of the application by the Federal Energy Regulatory Commission.

Signature: Michael J. Gallagher  
Title: Outdoor Recreation Planner  
August 18, 1986

## AGENCY CONSULTATION WAIVER

Agency: Pierce County  
Address: P.O. Box 367  
Ellsworth, Wisconsin 54011  
  
Project: City of River Falls, Wisconsin  
Minor Water Power Project

Date: August 26, 1986

We have received and reviewed data on the above project relative to application for a minor license. Since it is a minor existing facility and no changes or modifications are proposed as to facilities or operations, we have no areas of concern to comment on at this time by our agency. Therefore, we waive further preapplication consultation but reserve our rights to participate in the licensing process subsequent to the acceptance of the application by the Federal Energy Regulatory Commission.

Signature:



Title Director of Planning



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

West Central District Headquarters
1300 West Clairemont Avenue
Call Box 4001
Eau Claire, WI 54702-4001

Carroll D. Besadny
Secretary

September 9, 1986

File Ref: 3500

Mr. Mark L. Wollschlager
HDR Techserv, Inc.
300 Parkdale 1 Building
5401 Gamble Drive
Minneapolis, MN 55416-1518

Stamp: HDR Techserv, Inc. SEP 15 1986 RECEIVED

Dear Mr. Wollschlager:

Re: Application of the City of River Falls (Represented by HDR Techserv, Inc.) for Water Quality Certification for the Operation of Existing Hydroelectric Generation Equipment, Junction Falls and Powell Falls Dams, Kinnickinnic River, St. Croix County, Wisconsin

The Department of Natural Resources has not received any comments with respect to the Notice of Preliminary Determination of Water Quality Certification within the prescribed time limit. Therefore, the determination that the activity will be conducted in a manner which will not violate the standards enumerated in Section NR 299.05(1), Wisconsin Administrative Code, is final.

Sincerely,

Signature: James L. Lessack EA/B
James L. Lessack
District Director

- cc: Fred E. Springer, Deputy Dir., Project Mgt., Div. of Hydropower Licensing, FERC, Room 208 RB, 825 N. Capitol Street, N.E., Washington, D.C. 20426
James Fossum, U.S. Fish & Wildlife Service, Green Bay Trout Unlimited, c/o Roger Fairbanks, 1004 S. Front Street, Hudson, WI 54016
Elmer Thon, Municipal Utility, 125 E. Main Street, River Falls, WI 54022
H. Druckenmiller - EA/6
R. Roden - WZ/6
T. Roberts
T. Lovejoy

EBT167

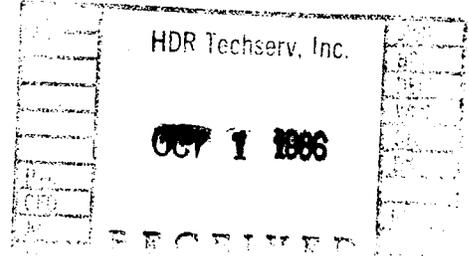
AGENCY CONSULTATION WAIVER

Agency: Wisconsin Historical Society

Date: 9/29/86

Address: 816 State Street  
Madison, Wisconsin 53706

Project: City of River Falls, Wisconsin  
Minor Water Power Project



We have received and reviewed data on the above project relative to application for exemption. Since it is a minor existing facility and no changes or modifications are proposed as to facilities or operations, our previous review and comments (if any) would also apply for purposes of satisfying consultation requirements relative to a minor license application. Therefore, we waive further preapplication consultation but reserve our rights to participate in the licensing process subsequent to the acceptance of the application by the Federal Energy Regulatory Commission.

Signature: Richard W. Septs  
Title: Chief, Compliance & Archeology Section



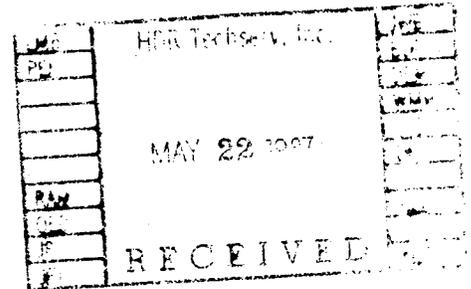
State of Wisconsin / DEPARTMENT OF NATURAL RESOURCES  
West Central District Headquarters  
1300 West Clairemont Avenue  
Call Box 4001  
Eau Claire, WI 54702-4001

Carroll D. Besadny  
Secretary

May 19, 1987

File Ref: 1600

Mr. Elmer Thon  
Municipal Utility  
125 E. Elm  
River Falls, WI 54022



Dear Mr. Thon:

Re: City of River Falls Hydro Project, Application for Minor  
License, Kinnickinnic River, St. Croix County

The Department has reviewed your application for the above project. We feel that you and your consultant have provided reasonable and productive pre-application consultation with this agency.

As a result of this process, the concerns we've expressed have been adequately addressed and incorporated as conditions of operation in the license application. The Department will, to maintain consistency in providing input into this project review process, make recommendation to the Federal Energy Regulatory Commission that the attached conditions be incorporated as articles of any license issued.

Thank you for being responsive to input we've provided.

Sincerely,

Tom Lovejoy  
Environmental Impact Coordinator

cc: T. Roberts  
E. Bourget  
EA/6  
J. Fossum, Fish & Wildlife Service, Green Bay  
Mark Wollschlager, HDR Techserv Inc., 300 Parkdale Building,  
5401 Gamble Drive, Minneapolis, MN 55416-1518  
Fred Springer, Acting Director, Office of Hydropower Licensing,  
825 North Capitol Street N.E., Washington, D.C. 20426

TLT234



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

West Central District Headquarters  
1300 West Clairemont Avenue  
Call Box 4001  
Eau Claire, WI 54702-4001

Carroll D. Besadny  
Secretary

June 17, 1987

File Ref: 1640-6

Mr. Ken DeVillers  
Utility Administrator  
City of River Falls  
River Falls, WI 54022

Dear Mr. DeVillers:

Since early 1986, the Department has worked with the City of River Falls and its consultant (HDR Techserv, Inc.) in review of the city's interest to obtain a minor license with the Federal Energy Regulatory Commission (FERC) for operation of the existing Junction Falls and Powell Falls hydroelectric projects. The City of River Falls, by means of its current application, has incorporated measures which favorably respond to the Department's input. We look forward, with the city, to a successful application.

Based on recent discussions with the City Attorney and the consultant, there appears to be some question as to whether the city has obtained all necessary authorization for these projects from the Department before submittal of its application to FERC. For your information, there are no further approvals required from this Department pertaining to the FERC licensing and operation of these projects. On September 9, 1986, the Department advised the city's consultant that Water Quality Certification for the projects was granted (with specific conditions which have been reasonably incorporated into the FERC application).

You should, however, be aware that other associated but independent aspects of the projects will continue to require compliance with applicable state regulations. An example of this would include the dam safety program (Wis. Adm. Code NR 333 and NR 335). The Department will continue to work with the city on this and other matters.

I hope this clarifies the question. If additional information is required, please do not hesitate to call me at (715) 839-3747.

Sincerely,

A handwritten signature in cursive script that reads 'Tom Lovejoy'.

Tom Lovejoy  
Environmental Impact Coordinator

cc: EA/6  
WRZ/6

Steve Goff, City Attorney, 710 N. Main, Box 167, River Falls,  
WI 54022

Mark Wallschlager, HDR Techserv, Inc., 300 Parkdale Building,  
5401 Gamble Drive, Minneapolis, MN 55416-1518

TLT249

**3. Agency Coordination Meeting Memoranda**

HDR Techserv, Inc.  
A Centerra Company

300 Parkdale 1 Building  
5401 Gamble Drive  
Minneapolis, Minnesota  
55416-1518

Telephone  
612 544-7741

Solid Waste Management/  
Resource Recovery  
Pulp & Paper  
Utility & Energy

## MEETING MEMORANDUM

### RIVER FALLS MUNICIPAL UTILITIES HYDROELECTRIC PROJECT EXEMPTION APPLICATION

Meeting Held at Municipal Utility Offices  
River Falls; 4/16/86; 9:30 a.m.

To: Elmer K. Thon, Utility Administrator  
From: Mark Wollschlager  
Subject: Meeting with Wisconsin Department of Natural Resources (WDNR) and U.S. Fish and Wildlife Service Personnel

Date: 4/16/86

#6300-

#### Purpose:

The purpose of the meeting was to discuss the River Falls Hydroelectric Project Exemption Application, operation of the hydroelectric facilities, and concerns of agencies relative to the project and license application.

<u>Attendees:</u>	<u>River Falls Municipal Utilities</u>	<u>WDNR</u>
	Elmer Thon Neil Williams	Tom Lovejoy Scott Stewart
	<u>U.S. Fish and Wildlife Service</u>	<u>HDR Techserv</u>
	Jim Fossum	Mark Wollschlager

#### Meeting Summary:

The meeting began with introductions of the various persons in attendance and a summary of the status of the Exemption Application for the River Falls Hydro Project by Mark Wollschlager. Tom Lovejoy of WDNR stated that they had desired to discuss the operations of the hydroelectric facilities in River Falls to gain a better understanding of the details of the operation of the facility. He indicated that in the mid-70s there had been correspondence between the WDNR and River Falls Utilities related to use of hydroelectric facilities for peaking. This had resulted in periods of little or no flow of water below the Powell Falls Dam, which was a concern of the WDNR relative to the fisheries resources in the lower portion of the Kinnickinnic River. Elmer Thon and Neil Williams responded that the facility had been used for peaking up to the mid-70s; however, in response to the WDNR's request to alter facility operations, the hydroelectric facility operations had been changed. Peaking operation of the facility was discontinued, and the facility provided a continuous minimum flow release of 25% of the stream flow, as had been requested by the WDNR. The 25% of stream flow is approximately equal to 12 cu.ft. per second during low flow periods.

Since the mid-70's when this correspondence took place, the facility has been operated essentially as a run-of-the river project passing whatever water is flowing in the river through the hydroelectric turbines at Junction Falls and Powell Falls to the extent of the flow available. Maximum capacity of the turbines is approximately 80 cu.ft./second (cfs); therefore, during periods in which river flow exceeds 80 cfs, the pool levels rise and spill over the crest of the dams so that water is passing both through the hydroelectric units and over the dams themselves.

The hydroelectric units are manually operated, and flows are adjusted by monitoring the pond levels above the upper and lower dams. Upper dam and lower dam pond levels are monitored in the control room at the Municipal Utility facilities adjacent to the Junction Falls Dam. Electrical generation and pool levels are logged on an hourly basis, and turbine operations are adjusted as necessary to maintain pool levels within half a foot of the crest of the dams. Flow adjustments are controlled by adjusting the discharge gates on the hydroelectric units to increase or decrease flow as needed.

Scott Stewart of the WDNR indicated there had been a great increase in quality of the trout fishery below Powell Falls Dam since the mid-70s when the peaking operations of the hydroelectric facilities had been discontinued. He indicated the stream had gone from an unclassified status relative to the fishery to a Class 1 trout stream, which indicated a self-sustaining trout population present in the stream.

There was discussion as to the means and nature of records kept regarding hydrofacility operations. Mr. Lovejoy indicated interest in having access to the hourly log records. This was deemed adequate to satisfy any need for information by the WDNR regarding actual facility operation. The WDNR and U.S. Fish and Wildlife Service staff indicated the facility operation should continue as a run-of-the-river operation in order to maintain the quality of the riverine environment for the improved trout fisheries resources in the Kinnickinnic River. Mr. Thon indicated this had been the nature of the operation since the mid-70s and would continue to be the nature of the operation.

There was some discussion of recreational use of the river by canoeists. Mr. Stewart indicated there appeared to be little use of the river above Junction Falls for canoeing due to the presence of rocks, trees, and other debris in the stream. Mr. Williams indicated there was occasional use of the pool itself above Junction Falls for canoeing. Most canoeing on the river appears to take place below the Powell Falls Dam downstream from the hydroelectric facilities at River Falls. Mr. Williams indicated there had been a sign indicating a take-out point for canoes above Junction Falls, and it was possible to portage to the river below Powell Falls. There were also signs indicating the presence of the dam for safety purposes. Mr. Lovejoy indicated it would be the desire of the WDNR that the sign at the take-out point above Junction Falls be replaced.

Mr. Lovejoy indicated interest in obtaining dissolved oxygen levels for the Kinnickinnic River below the Powell Falls Dam. Dissolved oxygen is monitored automatically near the wastewater treatment plant in River Falls, which discharges into the pool above the Powell Falls Dam. WDNR staff indicated that it would be useful to have dissolved oxygen data collected below the Powell Falls Dam to see whether the differences in oxygen levels exist between the two points. Mark Wollschlager reviewed drawings of the hydroelectric facilities with the WDNR and Fish and Wildlife Service staff to point out intake and discharge points for the facilities.

There was additional discussion how dissolved oxygen levels could be measured, and how much such information was desired by the agencies. Mr. Lovejoy and Mr. Stewart indicated at least one year of daily readings would be desirable, possibly a maximum of two years of such data. Mr. Williams indicated it would be difficult at times to get to the river below Powell Falls, especially when there were ice and snow present along the river. Mr. Lovejoy and Mr. Fossum indicated gaps in information would be acceptable, especially if there were some safety reasons as to why the information could not be collected.

Mr. Lovejoy indicated that if there were any maintenance work on the hydrofacilities or dam which would involve effects on river flows, the WDNR should be notified. Mr. Thon indicated that had been the Municipal Utility's practice and would continue to be so.

There was some discussion on a separate issue regarding sedimentation buildup below the lower dam due to erosion from runoff. This was having some effect on the efficiency of operation on the lower hydro unit and was also creating a substantial pile of soil and debris in the river. The Municipal Utility staff had indicated to the city management that there may need to be some action taken to correct the problem. Evaluation of the cost of correcting the problem had resulted in a substantial amount of cost to remedy the situation. At this time there was no further information on the situation.

Mark Wollschlager reviewed the process which should be followed in finalizing the Exemption Application and circulation of the Draft Application to the agencies prior to submittal to FERC. Mr. Lovejoy indicated the project description should contain information relative to the issues discussed on the operation of the facility, and the environmental portions should indicate the improvement in the trout fishery subsequent to the change in operations in the mid-70s. Scott Stewart indicated he would provide documentation of the improvement in the trout fishery. The results of the present meeting would be put into a meeting memo and included in the Exemption Application, along with any other comments which the agencies had made or would make in response to the Draft Application.

After the meeting Mr. Williams took the WDNR and Fish and Wildlife Service staff on a tour of the hydroelectric facilities.

#### 4. Telephone Contacts



Telephone Conversation Record

Project River Falls Hydro Exemp. Project No. 6300-27-64  
Time \_\_\_\_\_ Date 2-11-86  
Call to Mark Wollschlager Phone No. \_\_\_\_\_ Call from Tom Lovejoy Phone No. 715 839-3747  
Discussion, Agreement and/or Action License Exemption

Mr. Lovejoy responded to the Project Description and asked the following questions:

1. Is there any dewatering below either dam?
2. Where are the discharge structures in relation to each dam?
3. Is a minimum pool level maintained on the lower pool?
4. How does river flow compare to turbine operation (i.e. Does most of the discharge usually through the turbine?)
5. How frequently is the waste gate on the upper dam used?
6. Is there a minimum flowage required from the Powell Falls dam?

Mr. Lovejoy asked that these questions be addressed in the Application.

# HDR

## RECORD OF TELEPHONE CONVERSATION

Page \_\_\_\_\_

By Mark Wollschlager

Project No. 6300-27-64 Code \_\_\_\_\_

Project River Falls Hydro Exemp.

Date 4/18/86 Time 11:00 <sup>XX</sup>(am)(pm)

Individual Tom Lovejoy Title \_\_\_\_\_

Organization WDNR Location Fau Claire, WI

Phone No. ( 715 ) 839-3747

Subject LICENSE EXEMPTION

### ITEMS DISCUSSED

Mr. Lovejoy called to tell us that he and other WDNR staff had discussed the dissolved oxygen monitoring below Powell Falls which had been requested at the April 15th meeting in River Falls. The discussion concluded that such D.O. data would not be necessary. Therefore, WDNR does not want dissolved oxygen readings to be collected below Powell Falls Dam as a condition of the exemption.

I told Mr. Lovejoy that this would be added to the agency consultation portion of the application.

# HDR

## RECORD OF TELEPHONE CONVERSATION

Page \_\_\_\_\_

By Rick Sykes

Project No. 6300-27-64 Code \_\_\_\_\_

Project River Falls Hydro

Date July 1, 1986 Time 2:00 (am)(pm)

Individual Chuck Christianson Title Soil & Water Conservation Adm.

Organization St. Croix County, Soils & Water Conservation Location Baldwin, Wisconsin

Phone No. (715 ) 684-2894

Subject Irrigation Drainage and Watershed Districts, River Falls

### ITEMS DISCUSSED

Verified that there are no irrigation, drainage, or watershed districts in the River Falls portion that is in St. Croix County.

There is a Land Conservation Committee of the County Board (Soil Conservation District), as in Pierce County, a state-wide district which is also County-wide.

There are no other districts or authorities that Chuck Christianson was aware of.

# HDR

## RECORD OF TELEPHONE CONVERSATION

Page \_\_\_\_\_

By Rick Sykes

Project No. 6300-27-64 Code \_\_\_\_\_

Project River Falls Hydro

Date July 7, 1986 Time 11:00 (am)(pm)

Individual Lanny Smith Title Engineer

Organization Wisconsin Public Service Commission Location Madison, Wisconsin

Phone No. ( 608 ) 266-3491

Subject River Falls Hydro License Application

### ITEMS DISCUSSED

Lanny Smith (Engineering Division) stated that they must be included in the consultation process, and that they should be sent a copy of the draft -- they will respond.

### COMMENTS OR ACTION REQUIRED

Send draft to:

Wisconsin Public Service Commission  
Attention: Lanny Smith, Engineering Division  
P.O. Box 7854  
Madison, Wisconsin 53707

# HDR

## RECORD OF TELEPHONE CONVERSATION

Page \_\_\_\_\_

By Rick Sykes

Project No. 6300-27-64 Code \_\_\_\_\_

Project River Falls Hydro

Date July 7, 1986 Time 10:00 (am)(pm)

Individual Michael Gallagher Title \_\_\_\_\_

Organization U.S. National Park Service Location Omaha, Nebraska

Phone No. ( 402 ) 221-3431

Subject River Falls Hydro License Application

### ITEMS DISCUSSED

Even though the Wisconsin Historical Society has expressed no objections, Mr. Gallagher still wanted his office to review the License Application draft in that his agency and office has never dealt with the River Falls Facility. He asked that his office be sent a copy of the draft. The U.S. National Park Service will check for things other than historic preservation, including public lands and recreational areas.

Only one copy of the License Application draft is necessary (covers all National Park Divisions).

### COMMENTS OR ACTION REQUIRED

Include the National Park Service in the list of agency contacts and send Mr. Gallagher a copy of the draft.

# HDR

## RECORD OF TELEPHONE CONVERSATION

Page \_\_\_\_\_

By Rick Sykes

Project No. 6300-27-64 Code \_\_\_\_\_

Project River Falls Hydro

Date July 7, 1986 Time 1:20 (am)(pm)

Individual Sheila Huff Title Regional Environmental Officer

Organization Department of the Interior Location Chicago, Illinois

Phone No. ( 312 ) 353-6612

Subject River Falls Hydro License Application

### ITEMS DISCUSSED

Sheila Huff stated that her office must be involved and that they should receive a copy of the draft. She also said that upon submittal of the final application, that a copy be sent to her supervisor's office in Washington.

Director - (for final application only)  
Office of Environmental Project Review  
U.S. Department of the Interior  
18th and C Street N.W., Room 4239  
Washington, D.C. 20240

She also suggested that we send a copy to the U.S.G.S., although this is not required.

### COMMENTS OR ACTION REQUIRED

Send her a copy of the draft.--

Ms. Sheila D. Huff  
Regional Environmental Officer  
175 West Jackson Boulevard, Room 1147  
Chicago, Illinois 60604

# HDR

## RECORD OF TELEPHONE CONVERSATION

Page \_\_\_\_\_

By Rick Sykes

Project No. 5300-27-64 Code \_\_\_\_\_

Project River Falls Hydro

Date July 7, 1986 Time 1:35 (am)(pm)

Individual Richard Andre Title Planning Director

Organization Pierce County Location Ellsworth, Wisconsin

Phone No. ( 715 ) 273-3531

Subject River Falls Hydro License Application

### ITEMS DISCUSSED

Mr. Andre did not know if Pierce County needed to be involved in the application process or not; however, he did want to see a copy of the draft -- if just for file purposes.

### COMMENTS OR ACTION REQUIRED

Send copy to --

Mr. Richard Andre  
Director of Planning  
Pierce County  
P.O. Box 367  
Ellsworth, Wisconsin 54011

# HDR

## RECORD OF TELEPHONE CONVERSATION

Page \_\_\_\_\_

By Rick Sykes

Project No. 6300-27-64 Code \_\_\_\_\_

Project River Falls Hydro

Date July 8, 1986 Time 8:00 (am)(pm)

Individual Dennis Kulhanek

Title Planner

Organization Wisc. Dept. of Natural Resources

Location Madison, Wisconsin

Phone No. ( 608 ) 266-2181

Subject River Falls Hydro License Application

### ITEMS DISCUSSED

His only concern was the state park at the mouth of the Kinnickinnic at the St. Croix; however, he did not know if this project would affect it or not. Asked to be sent a copy of the draft. Mr. Kulhanek also suggested contacting the WDNR Bureau of Water Regulation and Zoning.

Mr. Scott Houseman  
Bureau of Water Regulation and Zoning  
P.O. Box 7921  
Madison, Wisconsin 53707  
(608) 266-7360

### COMMENTS OR ACTION REQUIRED

Send a copy of the draft to Mr. Kulhanek

# HDR

## RECORD OF TELEPHONE CONVERSATION

Page \_\_\_\_\_

By Rick Sykes

Project No. 6300-27-64 Code \_\_\_\_\_

Project River Falls Hydro

Date July 8, 1986 Time 10:10 (am)(pm)

Individual Richard Thompson Title Planner

Organization St. Croix County Planning Location Hudson, Wisconsin

Phone No. ( 715 ) 386-5581

Subject River Falls Hydro License Application

### ITEMS DISCUSSED

Mr. Thompson stated that St. Croix County has no interest in, or comments concerning the present application for license. In fact, they are in favor of it. He felt there was no need to include St. Croix County in the consultation process and that they need not be sent a copy of the draft. Although they have waived their right to review at present, he did express that St. Croix County would be interested if there were to be any changes in the facility itself, or its operation.

# HDR

## RECORD OF TELEPHONE CONVERSATION

Page \_\_\_\_\_

By Rick Sykes

Project No. 6300-27-64 Code \_\_\_\_\_

Project River Falls Hydro

Date July 1, 1986 Time 1:15 (am)(pm) \_\_\_\_\_

Individual Louis Barber Title Soil Conservation Adm.

Organization Pierce Cty., Soil Conservation Dept Location Ellsworth, Wisconsin

Phone No. ( 715 ) 273-3531

Subject Irrigation, Drainage and Watershed Districts - River Falls

### ITEMS DISCUSSED

Verified River Falls City Planning's claim that there are no irrigation, drainage or watershed districts in and around River Falls.

River Falls, however, and all of Pierce County are part of a Soil Conservation District, which is part of the County government. This District is County jurisdiction and under the County Board. Formal name -- Land Conservation Committee of the County Board.

This is the case for the entire State (some would apply to St. Croix County).

### COMMENTS OR ACTION REQUIRED

Verify with St. Croix County

# HDR

## RECORD OF TELEPHONE CONVERSATION

Page \_\_\_\_\_

By Rick Sykes

Project No. 6300-27-64 Code \_\_\_\_\_

Project River Falls Hydro

Date July 1, 1986 Time 11:45 (am)(pm)

Individual Tom Link Title City Planner

Organization River Falls Planning and Zoning Location River Falls, Wisconsin

Phone No. ( 715 ) 425-6715

Subject Watershed, Irrigation or Drainage Districts

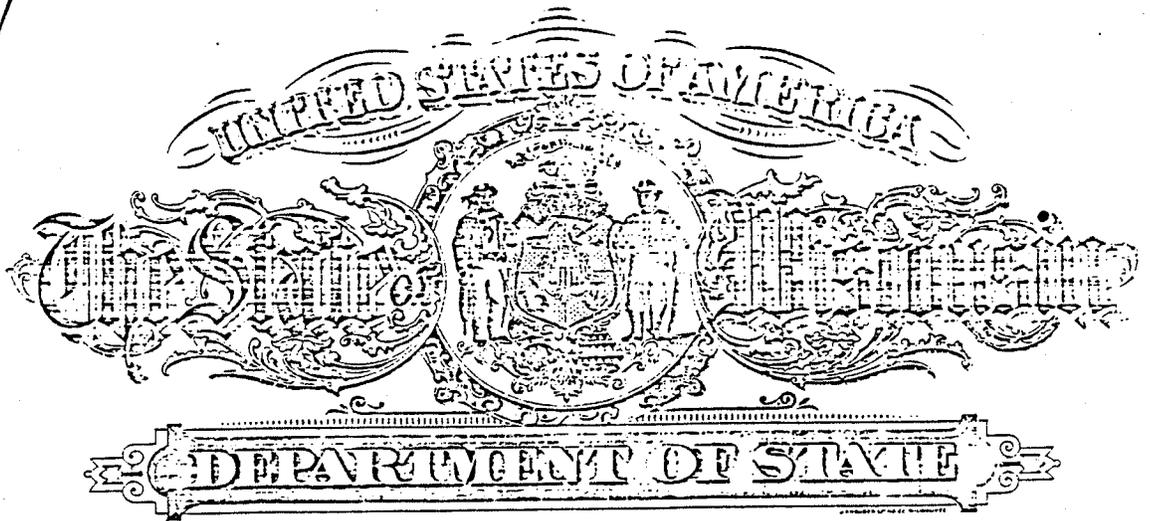
### ITEMS DISCUSSED

He knew of no waterhsed, irrigation, drainage or similar purpose subdivision within or near River Falls.

### COMMENTS OR ACTION REQUIRED

Call St. Croix and Pierce counties to verify

APPENDIX B  
Municipal Charter



TO ALL TO WHOM THESE PRESENTS SHALL COME:

Whereas, the City Clerk of the City of River Falls, County of Pierce & St. Croix, a city heretofore organized under a Special Charter, has duly certified the boundaries of said city to the Secretary of State;

Now, Therefore, J. Elmer S. Hall, Secretary of State of the State of Wisconsin, pursuant to the provisions of Section 62.02 of the Statutes of 1921, do hereby Certify that the

City of River Falls  
County of Pierce & St. Croix, is duly incorporated as a City of the Fourth class, under the General Charter Law, as of the First day of January, 1922.



In Witness Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Wisconsin, at the Capitol, in the City of Madison, this thirteen day of September in the year of our Lord, One thousand nine hundred and twenty-one.

J. Elmer S. Hall

Secretary of State

CERTIFICATE COPY OF THE ORIGINAL  
J. Elmer S. Hall  
CLERK, CITY OF RIVER FALLS  
PIERCE & ST. CROIX COUNTIES, WISCONSIN  
DATED THIS 1<sup>ST</sup> DAY OF July 1926



# Charter of the City of River Falls.

Reprinted from Vol. II of the Laws of Wisconsin for the year 1885.

[No. 427, A.]

[Published March 24, 1885.]

## CHAPTER 105.

AN ACT to incorporate the city of River Falls.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All the district of country in the <sup>Corporate</sup> counties of Pierce and Saint Croix contained <sup>territory and</sup> within the boundaries hereinafter described, from <sup>boundaries</sup> and after the first Tuesday of April, 1885, shall be a city by the name of River Falls, and the people now inhabiting said district shall be a municipal corporation, the name of which shall be the city of River Falls. Said corporation shall have the general powers possessed by municipal corporations at common law; and, in addition thereto, powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with; of suing and being sued; pleading and being impleaded in all courts; and shall have a common seal and may change the same at pleasure.

### CITY BOUNDARIES.

SECTION 2. All of section number one, and <sup>City bound-</sup> the north half of section number twelve, in town-<sup>aries,</sup>ship number twenty-seven north, of range number nineteen west, and the west half of section number six, in township number twenty-seven north, of range number eighteen west, in the county of Pierce, and the south half of the southwest quarter of section number thirty-one, in township number twenty-eight north, of range number eighteen west, and the south half of the southeast quarter of section number thirty-six, in township number twenty-eight north, of range number nineteen west, in the county of Saint Croix, and state of Wisconsin, shall be included

in and constitute the limits of the city of River Falls.

WARD BOUNDARIES.

SECTION 3. The said city shall be divided into four wards, the boundaries of which for the present, and until changed as hereinafter provided, shall be as follows, to wit: All that portion of said city lying north of the north line of township number twenty-seven north, in the county of St. Croix, shall constitute the first ward. All that portion of said city lying south of the north line of township number twenty-seven north, and north of the quarter line running east and west through section number one in township number twenty-seven north, of range number nineteen west, and of section number six in township number twenty-seven north, of range number nineteen west, and east of the north branch of the Kinnickinnic river, shall constitute the second ward. All that portion of said city lying south of the north line of township number twenty-seven north, and west of the north branch of the Kinnickinnic river, shall constitute the third ward. All that portion of said city lying south of the quarter line running east and west through section number one in township number twenty-seven north, of range number nineteen west, and section number six in township number twenty-seven north, of range number eighteen west, to the junction of said quarter-line with the center of Kinnickinnic river, thence following the center of said stream down to its intersection with the west line of said section one, shall constitute the fourth ward. But the common council shall have power to change said lines of divisions as they may deem convenient or proper, when duly authorized by an affirmative vote of the electors of said city.

COMMON COUNCIL.

SECTION 4. The corporate authority of said city shall be vested in one principal officer, styled the mayor; in one board of aldermen, consisting of one member from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are here-

Common Council.

inafter mentioned or may be created under this act.

ELECTIVE OFFICERS.

SECTION 5. The elective officers of said city shall be a mayor, treasurer, assessor, and one justice of the peace to be elected by the city at large, and from each ward, one alderman, one justice of the peace, one supervisor to represent his ward in the county board of supervisors of his county and one constable. All other necessary officers shall be appointed by the common council. All elective officers, except justices of the peace, shall, unless elected to fill vacancy, hold their respective offices for one year, or until their successors are elected and qualified; provided, however, the council shall have power, for due cause, satisfactory to them, to expel any of their own number, and to remove from office any officer or agent of the city, except a justice of the peace, due notice and opportunity for a hearing having been first given to the officer proposed to be removed. Justices of the peace shall hold their offices for two years and until their successors are elected and qualified. The term of office of every officer elected under this act shall commence on the second Tuesday in April of the year for which such officer is elected and the term of office of all appointed officers shall expire with that of the members of the body appointing them.

Officers to be elected.

SECTION 6. The council shall at their first meeting after the charter election, appoint a city clerk, a marshal, and a street commissioner and such other officers as they may deem necessary to appoint. Should the common council fail to appoint any officers at such meeting it may appoint such officers at a subsequent meeting. The common council shall at such first meeting, fix the compensation of any officer of the city whose salary or fees have not been otherwise provided for.

ANNUAL ELECTIONS.

Annual elections.

SECTION 7. The qualified voters of the city of River Falls shall hold an election on the first Tuesday in April of each year, for election of city and ward officers herein designated, and shall be presided over by the inspectors of election, appointed under the general laws of this state, who

one from each ward. Each inspector shall have the immediate charge of the ballot box of his ward, and the clerk from such ward shall keep the poll list of such ward, but such inspectors shall act together in any question which may arise. At general elections one ballot box only shall be kept for such general election in such second election district.

#### QUALIFIED ELECTORS.

SECTION 8. All persons who are qualified electors of the state of Wisconsin, and who shall have resided in any ward in said city ten days prior to an election, shall be deemed qualified electors for such ward at such election. Each ward officer shall be a qualified elector in the ward in which he is elected, and each city officer shall be a qualified elector in the city.

#### SPECIAL ELECTIONS.

SECTION 9. Special elections to fill vacancies or for any other purpose, shall be held and conducted by inspectors of election, as provided by this act, and the returns thereof shall be made in the same manner and form as of annual elections; provided, however, that in case a special election is to be held in the city other than for ward purposes, the common council may order a single poll for the entire city, and appoint the place where the election is to be held, and the inspectors of election and the clerks therefor.

SECTION 10. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All elections by the council may be  *viva voce*, except as hereinafter provided. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council, at such time and in such manner as it may direct.

SECTION 11. In the event of a vacancy in the office of mayor, justice of the peace or alderman, by death, removal or other disability, the common council shall order a new election, and shall give five days' notice thereof. Any vacancy in other offices shall be filled by the common coun-

shall see the ballots safely deposited in the ballot box; shall decide all questions that may arise as to the legality of the votes presented; shall count the ballots at the close of the polls, and shall certify and seal two returns; and the day following the election, shall direct and return one of the said returns to the city clerk of the city of River Falls, and the other to the county clerk of the county in which his election district is situated. The mayor of the city and members of the common council shall constitute a board of canvassers, who shall, within three days after such election, meet at the council-chamber and canvass such returns; and after the aforesaid returns shall have been canvassed by said board, the mayor shall notify by a certificate the persons elected to the respective offices. The poll shall be kept open in the respective election districts from nine o'clock in the forenoon until five in the afternoon, but an adjournment may be made from twelve o'clock, noon, to one o'clock in the afternoon, by notice thereof given at the opening of the polls. Said election shall be conducted in accordance with this act, and of the existing laws of the state of Wisconsin, and any frauds or violation of said laws at such elections shall be punishable in the same manner as any violation of the election laws in any part of the state; for the purpose of holding city and general elections in said city, the city shall be divided into two election districts, one of said districts to comprise all that portion of the city lying in St. Croix county, and to be known as the first election district, and the other election district to comprise all that part of the city lying in Pierce county, and to be known as the second election district, and the common council shall designate a polling place in the First ward for the first election district, and a polling place in the Second ward for the second election district; at all city elections there shall be three ballot boxes for the second election district, one for each ward there voting, with the number of the ward plainly marked thereon and the votes of the electors of each ward shall be deposited in the ballot box for such ward; and a separate poll list shall be kept of the voters of each ward. There shall be three inspectors of election, one from each ward, and three clerks,

qualified electors.

Special elections.

Elections shall be by ballot.

In case of vacancy.

cil. The person appointed or elected to fill a vacancy shall hold the office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

SECTION 12. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify on or before the second Tuesday of April next after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. All officers appointed or elected to fill any vacancy shall enter upon the duties of such office immediately after receiving notice of such election or appointment.

#### OFFICERS—THEIR POWERS AND DUTIES.

SECTION 13. Every person elected or appointed to fill any office under this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the clerk of the city; and the clerk, marshal, constables, and such other officers as the council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of River Falls a bond, with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities, and said bond shall contain such penal sum, and such conditions as the council shall deem proper. The treasurer, before entering upon his duties, shall also execute a bond, with at least two nor more than ten sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount over and above all debts, liabilities or exemptions, and the aggregate of such amounts shall at least exceed the penal sum specified in the bond. The council may, from time to time, require new or additional bonds from the treasurer or other officer of the city; and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace elected under

Officers—their powers and duties.

this act shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner as provided by the general laws, except that their official bond shall be approved by the council. The justices of the peace elected by the city at large shall also have civil and criminal jurisdiction co-extensive with the limits of the counties of Pierce and St. Croix, in this state, and shall also have jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city, to which the city may be a party, cognizable before a justice of the peace; he shall be entitled to receive for his services the same compensation and fees as is allowed by law to justices of the peace for similar services, and no other. All constables elected under this act shall have and exercise the same powers and duties and be subject to the same liabilities as constables of towns. Any justice of the peace elected under this act may hold his office in any part of said city within the county in which he resides.

SECTION 14. The mayor shall, when present, preside over the meetings of the council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time, give the council information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and in case of a riot or other disturbance he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote in the council only in case of a tie. When presiding over the council his style shall be, "Mr. President."

SECTION 15. At the first meeting of the council after its election in each year, it shall proceed to elect by ballot one of its members president, and in the absence of the mayor the said president shall preside over the meetings of the council, and during the absence of the mayor from the city, or his inability for any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case both the mayor and president

Decision of President.

Duties of mayor.

removal by some competent officer, at the expense of such person or persons.

Public pounds, water-works, etc.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants of the city; to regulate and to license hacks, cabs, drays, carts and the charges of hackmen, cabmen, draymen, and cartmen in the city, and to erect lamps and to provide for lighting the streets, public grounds and public highways, with gas or otherwise.

Boards of health.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of bills of mortality, and to exempt burial grounds set apart for public use from taxation.

Bread.

13th. To establish the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Cattle on sidewalks.

14th. To prevent all persons from riding or driving any horse or mule, cattle and other animals on the sidewalks in said city, or in any way doing any damage to such sidewalks.

Shooting of fire-arms.

15th. To prevent shooting off fire-arms or fire-crackers and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizens thereof.

Drunkenness.

16th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Runners and collectors.

17th. To restrain and regulate runners and solicitors for boats, vessels, stages, cars, public houses and other establishments.

Police.

18th. To make rules and ordinances for the government and regulation of the police of the city.

Public markets.

19th. To establish public markets, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons for interrupting or interfering with the due observance of such rules and regulations. To license and regulate butchers' stalls, shops, and stands for the sale of game, poultry, meats, fish and other provisions.

20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

21st. To compel the owners of buildings or grounds or the occupants, where the same are occupied, to remove dirt or rubbish from the sidewalks, streets or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his default to authorize the removal or destruction of the objectionable substance by some officer of the city at the expense of such owner or occupant.

22d. To regulate, prevent and control the landing of persons from boats, cars and stages wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.

23d. To regulate the time and manner of holding public auctions and vendues, and to regulate the sale of goods, wares and merchandise, and to grant licenses for the sale of goods, wares and merchandise and other property at public auction, and to prescribe and fix the amounts to be paid for such licenses; provided, it shall not be lawful to charge less than five dollars, nor more than five hundred dollars for any such license for one year; and provided, also, that nothing in this section shall prohibit or affect in any manner, sales at auction in cases specified in section 1585, of the revised statutes.

24th. To appoint watchmen and prescribe their duties.

25th. To provide by ordinance for a standard of weights and measures and for the punishment of any person using or keeping any false weights and measures.

26th. The common council shall have jurisdiction over streams within the limits of said city, and may enact and enforce ordinances or by-laws for the preservation of fish in the waters thereof, so as to prohibit, regulate or license the taking or killing of fish in the waters thereof at any time, and may also, by ordinance or resolu-

tion, prevent any deterioration of the said waters, or any nuisance being cast therein by which the health of the inhabitants of the city, or the purity of the water shall be impaired, as it shall deem expedient.

SECTION 29. No appropriation shall be made, nor shall any debt be created or liability incurred against the city, except by a vote of a majority of all the members of the council; and all laws, ordinances, rules and resolutions shall be passed by an affirmative vote of a majority of all the members of the common council; and all ordinances, before the same shall be in force, shall be signed by the mayor; and all resolutions or measures for the appropriation of money, whereby a debt shall be created against or a liability incurred by the city, shall be approved by the mayor, before the same be in force; and all ordinances shall be published in the official newspaper, printed at the city of River Falls, before the same shall be in force, and within fifteen days after publication, such publication being duly proved by the affidavit of the printer or foreman of the printers of such newspaper; the city clerk shall record such ordinance and affidavit in a book provided for that purpose, and such affidavit shall be *prima facie* evidence of such publication.

SECTION 30. The power conferred upon the said council, to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

SECTION 31. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, marshal, street commissioner, and all other officers or agents of the city at such times as it deems proper; and also at the end of each year and before the time for which the officers of said city are elected or appointed shall have expired every such officer or agent to exhibit his books,

Appropriations  
how made.

Shall not bar  
or hinder suits.

Examine and  
audit accounts.

accounts and vouchers for such amounts, in a settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts, or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city, who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements; and the common council shall have power, by an affirmative vote of two-thirds of its members, upon reasonable notice, for cause, to remove from office any officer of the city elected by the common council, or whose appointment shall have been confirmed by it.

OPENING OF STREETS, ALLEYS, ETC.

Opening streets  
and alleys, etc.

SECTION 32. The common council shall have power to take for the use of the city, in the manner hereinafter provided, any lots or any land for public squares, grounds, streets and alleys, and to widen or straighten the same, or for the purpose of erecting a public hall, market house, fire-engine house, or any building in the construction of water-works, or for flowing the same, for supplying the city with water, or any other lawful municipal purpose, or for erecting hospitals or pest-houses for the prevention of contagious or infectious diseases within the city, or for any needful or convenient purpose in connection with or to execute and accomplish any other power, right or privilege conferred on or granted to the city by its charter, or any act amendatory thereof, or by any act of the legislature, and may take the same, and whether within or without the city, by conveyance from the owner, upon a bargain and sale, or upon a donation thereof, or in manner as follows: Whenever it shall, in the opinion of the common council, be necessary, said council shall declare, by resolution, that it is necessary to take any such lots or lands for any of the purposes above set forth, giving description of the premises, defining separately each parcel thereof separately owned,

and the purpose for which they are to be taken. The common council shall, thereupon, cause a written notice, as prescribed in the next section, to be served upon the occupant or occupants of such lands; and the owner or owners of the same, if the place of residence of such owner or owners is known, or can be ascertained by reasonable diligence, when such residence is within this state, and in case such owner or owners are non-residents of the state, or their place of residence, after due diligence by the city attorney of said city, cannot be ascertained, which fact shall be made to appear by his affidavit, then the common council shall cause service of such notice to be made on such non-resident owner or owners, or the owner or owners whose residence cannot be ascertained, by causing the same to be published for six weeks in the official paper of the city, at least once in each week, and by causing such notice to be mailed, postpaid, to the address of such owners within five days from the time of the first publication of such notice, when the post-office address of such owner is known.

SECTION 33. Such notice shall be signed by the city clerk or city attorney, and shall state the adoption of the resolution and embrace a copy thereof, and further, that at a time and place therein named, not less than ten days after the service of such notice, or the expiration of such publication, as the case may be, application will be made to the judge of the circuit court for said counties of Pierce or St. Croix, for a jury to enquire and determine whether it is necessary to take the land or any part thereof described in such resolution for the purposes therein specified. Such notice shall further state the time and place at which such jury will be applied for to meet to discharge such duty; and the judge aforesaid shall fix the time and place so named in the precept hereafter mentioned, and no other notice thereof shall be necessary.

SECTION 34. At the time fixed in said notice for the appointment of such jurors the judge named in said notice, upon proof of the service of the same on the owner or owners of the premises described in such notice, which proof shall be made in the same manner as is now required to make proof of the service of a summons in civil actions

Notice shall be signed by city clerk.

Proof of service of summons to be made and proceedings in court defined.

in courts of record in this state, and appoint twelve competent persons, having the qualification of jurors in and for the counties of Pierce and St. Croix and not residents of the ward in which such premises are situated, not interested in such application, but residents of the city shall not be disqualified; provided, that if the owner of the land sought to be taken shall, before said judge shall appoint such persons, demand in writing that the jury be taken from any other county in such judicial circuit, then said judge shall appoint such jury from persons having the qualifications of jurors in such other county in the circuit as shall be designated by such land owner in his demand for the inquiry to be made respecting his lands. The same rights of challenge peremptorily or for favor, or cause, may be exercised by the city attorney, and by such land owner whose land is sought to be taken, or by his agent or attorney, as a party to a civil action in the circuit court is entitled to have, and the judge shall decide the same in like manner, and replace the name of any jurors successfully challenged, by the name of some other competent person until a jury of twelve be chosen. The said judge shall thereupon issue his precept directed to such jurors, requiring them and each of them to appear before him, on the day named in the notice for such jurors to meet for the discharge of their duties under such appointment. The precept so issued may be served by the sheriff of said county or by any public officer of said city. The jurors so chosen shall, before entering upon the performance of their duty, take an oath before such judge faithfully and impartially to discharge their duty as such jurors, and a true verdict give, whether it is necessary to take such land or any part thereof, mentioned in such resolution for the purpose therein specified.

SECTION 35. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be indorsed on the precept.

SECTION 36. The said jurors shall forthwith, under the direction of said judge, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any

In case juror is disqualified from acting.

Shall proceed in a body to view the premises.

party interested, which testimony shall be reduced to writing by said judge; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

SECTION 37. After having made such view and heard such testimony as shall have been produced, the said jury shall, under direction of said judge, deliberate apart, and return their unanimous verdict in writing, signed by them, in which they shall find and state whether it is necessary to take the whole of the lands described in such resolution for the purpose therein specified, or any part thereof, describing particularly the part to be taken, if they find only a part thereof so necessary. Such verdict, with all the papers, proceedings and testimony had before him and said jury, shall then be forthwith filed by said judge with the clerk of the circuit court for the county in which said land is situated, together with a certificate by said judge that the same are the originals and the whole thereof. The clerk shall, on application, furnish a certified copy of the same, or any part thereof, which shall have the same force and effect as the originals. In case any jury called under the provisions of this charter shall disagree, another jury shall be forthwith selected in like manner, and all the like proceedings thereafter had, as hereinbefore provided, for the first jury, except that the said judge shall fix a reasonable time for the assembling of such jury in the precept therefor, but no other notice thereof shall be necessary to any party; and the like steps shall be taken in case of any further disagreement until a verdict shall be found.

SECTION 38. Should the necessity for the taking of the premises, or any part thereof mentioned in the resolution of the council, be so established by the verdict of the jury, then the common council may enter an order directing the city attorney to proceed to procure to be assessed and appraised the damages to the owner or owners of the premises so found necessary to be taken by reason of the taking of the same for the purpose specified. The city attorney shall thereupon make application to the judge of the circuit court for the county in which said land is situated, briefly setting forth the fact that the necessity for taking such premises has been established by the

In case necessity for taking the premises be established.

verdict of a jury, and praying the appointment of three commissioners to appraise the damages of each and all of the several owners of such lands, and showing the amount of land, giving the metes and bounds thereof the purpose for which the same is to be taken, and the names of the several owners so far as the same are known to the city attorney. Five days' notice of the time and place when such application will be presented to such judge, accompanied with a copy of such application, shall then be served on each owner in the cases when required, and in the manner provided in section 32, of this act. At the time and place designated, such judge shall hear all parties interested who appear, and shall appoint three disinterested and reputable freeholders of said county as such commissioners, by his order in writing, to ascertain and appraise the compensation to be made to the owners of, or persons interested in the land so found necessary to be taken, and fix the time and place for the first meeting of said commissioners.

SECTION 39. If there should be any building in cases where there is a building on lands, standing, in whole or in part, upon the lands to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to remove.

SECTION 40. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication in the official paper three successive weeks. Such notice shall specify the building and the award of the commissioners. It shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the commissioners, and to allow such building to be taken with the land appropriated, or their intention to remove such building at the rate set thereon by the commissioners to remove. If the owner shall agree to re-

for; and the council may also in that case make an assessment of the compensation to be paid thereof, with the costs of proceedings or such part thereof as they shall determine to be just, upon the lands found by them to be directly benefited by such improvement in such proportion to the benefits enjoyed as they shall determine. If the council shall not deem it expedient to make such improvement, they may by resolution order all further proceedings to be discontinued.

SECTION 46. Any person being dissatisfied with the amount of compensation for property taken or the amount assessed as benefits shall have the right to appeal to the circuit court within twenty days from the time of awarding of compensation or assessment of benefits by serving on the mayor or city clerk a notice of appeal therefrom, and giving a bond to the city in not less than one hundred dollars, to be approved by the mayor, acting mayor or city clerk, to pay all costs of appeal, in case the appellant shall not, upon such appeal, increase the amount of compensation or decrease the amount assessed as benefits, as the case may be. The common council may appeal in behalf of the city by giving notice to the opposite party without giving bond. Upon filing such notice with the clerk of the circuit court the appeal shall be considered an action pending in court for trial there as other actions, and shall be entered by the clerk upon the records of the court by setting down the party appealing as plaintiff and the other party as defendant. Such appeal shall be tried by jury, unless a trial by jury be waived by both parties; costs shall be allowed to the successful party in accordance with the conditions of said bond.

In case of dissatisfaction in regard to amount.

SECTION 47. The report of the commissioners shall be recorded by the clerk of the court, in whose office the same is filed in the judgment book of such court, and at any time after the making of such award the city may set apart in its treasury, to the order of the owner or owners of the lands so taken, or pay the same to such owner or owners, or to the clerk of said court for the use of such owner or owners, the amounts awarded by the commissioners, and thereupon may enter upon, take and use the land for the purposes for which it was condemned, and may

Report of commissioners to be recorded by clerk.

obtain from either of said judges, upon twenty-four hours' notice, a writ of assistance to put its officers or agents into possession of the same. If such city be in possession or put in possession of such land, pending an appeal, the owners or parties entitled thereto, shall be entitled to receive the money paid into court or set apart in the city treasury on account of the award appealed from, without prejudice to the appeal taken, but if the city shall have appealed, such money shall only be so withdrawn by leave of court, upon filing a bond in such sum and with such surety as shall be approved by the court or judge to repay the amount by which such award shall be abated on such appeal, with costs. If any defect of title to or incumbrance upon any parcel of the premises shall be suggested in said petition, or if any party to said proceeding or any person not a party shall petition to the said court, setting up a claim adverse to the title set out in said premises and to the money or any part of it to be paid as a compensation for the property so taken, the court shall hear and determine the right of the parties to said money, and for that purpose may order a reference or an issue to be tried by a jury. Either party may except to the decisions of the court and appeal to the supreme court in like manner as in actions. Either court may award costs to the prevailing party, and render judgment therefor against the other party.

SECTION 48. When the whole of any lot or tract of land or other premises under lease or other contract shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant, or any other contracting parties touching the same or any part thereof, shall, upon the confirmation of such report respectively cease and be absolutely discharged.

In case premises are under lease.

SECTION 49. When only part of the lot or tract of land or other premises so under lease, or other contract, shall be taken or used for any of the purposes aforesaid, all the covenants, contracts or agreements respectively touching the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for, and in respect to the

In case only part is used.

same, shall be so proportioned that the part thereof of justly and equitably payable for such residue thereof, and no more shall be paid or recoverable for, in respect to the same.

SECTION 50. When any known owner of lands or tenements affected by any proceedings under this charter shall be an infant or labor under disability, the judge before whom the proceedings are pending, may, upon the application of the council or such party by his next friend appoint a guardian for such party, in the same manner as in a civil action in a court of record, and all notices required by this charter shall be served on such guardian.

SECTION 51. The judge or court before whom proceedings are pending shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this act as may be necessary, or to cause new parties to be added, and to direct such further notice to be given to any party in interest as he deems proper, and also to appoint other commissioners in place of any who shall die, or refuse or neglect to serve, or be incapable of serving.

SECTION 52. Whenever any public grounds, street or alley shall be laid out, widened or enlarged, or other public improvements made under the provisions of this chapter or this act, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

SECTION 53. The council shall have the power to change the name of any street and to vacate any plat or portion thereof that may be petitioned for by the proprietor of such plat, or any person interested therein; but no petition for such vacation shall be acted upon unless notice of such application to the council shall have first been published in the official city paper for at least two weeks prior to the meeting of the council.

SECTION 54. Roads or streets may be laid out by the council through unplatted lands in the same manner as roads are laid out by supervisors in towns.

SECTION 55. All the foregoing directions given in this chapter, shall be deemed only directory, and no error, irregularity or informality of any of the proceedings under the provisions of this act,

In case of an infant or legal disability.

Other commissioners to be appointed to fill vacancy.

Cause the survey to be made.

Power to change the names of streets.

May lay out roads.

Directions only, directory.

not affecting substantial justice, shall in any way affect the validity of the proceedings.

CITY IMPROVEMENTS.

SECTION 56. The council shall have power to order and contract for the making, grading, paving, macadamizing, repairing and cleaning of streets, alleys, public grounds, reservoirs, gutters, sewers, drains, sidewalks and cross walks in the manner hereinafter mentioned and direct and control the persons employed therein and provide for the payment of the costs, charges and expenses incurred thereby out of the city moneys.

All work to be done for the city may, at the discretion of the council, be let to the lowest responsible bidder, the council having first given notice of the time and place of letting a contract for the same by publication in a newspaper printed in the city, not less than ten days prior to such letting; provided, that if the estimated cost of such work shall be less than one hundred dollars, notice may be given by posting written notices of the time and place of letting, not less than ten days prior thereto, in three public places in the city; and provided further, that in all cases of advertising such letting of contracts as herein provided, the common council shall have power to reject any bids offered, if the same shall not appear to the council to be reasonable in amount or to be offered by responsible bidders; and the common council may in all cases require that a bond shall be given for the performance of the contract, in such form as the council may desire. The common council may order any such work to be done without letting a contract when it shall seem that the interests of the city are best subserved thereby.

SECTION 57. The council shall have power to purchase such instruments, tools and approved machinery as may be required for properly surveying, making, grading and repairing the streets and alleys in said city, and doing such other work as is mentioned in the foregoing section, and it shall also have power to purchase any material necessary therefor.

SECTION 58. The council shall give notice to all owners or occupants of lots which may be deemed injurious to health by reason of stagnant waters

Power to purchase instruments, tools, etc.

Notice to all stagnant waters.

remaining thereon, in the official paper for two weeks, to abate such nuisance by draining or filling such lot within a reasonable time, therein to be specified, and if such nuisance shall not be abated or removed within the time so specified, the council shall cause the same to be abated and removed at the expense of the property upon which the same may exist.

**SECTION 59.** The general powers and duties of the street commissioner shall be the same as overseers of highways in towns, except as otherwise herein provided. It shall be the duty of the street commissioner to see that all ordinances of the city, relating to the streets, alleys, public grounds, reservoirs, gutters, sewers, waters of the river and water-courses in said city, are duly observed and kept, and direct and control the persons employed therein; and he shall have a general supervision over all work let by contract for the improvement of streets or sidewalks in said city, unless the council shall otherwise provide. Such street commissioner shall be under the direction and control of the council, and he shall make no orders, or give any directions for the improvements of streets, unless such improvements have previously been authorized by the council, or a committee of the council acting under authority. Whenever any places occur in any street, whereby the life or property of persons using the street becomes endangered, the street commissioner shall proceed at once to repair such street to a safe and passable condition.

**SECTION 60.** The council shall have power to require the owner of any lot or grounds in said city to set out ornamental or shade trees in the street in front of the same, and to protect and preserve them, and, in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expenses of the same. It shall also have power to determine the lines on which the trees shall be set, the kind and size of the trees to be set, the places where they shall be set, and the manner of protecting them, and for replanting them when they have died or been so injured as to fail to answer the purpose for which they were set out, and to prohibit the setting out of any trees that may be regarded as nuisances, and to order their removal

Powers and duties of street commissioner.

Setting out ornamental trees.

when they have hitherto been set out. It shall also have power to provide for and direct the trimming of shade trees to proper proportions, and to do all other needful acts as to them may seem just and proper to give this section proper effect.

#### FINANCES AND TAXATION.

**SECTION 61.** All funds in the city treasury, except school, state and county funds, shall be under the control of the council, and shall be drawn out upon the order of the mayor and countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city. All orders shall be payable to the person in whose favor they may be drawn, or to the bearer thereof.

**SECTION 62.** No debt shall be contracted against the city or orders be drawn on the city treasury unless the same shall be authorized by a majority of the common council, and the vote authorizing the same, in case it exceeds fifty dollars, shall be entered by ayes and nays upon the journal of the council; and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act, and for the payment of indebtedness now existing.

**SECTION 63.** All forfeitures and penalties, accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all money received for licenses, shall be paid into the city treasury, and become a part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by vote of three-fourths of all the alderman elect.

**SECTION 64.** All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government, and the payment of its debts and liabilities and the same shall be assessed in the manner hereinafter provided. The assessor elected under this act shall have and possess the same powers, and per-

No debt should be contracted against city unless authorized.

Penalties shall be paid into city treasury.

All property shall be subject to taxation.

form the same duties as are or may hereafter be conferred upon township assessors, except so far as they be altered by this act; provided, however, that the common council may prescribe the form of assessment roll, and more fully define the duties of assessor.

**SECTION 65.** Before the annual meeting of the boards of supervisors of the counties of Pierce and St. Croix, and by the times required by law for the return of the assessments from the respective towns, the city clerk shall transmit an abstract of the assessment rolls of such part of the city as shall lie in each county to the county clerk of such county, who shall lay the same before the county board of supervisors of the county at its annual meeting. The board of supervisors of each of said counties shall consider such part of the city as shall lie in such county as a town in equalizing the assessments of the respective towns, as required by law, but in such equalization shall regard the assessment roll of such part of the city as lies within its county as an entire roll, disregarding any division of such city into wards. Each of said boards of supervisors may levy a tax or taxes upon such part of the city as lies within its county, as now is or may hereafter be provided by law in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns and town clerks; and in all transactions of the boards of supervisors of each of said counties the portion of the city lying in each county shall be regarded as a town, except as herein otherwise provided.

**SECTION 66.** The common council shall have power to tax annually each male inhabitant of the city between the ages of twenty-one and fifty years, except such as may be exempted by the general laws of the state from poll tax, a sum not to exceed one dollar and fifty cents, to be denominated a poll tax; such tax when so levied and collected to be paid into the city treasury, and to be used only for the improvement of streets, walks and crossings in said city; such tax to be collected with other taxes levied in said city.

**SECTION 67.** The common council shall annually, not later than the second Thursday in November of each year, by resolution, levy such taxes upon

Abstract of assessment roll to be transmitted.

Poll tax.

Annual tax levy authorized.

the taxable property of the city, or will, in its opinion, be required to defray the general expenses of said city for the year next ensuing; provided, that such tax levy shall not exceed seven mills on each dollar of the taxable property of the city, as shown by the last assessment roll of said city, unless the said city shall have, at a general or special election, authorized the council to levy a larger sum.

**SECTION 68.** The city clerk shall make the tax roll of the city in the same manner and form and at the same time as required by the revised statutes of this state.

**SECTION 69.** The city treasurer, upon the receipt of such tax roll, shall proceed to collect the same in like manner, and shall have like power, and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act, and he shall receive the same compensation for his services. The county treasurers of each of the counties of Pierce and St. Croix shall sell all delinquent lands and lots returned from the city of River Falls, in his county, at the same time and in the same manner as other delinquent lands are sold in the county, and in making settlement with city treasurer of said city, he shall be governed by the same rules which apply to towns in his county.

**SECTION 70.** All lands lying within the city limits, which are used, occupied, reserved and held exclusively for agricultural purposes, shall be taxed as farming lands.

**SECTION 71.** All the directions hereby given for the assessing of lands and the levying, collection and return of taxes and assessments, and the sale thereof, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in anywise affect the validity of the tax or assessment.

**SECTION 72.** In addition to the amount herein limited for taxes for general city purposes, special taxes may be levied for the purchase of fire-engines, cemetery grounds, public squares, gas purposes, and other objects of public utility; but no such tax shall be levied unless the same shall first be recommended by the common council.

City clerk to make the tax roll.

City treasurer to collect the taxes.

Lands to be taxed as farming lands.

Directories given only.

Special taxes may be levied.

oil, and afterwards submitted to a vote of the people and approved by them. Whenever the common council shall recommend such a tax they shall specify the amount to be raised and the object thereof and cause notice thereof and of the time and place of voting thereon, to be published in the same manner as in case of the annual city election.

SECTION 73. It shall be the duty of the common council to always provide for the prompt payment of all orders drawn on the city treasury, and it shall have power to negotiate temporary loans at the legal rate of interest for the supplying of all funds to meet any deficiency in the treasury; provided, that the common council shall have no power to borrow money or contract any debt which cannot be paid out of the revenue of the current year. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact to the first regular meeting of the council, thereupon the council shall direct its finance committee to examine the accounts of the treasurer, and if all funds in his hands have been paid out, then the common council shall take such action as will enable the city to preserve its credit.

SECTION 74. The common council shall settle all just claims and demands against the city, and shall settle with the treasurer annually, and publish accounts of the receipts and expenditures of the city, for the information of the citizens at least five days, previous to the annual election; and the common council shall meet on Monday, one week previous to the holding of the charter election, for the purpose of disposing of its unfinished business, and shall not thereafter, during their term of office, allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of their terms.

SECTION 75. All actions to recover any penalty or forfeiture under this charter, or the ordinances, by-laws, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city, and may be heard and determined by or before any justice of the peace in the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the

Prompt payment of orders to be provided for.

All just demands against city to be settled.

Actions to be brought in corporate name of city.

section of this act, or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All fines and penalties collected by any justice in such cases, shall be paid over to the city treasurer. Each justice shall report to the council on the first Monday in January, April, July and October in each year, a statement of all such fines and penalties collected by him, and at the same time pay over the amount thereof to the city treasurer, except as above mentioned.

SECTION 76. In all prosecutions of any violations of any of the provisions of this act, or any ordinance, by-law or regulation, the first process shall be a summons, unless oath be made for a warrant, as in criminal cases before justices of the peace, under the general statutes of the state for the time being.

SECTION 77. When the action is commenced by summons, such summons may be substantially in the following form:

Counties of Pierce and St. Croix, } ss  
City of River Falls.

The State of Wisconsin, to the sheriff or any constable of said counties, or to the marshal of the city of River Falls.

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, one of the justices of the peace in and for said city, at his office in said city, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, to answer to the city of River Falls to the damage of said city, two hundred dollars or under.

Given under my hand, at the said city, this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

C. D., Justice of the Peace.

When made returnable.

Such summons shall be made returnable and be served in the same manner as is now or hereafter may be prescribed by the laws of this state for the commencement of actions before justices of the peace by summons; and all proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons, and triable before justices of the peace.

Form of complaint

SECTION 79. When the action is commenced by summons, the complaint may be substantially in the following form:

City of River Falls } In Justice Court.  
against } Before C. D.,  
A. B. } Justice of the Peace.

The plaintiff complains against the defendant, for that the defendant on the \_\_\_ day of \_\_\_ 18\_\_\_, at the said city, did violate section \_\_\_ of this act, or section \_\_\_ of an ordinance or by-law, or regulation of said city, (describing it by its title,) which said \_\_\_ is now in force. By reason of such violation, an action has accrued to the city of River Falls, to recover of the defendant the sum of \_\_\_ dollars, wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

SECTION 80. In all cases where oath is made for a warrant, the complaint shall be made on oath and no other affidavit shall be necessary, which said last mentioned complaint may be substantially in the following form:

The City of River Falls } In Justice Court,  
against } before A. B.,  
A. B. } Justice of the Peace.

Counties of Pierce and St. Croix—ss.  
\_\_\_ being duly sworn, complains on oath to C. D., one of the justices of the peace in and for the city of River Falls, in said county, that A. B., on the \_\_\_ day of \_\_\_, 18\_\_\_, at said city, did violate section \_\_\_ of this act, or section \_\_\_ of an ordinance or by-law or regulation of said city, (describing it by its title), which said \_\_\_ is now in force, as this complainant verily believes, and prays that the said A. B. may be arrested, and held to answer to said city of River Falls therefor.

Sworn and subscribed, this \_\_\_ day of \_\_\_, 18\_\_\_, before me.  
It shall be sufficient to give the number of the section of this act, or the section of the ordinance, by-law or regulation violated or particular part thereof, in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths.

Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following terms:

Counties of \_\_\_ } St. C  
City of River Falls, } ss.

The state of Wisconsin, to the sheriff or any constable of said counties and to the marshal of the city of River Falls, greeting:

Whereas, \_\_\_ has this day complained to me, in writing, on oath, that A. B., on the \_\_\_ day of \_\_\_, 18\_\_\_, at said city, did violate section \_\_\_ of this act, or section \_\_\_ of an ordinance or by-law or regulation of said city (describing it by its title), which said \_\_\_ is now in full force, as the complainant believes. Therefore you are commanded to arrest the body of said A. B., and bring him before me forthwith, to answer to the city of River Falls on the complaint aforesaid.

C. D., Justice of the Peace.  
Upon the return of the warrant, the justice shall proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize, with security to be approved by the court, for his, her or their appearance, in such sum as the court shall direct, or in default thereof may be put in charge of the officer who made the arrest, or be committed to the common jail of Pierce or St. Croix county, and shall be received and kept therein the same as in criminal actions except as modified by this act or the ordinances, by-laws or regulations of said city. The complaint, made as aforesaid, shall be the only complaint required, and the plea of not guilty shall put in issue all subject matter embraced in the action.

SECTION 81. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper, or in pamphlet or in book form, purporting to be published by authority of the common council shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of this state.

SECTION 82. Witnesses and jurors shall attend before the justices of the peace in all city and criminal suits, without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof their attendance may be compelled by attachment.

Printed copy to be filed in office.

Attendance of witnesses and jurors.

Form of warrant

SECTION 83. In city prosecutions, both plaintiff and defendant shall enjoy the right of trial by jury, as in civil actions in justices' courts, and the findings of the court shall be guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture presented in the act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty; and for cost of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution as in case of tort, in case the action was commenced by summons, and a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

Countries of Pierce and St. Croix, } ss.  
City of River Falls.

The state of Wisconsin, to the sheriff or any constable of said counties, or to the marshal of the city of River Falls, and to the keepers of the common jails of said counties, greeting:

Whereas, the said city of River Falls, on the day of \_\_\_\_\_, 18\_\_\_\_, recovered a judgment before the undersigned justice of the peace in and for said city against \_\_\_\_\_ for the sum of \_\_\_\_\_ dollars together with the sum of \_\_\_\_\_ and \_\_\_\_\_ cents costs of suit for the violation of (section \_\_\_\_\_ of this act or section of an ordinance, or by-law, or regulation) of said city (describing it by its title) you are hereby commanded to levy distress of the goods and chattels of the said \_\_\_\_\_ excepting such as the law exempts, and make sale thereof according to law, to the amount of said sums, together with your fees, and twenty-five cents for this writ, and the same return to me within twenty days; and for want of such goods and chattels whereon to levy, to take the body of said \_\_\_\_\_, and him to convey and deliver to the keeper of the common jail in Pierce or St. Croix county and said keeper is hereby commanded to receive and keep in custody in said jail the said \_\_\_\_\_ fo

Form of execution.

the term of \_\_\_\_\_, unless the said judgment, together with all the costs and fees, are sooner paid, or he is discharged by due course of law.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

C. D., Justice of the Peace.

The form of commitment shall be substantially the same as that of the execution, omitting all that which relates to the levy and sale and return of writ.

SECTION 84. In any case the defendant may appeal from such judgment to the circuit court of the county in which the judgment is taken; provided that such defendant within twenty-four hours enter into a recognizance with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries in his docket in the action, together with the recognizance to be filed in the office of the clerk of said court; and the city may appeal from any such judgment as in other cases before justices of the peace.

SECTION 85. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof, after the day of the judgment of the justice shall be rendered, unless continued for cause.

Each appeal shall be tried.

SECTION 86. If the judgment of the justice shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act or the ordinance, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them and his or their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

In case judgment of justice be approved.

SECTION 87. When any suit or action shall be commenced against said city, the service thereof shall be made by leaving a copy of the summons with the mayor, or clerk of said city, and it shall be the duty of the said mayor or clerk so served,

How action against city shall be commenced.

When any suit or action shall be commenced against said city, the service thereof shall be made by leaving a copy of the summons with the mayor, or clerk of said city, and it shall be the duty of the said mayor or clerk so served,

LAWS OF WISCONSIN—CH. 105.

forthwith, to inform the city attorney thereof, or to take proceedings as by ordinance or resolution of the common council of said city may be, in such cases provided. Judgment against said city shall be collected in the same manner as judgments against towns.

SECTION 88. No alderman, or other city officer, shall be accepted as surety upon any bond, note or obligation executed to the city, nor shall any officer required to give bonds as aforesaid, enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by this act provided.

City officers not eligible for surety on bonds.

FIRE DEPARTMENT.

SECTION 89. The council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire proof, shall be erected, repaired or moved, and to direct that and any buildings within the limits prescribed, shall be made and constructed of fire-proof materials, and to prohibit the removal of buildings into such fire limits, or the removal of any building or buildings situated or located within said fire limits, or on any other lot or lots within such fire limits, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

SECTION 90. The council shall have power to regulate the building, construction and condition of chimneys, fire places, hearths, stoves, stove-pipes, boilers and apparatus to be used in any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and to prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs and stairs, or ladders, loading

Regulate construction of buildings.

Fire department.

to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel by-standers to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient and enforce the provisions of this act and the ordinances under it by suitable penalties.

Formation of fire companies.

SECTION 91. The council shall have power to authorize the formation of a fire-engine, hook and ladder and hose companies, provide for the due and proper regulations of the same, and to disband any such companies at any time, and to prohibit their meetings as such when disbanded, which companies shall be officered and governed by their own by-laws, provided such by-laws be not inconsistent with the laws of this state or with the ordinances and regulations of the city, and shall be formed only by voluntary enlistment. Every member of any company in said city shall be exempt from serving on juries and from poll tax and military duty, except in cases of war, invasion or insurrection, and whenever a member of a fire, hook and ladder, bucket and hose company, shall have served therein for ten years, he shall be entitled to a discharge signed by the mayor, and shall thereafter be exempt as aforesaid.

Fire tax.

SECTION 92. The council shall have power to raise a tax each year, not exceeding five mills on the dollar of the taxable property within said city for fire purposes, the same to be assessed and collected in the same manner as the general tax of the city; and the moneys arising therefrom shall be expended under the direction of the council of said city for fire purposes; provided that the electors of said city shall have authorized said levy at a general or special meeting.

Sack companies.

SECTION 93. The council shall have the power to organize sack companies, to consist of not more than thirty members each. Such companies shall constitute a part of the fire department, and all fires shall be subject to the control of the chief engineer. The members of said companies either collectively or individually, are hereby authorized

and empowered to act as special police in and for said city, and are hereby vested with all the power and authority which now is, are or may hereafter be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department; at fires they shall take charge of all the property which may be exposed or endangered, and shall, as far as may be in their power, preserve the same from injury or destruction. Such companies may from time to time adopt such by-laws and regulations as they may deem necessary, not inconsistent with the laws of this state. The members of said companies shall not be entitled to receive pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said companies shall severally take an oath or affirmation that they shall faithfully discharge the duties of their said office, and when any member shall cease to be a member thereof, by resignation, expulsion or otherwise, a notice thereof shall be given to the city clerk, and he shall preserve a list of all members of each of said companies.

#### SCHOOLS.

SECTION 94. This act shall not affect the school districts having parts of their territory lying within the limits of the city of River Falls as now organized, and in any alteration or change of said districts, the city council shall have the same power and exercise the same duties as the supervisors of the respective towns in relation thereto.

#### MISCELLANEOUS PROVISIONS.

SECTION 95. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which said city shall be a party in interest.

SECTION 96. If any election by the people or council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered reason for ar-

Shall not be an incompetent witness.

In case of failure to hold election at specified time.

resting, suspending or absolving said corporation; but such election or organization may be had on any subsequent day by order of the council, and if any of the duties enjoined by this act or the ordinances or by-laws of the city to be done by any officer, at any specified time, be not then done or performed, the council may appoint another time at which the said acts may be done or performed.

SECTION 97. When any suit or action shall be commenced against said city, the service of process therein may be made by leaving a copy thereof by the proper officer with the mayor; and it shall be the duty of the mayor forthwith to inform the council thereof, or take such other proceedings as by the ordinances or resolutions of said council may be in such case provided.

SECTION 98. When a judgment shall be recovered against the city of River Falls, or against any city or ward officer, in an action prosecuted by or against such officer in his name of office, where the same should be paid by the city, no execution shall be awarded or issued upon such judgment except as herein provided; but the same, unless reversed, shall be levied and collected as other city taxes, and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged upon the delivery of a proper voucher therefor, but if any payment thereof be not made within sixty days after the city treasurer is required to make his return of taxes next after the rendition of such judgment, execution may be issued thereon upon the order of the court authorized to issue such execution on special application therefor. Nor shall any real or personal property of any inhabitant of said city or any individual or corporation be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

SECTION 99. No extra compensation shall be allowed to any officer, agent, servant or contractor after the service shall have been rendered, or the contract entered into, nor shall any compensation be paid to the mayor or any alderman for their services.

SECTION 100. Every license issued by the authority of this act, or the ordinances of the city,

shall be signed by the city clerk, and sealed with the corporate seal; but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor; nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the same shall have been authorized by the council, and the applicant shall have filed his receipt as aforesaid, together with a bond, as required by the laws of this state, which shall be approved by the council; provided, that the sum paid for any such license shall not be less than the amount fixed by the laws of the state, and that all licenses shall be granted to expire on the first day of May next following in each year.

SECTION 101. It is hereby made the duty of the common council of the city of River Falls and boards of supervisors of the towns of River Falls, Kinnickinnic and Troy, to meet together at some convenient place, on or before the first Monday of May, 1885, upon notice given by either of said parties, and if possible to agree upon some just, fair and equitable settlement and adjustment and division of property, money, credits, duties, liabilities, obligations and every other matter or thing made necessary by the organization of said city out of the territorial limits of said towns and to make a just apportionment of such liabilities as between the different parts of said towns and of said city.

SECTION 102. If the common council of said city and said boards of supervisors, or either of them, cannot agree upon a settlement of the matters between said towns and said city, as provided in the preceding section then it is hereby made the duty of the circuit judge in and for the eighth judicial circuit of the state of Wisconsin, upon application made to him by either of said bodies, five days' notice of such application having been previously given to the other bodies interested, to appoint three commissioners who shall reside outside of the territory of each of said towns and city, who shall have power and it is made their duty as soon as may be after their appointment and filing with the clerk of the circuit court of Pierce county, of their oaths to faithfully and

fairly to adjust and settle all matters in dispute between said city and each of said towns, or such of them as may not have agreed upon a settlement as aforesaid, to faithfully and fairly adjust and settle all matters of dispute between said city and town, as hereinbefore mentioned; to examine into and fairly, equitably and justly make a division of all property, moneys, credits and property owned by said city, or any part thereof in common with said towns or either of them; make a full adjustment of all matters between said city and each of said towns arising or growing out of the formation of said city out of the territorial limits of said towns, and especially of the indebtedness of said towns, and any part which said city ought to pay. And in order to make such settlement, adjustment and division as herein contemplated, said board of supervisors or said commissioners shall use as a basis of settlement, and shall be governed by, the tax rolls of the several towns for the year 1884. The said commissioners shall, as soon as possible, make their awards in writing and file the same as follows: Any award made between the city and towns of Troy or Kinnickinnic, respectively are to be filed in the office of the clerk of the circuit court of St. Croix county; any award which may be made between the town of River Falls and the city may be filed in the office of the clerk of the circuit court of Pierce county. Such awards when made and filed are to be final and conclusive between the parties.

Amounts to be paid into city treasury.

SECTION 103. Any and all amounts found as aforesaid to be owing by said city to any portion of the territory outside the city which comprises a part of the several towns as aforesaid, from which such city was formed, shall be paid by said city to the proper officers authorized to receive and receipt for the same. But if it shall be found upon such settlement that there is any amount due any portion of said city from any portion of territory outside of said city limits, which was an organization from which said city was formed, that portion of said territory so owing said part of said city shall pay the amount to the city treasurer. And in case any portion of the territory so indebted shall fail, neglect or refuse to pay the amount thereof so found to be due, the city treasurer of said city shall proceed to collect

Meeting of supervisors to be announced.

In case a settlement cannot be agreed upon.

the same in the manner now provided by the laws of this state for the collection of debts against towns, cities and villages.

#### Use of jails.

SECTION 104. The use of the jails of Pierce and St. Croix counties, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of such county, for whose custody, safe keeping and delivery the said sheriff shall be responsible, as in other cases, but said county shall not incur or pay any liability or expense on account of any person committed to said jail for the violation of any ordinance, by-law, rule or regulation of said city, but such expenses shall be paid by the city.

#### Town elections authorized to be held in city limits.

SECTION 105. Whenever the town board of supervisors of the town of River Falls, in the county of Pierce, may deem it for the convenience and interest of the legal voters of said town, they are hereby authorized and empowered to select a place for the polls of any general or special election or town meeting, at any suitable place within the limits of the city of River Falls; provided, that such poll shall not be nearer to any poll of any election in any ward of said city than three hundred feet, and notice of such elections and the place where the same is to be held shall be given as provided by the laws of this state.

#### Town supervisors may hold meetings within city limits.

SECTION 106. It shall be lawful for the supervisors of said town to hold their meetings for the transaction of town business at any proper place within the city of River Falls, and the town board may authorize and empower the town clerk and town treasurer of said town to keep the books and papers in their respective offices at some suitable place within the limits of said city; provided, that the said city shall not be chargeable with nor liable for any of the expenses arising or growing out of any of the provisions of this or the preceding section; and provided further, that the place of meeting and the places for the town clerk and the treasurer of the town mentioned in this and the preceding section shall not be at any place or places of meeting of the common council or of officers of the city without consent first being obtained of the common council.

#### First city elections when and where held.

SECTION 107. The first city election of the city of River Falls for the election of city and ward

districts, shall be in the first Tuesday of April, 1885. Five days' notice of the time and place of holding such elections shall be given by posting notices in writing in three public places in said city, signed by O. S. Powell, John W. Farrett and Allen F. Weld, who are hereby appointed a board of canvassers to canvass the returns of the several wards in said city, and are authorized to select places in each election district for holding such elections; and the polling places so selected by them shall be polling places for the judicial elections to be held on the first Tuesday in April, 1885, for such several wards. At the time of opening the polls in each election district the electors present shall choose *via voce* from the qualified electors present, three inspectors of election and two or more clerks of election, who, before entering upon their duties, shall take the oath required of inspectors and clerks of election; such elections shall be conducted as herein provided for city elections. After the polls of such elections are closed, said inspectors and clerks shall make duplicate returns of such election, one of which they shall forthwith transmit to the said board of canvassers, and one of which is to be retained by said inspectors and filed by them in the office of the city clerk when such officer is qualified to act, said board of canvassers shall immediately, after the polls of the election are closed, meet at the polling place in the second ward of the city and canvass the returns of the several wards of the city immediately upon the receipt of the returns from all of the wards, and they shall make out duplicate statements to be subscribed by them, showing the whole number of votes cast for each office and the number of votes cast for each person voted for and a certificate of the result of the election; they shall file one of such statements in the office of the town clerk of River Falls within three days after such election, and shall retain the remaining statement until the city clerk is elected and qualified, when such statement shall be filed in his office. Before proceeding to canvass such returns the said board of canvassers shall each take and subscribe an oath to support the constitution of the United States and of the state of Wisconsin, and to faith-

fully canvass the returns of such election. If any one of said canvassers shall fail to act for any reason the remaining canvassers may appoint a suitable person to act in his stead. Such canvassers shall immediately after the completion of such canvass make out certificates of election of each officer elected and shall forthwith notify him of such election.

SECTION 108. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1885.

CERTIFIED A TRUE AND CORRECT COPY OF  
THE ORIGINAL THEREOF  
BY THE CLERK OF THE COURT  
OF THE COUNTY OF WAUKESHA  
WISCONSIN  
MAY 14 1885  
FRANK E. LOVETT  
CLERK OF THE COURT  
WAUKESHA, WIS.

of earnings or otherwise of that portion of said public utility, street or interurban railway which is operated within such municipality and any territory immediately adjacent and tributary thereto; or for the accomplishment of any object agreed upon between the parties relating to the use, operation, management, value, earnings, purchase, extension, improvement, sale, lease or control of such property. The provisions of section 66.07 relating to preliminary agreement, approval by the public service commission, and ratification by the electors, shall be applicable to the contracts authorized hereby and said public service commission shall, when any such contract is approved by it and consummated co-operate with the parties in respect to making valuations, appraisals, estimates and other determinations specified in such contract to be made by it.

## History and Source of Law

## Source:

L.1919 c. 669.  
St.1919 § 927—26.

L.1921 c. 396 § 37.  
St.1921 § 66.06(7).

L.1947 c. 362.  
St.1947 § 66.064.

**66.065 Acquisition**

(1) Any town, village or city may construct, acquire or lease any plant and equipment located within or without the municipality, and including interest in or lease of land, for furnishing water, light, heat, or power, to the municipality, or to its inhabitants or for street railway purposes; may acquire a controlling portion of the stock of any corporation owning private waterworks or lighting plant and equipment; and may purchase the equity of redemption in a mortgaged or bonded waterworks or lighting system, including the cases where the municipality shall in the franchise have reserved right to purchase. The character or duration of the franchise, permit or grant under which any public utility is operated, shall not affect the power to acquire the same hereunder. Two or more public utilities owned by the same person or corporation, or two or more public utilities subject to the same lien or charge, may be acquired as a single enterprise under any proceeding heretofore begun or hereafter commenced, and the board or council may at any time agree with the owner or owners of any public utility or utilities as to the agreed value thereof, and to contract to purchase or acquire the same hereunder at such value, upon such terms and conditions as may be mutually agreed upon between said board or council and said owner or owners.

(2) A resolution, specifying the method of payment and submitting the question to a referendum, shall be adopted by a majority of

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### MUNICIPALITIES

all the members of the board or council at a regular meeting, after publication at least one week previous in the official paper.

(3) The notice of the referendum shall include a general statement of the plant equipment or part thereof it is proposed to acquire or construct and of the manner of payment.

(4) Referendum elections under this section shall not be held oftener than once a year, except that a referendum so held for the acquisition, lease or construction of any of the types of property enumerated in subsection (1) shall not bar the holding of one referendum in the same year for the acquisition and operation of a bus transportation system by the municipality.

(4a) The provisions of subs. (2), (3) and (4) shall not apply to the acquisition of any plant, equipment or public utility for furnishing water service when such plant, equipment or utility is acquired by the municipality by dedication or without monetary or financial consideration.

(5) Any city or village may by action of its governing body and with a referendum vote provide, acquire, own, operate or engage in a municipal bus transportation system where no existing bus, rail, trackless trolley or other local transportation system exists in such city or village. Any city or village in which there exists any local transportation system by similar action and referendum vote may acquire, own, operate or engage in the operation of a municipal bus transportation system upon acquiring the local transportation system by voluntary agreement with the owners thereof, or pursuant to law, or upon securing a certificate from the public service commission pursuant to section 194.23 that public convenience and necessity requires the acquisition and operation of such bus transportation system by the municipality.

(6) Any street motor bus transportation company operating pursuant to the provisions of chapter 194 shall by the acceptance of authority under such chapter be deemed to have consented to a purchase of its property actually used and useful for the convenience of the public by the municipality in which the major part of such property is situated or operated for compensation under terms and conditions determined by the public service commission in the manner provided for the acquisition of utilities by municipalities under chapter 197; provided that if such motor bus transportation facilities are operated as auxiliary to street railway or trackless trolley facilities operated pursuant to franchise granted under the provisions of chapter 193, such motor bus facilities shall be acquired only by the acquisition, pur-

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## MUNICIPALITIES

### Note 1

#### 1. Construction and application

Laws 1901, p. 120, c. 95, § 1 was not to be construed as only placing limitations on an attempt by a city to acquire steam or water power as a separate undertaking, distinct from a general proceeding to construct a system of municipal lighting or waterworks. *Smith v. City of Burlington* (1906) 109 N.W. 79, 129 Wis. 336.

#### 2. In general

No referendum is necessary for the issuance of revenue bonds by a county for the purpose of erecting a parking facility. 45 Op. Atty. Gen. 204 (1956).

#### 3. Purpose

Laws 1897, p. 926, c. 361 was more specific than R.S. 1898, § 927—1 and was intended to confer new and independent authority on the city in a particular case to acquire an equity of redemption without becoming liable on the existing mortgage indebtedness secured on the plant. *Connor v. City of Marshfield* (1906) 107 N.W. 639, 128 Wis. 280.

#### 4. Power of legislature

The legislature may empower a city to establish water works for its use (that being a public and municipal purpose), and may also confer any legitimate power in aid thereof, such as the power to construct and maintain a dam, not obstructing the navigation of a public river or violating any other public or private right. *Attorney General v. City of Eau Claire* (1875) 37 Wis. 400.

#### 5. City, power of

A city whose charter gives it "the general powers possessed by municipal corporations at common law," and also gives it express power "to provide for the erection of waterworks," has power to grant to a corporation a franchise to supply the inhabitants of the city with water. *Andrews v. National Foundry & Pipe Works* (1894) 61 F. 782, 10 C.C.A. 60.

A city can reimburse itself for funds already advanced for acquisition of waterworks utility if city does not thereby

exceed the constitutional debt limit. *Roberts v. City of Madison* (1947) 27 N.W.2d 233, 250 Wis. 317.

Generally, a city in the operation and maintenance of a waterworks system acts in a proprietary capacity, and may exercise such powers as a private concern engaged in like business may exercise. *City of West Bend v. West Bend Heating & Lighting Co.* (1925) 202 N.W. 350, 186 Wis. 184.

The exercise of the power granted a city to acquire or construct water or steam power for maintaining lighting plants and waterworks is equally subject to condition imposed as to purpose whether the attempt be to acquire the steam or water power as a separate undertaking or as incidental to or a part of a general plan for construction of a lighting plant or waterworks. *Smith v. City of Burlington* (1906) 109 N.W. 79, 129 Wis. 336.

Municipal governments have a very broad discretion over questions of policy, such as purchasing public utilities, which under ordinary circumstances will better promote the legal welfare than opinions of courts formed under the serious limitations on their means of ascertaining and appreciating all the elements involved. *Connor v. City of Marshfield* (1906) 107 N.W. 639, 128 Wis. 280.

St. 1898, § 959—51, which authorized a city to purchase a water or lighting plant from a corporation, authorized as well the corporation to sell and so disable itself from performing the services. *Id.*

City had power to issue bonds, in the manner provided by law, for the erection of waterworks and an electric light plant. *Ellinwood v. City of Reedsburgh* (1895) 64 N.W. 885, 91 Wis. 131.

A municipal corporation has inherent power to build an electric light plant. *Id.*

A municipal corporation has inherent power to build waterworks. *Id.*

Municipality had power to acquire by condemnation property of telephone company. 16 Op. Atty. Gen. 542 (1927).

features of river were of greater public benefit than use of river for water-power development, and it was not an arbitrary exercise of commission's judgment to deny license, notwithstanding evidence that construction of dam would form a flowage suitable for both fishing and boating, where it was evidence that elongated pond or reservoir thus formed would merely furnish facilities comparable to those already available in 85 other lakes within a 10-mile radius of the dam site. *Id.*

The finding of public service commission that proposed hydroelectric dam on east fork of Chippewa River would not materially obstruct existing navigation or violate other public rights and would not endanger life, health or property was supported by substantial evidence. *Luening v. Public Service Commission (1954) 66 N.W.2d 190, 267 Wis. 537.*

The public service commission, being an administrative agency and not a court, never acts in a strictly judicial capacity, and commission when conducting hearings for the erection of a dam in a navigable stream, and making findings on issues presented, is not acting in a judicial, but in a quasi-judicial capacity. *Muench v. Public Service Commission (1952) 55 N.W.2d 40, 261 Wis. 492.*

Form and contents of city council's resolution that lands should be acquired for purpose of building dam, flowage, artificial lake, and park at site of a former dam, disclosed that construction of such dam was main purpose of such resolution, rather than a mere incident to a park project as respects necessity of securing a permit from the public service commission. *City of New Lisbon v. Harebo (1937) 271 N.W. 659, 224 Wis. 66.*

### 31.07 Applications for permits to operate and maintain existing dams

Any person, firm, corporation or municipality desiring a permit to operate and maintain a dam constructed in or across navigable waters without legislative permission prior to July 10, 1915, shall file with the department a written application therefor setting forth:

(1) The name of the navigable waters in or across which such dam was constructed and a specific description of the dam site.

(2) The year in which the construction of the dam was completed, and a detailed description of the dam and equipment, including the maximum height or head of water that may be maintained thereby and the kind and character of material of which the dam is constructed.

(3) The purpose for which the dam was theretofore operated and is operated at the time application hereunder is made, and the purpose for which it is proposed to operate and maintain the dam.

(4) The approximate amount of hydraulic power developed thereby.

(5) The location of the nearest city or village and of the nearest existing dam above and below the dam site.

(6) Such additional information of any nature whatsoever as may be required by the department.

## 31.07

## PUBLIC DOMAIN AND TRUST FUNDS

### Historical Note

#### Source:

L.1915, c. 380, § 3.  
St.1915, § 1596—8.

L.1917, c. 474, § 8.  
St.1917, § 31.07.  
L.1965, c. 614, § 57, eff. July 1, 1967.

### Cross References

Applications for permits,  
Hearing on, see § 31.08.  
Proposals to accompany, see § 31.09.  
Dams, municipalities, see § 31.38.  
Definitions,  
Corporation, see § 31.01.  
Department, see § 31.01.  
Municipality, see § 31.01.  
Navigable waters, see § 31.01.  
Permit, see § 31.01.  
Permits, granting of, provision for, see § 31.04.  
Program to prevent impairment of dams, see 7 U.S.C.A. § 1010.  
Protection of navigable waters and of harbor and river improvements, see 33 U.S.C.A. § 401 et seq.

### Law Review Commentaries

Wisconsin law of waters. Adolph  
Kanneberg. 1946 Wis.L.Rev. 345

### Library References

Navigable Waters ⇐22(1). C.J.S. Navigable Waters §§ 19, 37, 43.

### Notes of Decisions

#### i. In general

Permission given to repair a dam in a navigable stream, in the absence of evidence to the contrary, will be construed as permission to repair and maintain such dam at its legal height, and will cast no liability on the one granting such permission, if the dam is illegally maintained. *Arpin v. Bowman* (1892) 53 N.W. 151, 83 Wis. 54.

A dam built on a nonmeandered stream under authority of St.1913, § 31-31 could be rebuilt or repaired without further authority. 4 Op.Atty.Gen. 1052 (1915).

## 31.08 Hearing

Upon receipt of an application under s. 31.07 procedure shall be had substantially as required by s. 31.06, and if the department finds that such operation and maintenance does not materially obstruct existing navigation or violate other public rights and will not endanger life, health or property, a permit is hereby granted to the applicant, provided the department also finds that the applicant has complied with s. 31.14(2) or (3).

tee, used and useful under the permit, by paying therefor, the cost of reproduction in their then existing condition of all dams, works, buildings, or other structures or equipment, used and useful under the permit, as determined by the department, and by paying in addition thereto the value of the dam site and all flowage rights and other property as determined by the department prior to the time the permit was granted, as provided in sub. (1), plus the amounts paid out for additional flowage rights, if any, acquired after the valuation made by the department as provided in sub. (1); and that the applicant waives all right to any further compensation.

#### Historical Note

##### Source:

L.1916, c. 380, § 3.  
St.1915, § 1596—9m.  
L.1917, c. 474, § 10.

St.1917, § 31.09.  
L.1925, c. 222.  
L.1965, c. 614, § 57, eff. July 1, 1967.

#### Cross References

Dams, municipalities, see § 31.38.

##### Definitions,

Department, see § 31.01.  
Grantee, see § 31.01.  
Municipality, see § 31.01.  
Permit, see § 31.01.  
Year, see § 990.01.

Eminent domain, generally, see § 32.01 et seq.

Just compensation, see Const. Art. 1, § 13.

State and cities, acquisition by, see Const. Art. 11, § 3a.

Time, computation of, see § 990.001.

#### Library References

Navigable Waters ⇐22(1).

C.J.S. Navigable Waters §§ 19, 37, 43.

#### Notes of Decisions

##### I. Validity

Requiring applicant for permit for dam to consent to valuation prescribed in event property be taken over by state or municipality, is constitutional. Fox

River Paper Co. v. Railroad Commission (1926) 208 N.W. 266, 189 Wis. 626, affirmed 47 S.Ct. 669, 274 U.S. 651, 71 L. Ed. 1279.

### 31.095 Water power permits, condition precedent

(1) Except where the stream to be improved forms a boundary line between this and another state, no permit shall be granted or transferred in accordance with this chapter until the applicant has filed with both the department and the public service commission, in

## 31.095 PUBLIC DOMAIN AND TRUST FUNDS

addition to all other things required by law to be filed, an agreement setting forth:

(a) That, in the event any electric energy generated under said permit shall be transmitted or conveyed beyond the confines of this state to be there sold, the applicant will furnish to any resident of this state or any corporation domiciled therein electric energy at reasonable rates to be determined by the commission, provided that the commission after public hearing shall find that public convenience and necessity require such service.

(b) That the rate as determined by the commission shall in no event exceed the rate charged by applicant for similar service supplied under like conditions for the energy so transmitted outside the state.

(2) The commission may hold hearings, fix rates and do all things necessary and convenient to carry out the purposes of sub. (1).

### Historical Note

#### Source:

L.1929, c. 327.  
St.1929, § 31.095.

L.1965, c. 614, § 13, eff. July 1, 1967.  
L.1969, c. 276, § 5SS, eff. Dec. 28, 1969.

### Cross References

Dams, municipalities, see § 31.38.

#### Definitions,

Corporation, see § 31.01.

Department, see § 31.01.

Permit, see § 31.01.

Department of natural resources, see § 144.025.

#### Permits,

Applications for, see §§ 31.05, 31.07.

Granting of, provision for, see § 31.04.

Hearings for, see §§ 31.06, 31.08.

Transfer of, see § 31.21.

### Law Review Commentaries

Current trends in Wisconsin's Water  
Law. J. H. Beuscher. 40 Wis.Bar Bull.  
19 (April 1967).

### Library References

Navigable Waters  $\Leftrightarrow$  2, 22(1).

C.J.S. Navigable Waters §§ 10 et seq.,  
19, 37, 43.

## 31.10 Permit not to be valued

Each and every permit is granted, and shall be conclusively deemed to be accepted, subject to the condition that no element of