

## Fw: more on Badger Mill Creek

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**From:** Topf Wells <topfwells@gmail.com>  
**Sent:** Wednesday, July 10, 2024 11:13 AM  
**To:** Tanya Sime <tanyas@capitalarearpc.org>  
**Subject:** more on Badger Mill Creek

MMSD Commissioner Wilson's comments on MMSD's amendment re: Badger Mill Creek warrant a response. I don't know if CARC wants the written responses to contain this sort of back and forth. Perhaps, though, it's better to have the discussion here than at the public hearing.

Mr. Wilson is a highly respected participant in local government and conservation but his advocacy for MMSD's position as an MMSD Commissioner repeats some of MMSD's more concerning assertions.

In my opinion, MMSD exaggerate the costs of tertiary treatment. The DNR estimated those costs at \$7 million; MMSD's own budget document had the costs at \$13 million. \$24 million appeared out of thin air late in the discussion of MMSD's options.

A continuing cause of frustration appears in the statements: that the DNR confirms that adaptive management is not possible in this case. Advocates for Badger Mill Creek, including me, have had and are continuing to have direct exchanges and conversations with the DNR staff in charge of trading and adaptive management in this area. They assure us that adaptive management is possible, that the DNR would welcome the opportunity to work with MMSD and local communities on such a project, that some variances for this effort are attainable, and that the lack of a TMDL is not decisive.

Frankly, we are sick and tired of MMSD's demonstrably false assertion that the loss of MMSD's effluent will be insignificant or not hurt Badger Mill Creek. The loss of that water, conservatively estimated at 30% of the creek's volume, will reduce and degrade habitat, hurt brown trout spawning, and possibly render a large part of the stream uninhabitable by trout and other cold/cool water species.

MMSD's \$1 million will not significantly mitigate the effects of the de-waering.

Finally, the paragraph of the history of this transfer is inaccurate. DNR was beginning to manage Badger Mill Creek as a trout stream (not a mere trickle of water) before the transfer. MMSD's effluent did not re-create Badger Mill Creek as a trout stream. It accelerated that development and is a vital factor in sustaining the creek's current and improving health. The decision to transfer did not result from the pressure of whoever was County Executive and unknown folks. The process was public with input from many experts, including the technical staff of the Dane County RPC. The decision was a close call and, as has been noted, in other communications, an experiment. In this case, the experiment succeeded.

Occam was a philosopher, not a public official charged with discovering and enacting the public good in a complex situation. My guess is that all of you CARPC Commissioners with your years of experience in local government and environmental protection can think of instances where the simplest solution is not the best. MMSD should know that— it's Yahara Watershed/WINS program is a complex solution to phosphorus compliance. Much, much simpler options were available.

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