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SAUK COUNTY

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CONSERVATION PLANNING
AND ZONING

January 22, 2019

Ms. Lisa Wilson, Director
Sauk County Conservation, Planning & Zoning
West Square Building, Room 248
505 Broadway
Baraboo, WI 53913

Subject: Magruder Dam, Field File: 56.38, Unnamed Tributary to Plum Creek, Sauk County
Floodplain Mapping, Ordinance adoption notice

Dear Ms. Wilson:

On January 7, 2019, the Department of Natural Resources (Department) approved the dam failure analysis for the Magruder Dam located in the Northeast Quarter of the Southeast Quarter of Section 10, Township 13 North, Range 2 East, Sauk County, across an Unnamed Tributary to Plum Creek. Based on the results of the approved study the dam was assigned a final hazard rating of High Hazard.

The areas of potential dam failure inundation (hydraulic shadow) are adequately reflected on a map with additional information such as stationing, water surface profile, maximum velocities, and floodway widths provided on a profile plot and in a floodway data table. This information is provided in the following enclosures:

1. Floodway map dated October 25, 2018 and titled "Magruder Dam Failure Inundation Map"
2. Flood profile dated October 25, 2018 and titled "Magruder Dam Failure Analysis Hydraulic Shadow Profile"
3. Floodway data table dated October 25, 2018 and titled "Magruder Dam Hydraulic Shadow Floodway Data"

Under the requirements of Chapter 87.30, Wisconsin Statutes and Chapter NR 116.05, Wisconsin Administrative Code, the materials submitted with this letter need to be reviewed and any comments on technical aspects of the study shall be provided to the Department within 30 days from the date this decision was delivered. After the 30-day review and comment period, the County shall formally adopt the above referenced materials into the floodplain zoning ordinance within six months.

To assist you in the adoption process, refer to Wisconsin Administrative Code, Chapter NR 116 and the procedures outlined in the attached document, "Adopting an Ordinance: A Step-By-Step Guide". Please pay particular attention to the Class 2 notice requirements for public hearings. The second publication must be at least one week before the hearing. After the County has approved the amendment, a certified copy must be sent to me for final administrative review and approval. Please provide a notarized affidavit of publication as proof of the Class 2 publication and other supporting documentation.

Please note that currently there are no dwellings or critical infrastructure within the dam failure floodplain and once the required hydraulic shadow zoning has been adopted, the dam owner can request in writing that the Department lower the hazard rating to Low Hazard. If, at the time of their request, there is still no development in the hydraulic shadow, the Department will assign a new hazard rating of Low Hazard.

If you have any questions, please contact me at (608) 275-3287 or Tanya.Lourigan@wisconsin.gov.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.

This decision was mailed on January 22, 2019

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By Tanya L. Hourigan
Tanya L. Hourigan, P.E.
Water Management Engineer
Fitchburg Service Center

Attachments: Magruder Dam Failure Analysis – Hydraulic Shadow Map, Hydraulic Shadow Profile, and
Floodway Data Table

cc: Mark Magruder
Kory Anderson, P.E. – General Engineering Company (email)

Adopting an Ordinance: A Step-By-Step Guide

Adopting an Ordinance

1. Proposal to Governing Body

2. Notice of Public Hearing
 - Two consecutive weeks at least a week before hearing.

3. Public Hearing

4. Decision by Governing Body
5. Ordinance Publication

6. Prepare for DNR Approval:
 - Affidavit of Publication of Notice
 - Certified Copy of Final Ordinance Text
 - Affidavit of Publication of Enacted Ordinance
7. Approval by DNR
 - This is the last step, but to speed the approval process up, submit the draft proposal to DNR before starting the ordinance adoption process.

1. Ordinance/Amendment Proposal

Generally, ordinance proposals are drafted by the zoning administrator, planning and zoning staff, corporation counsel or a regional planning commission at the request of the local governing body.

Notice of public hearing (a Class 2 notice under ch. 985, Stats.) must appear in a newspaper on two consecutive weeks, the last publication at least seven days prior to the hearing date.

Calendar						
S	M	T	W	Th	F	Sa
				N1		
				N2	1	2
3	4	5	6	H		

2. Notice of Public Hearing
Communities must provide notice of the public hearing to be conducted on the proposed ordinance/amendment. Publication of the notice of public hearing must meet the Class 2 legal requirements (under Ch. 985, Stats.) in order for the zoning ordinance or amendment to be valid. Posting notice of public hearing is permitted in lieu of publication only if the municipality is not required to have an official newspaper.

3. Public Hearing

In cities and villages, the hearing may be held before the designated planning and zoning committee or before the municipal governing body. In counties, hearings on proposed zoning ordinances or amendments are held by the county zoning committee before consideration of an ordinance or amendment by the county board.

4. Decision of the Governing Body

In cities, two thirds of the members of the municipal governing body constitute a quorum except in cities with less than five aldermen, where a majority constitutes a quorum. In villages, a majority of the members constitute a quorum. In counties, a majority of the supervisors constitute a quorum and must be present for a legal vote on proposed zoning ordinances or amendments.

5. Publication of Adopted Ordinance Text

An adopted zoning ordinance or amendment must be published once in the municipality's official newspaper as a Class I Notice Posting. Posting is an option

if the municipality is not required to have an official newspaper published in the municipality that meets the requirements.

6. Ordinance/Amendment Approval

For the DNR to approve an adopted ordinance, the community must submit the following documentation:

- An affidavit of publication from the newspaper and a copy of the published notice. This verifies that the notice of public hearing was published or posted correctly. If the notice was posted, a notarized affidavit by the local official (i.e. clerk) stating that the notice of public hearing was posted in three public places (with date and location) is sufficient proof.
- A certified copy of the adopted ordinance passed by the governing body. A notarized statement by the local official (i.e. clerk) affixed to the ordinance stating that the ordinance is a true and correct copy of what was adopted by the municipality.
- An affidavit of publication from the newspaper and a copy of the notice of the enacted ordinance. If the enacted ordinance (or where to view enacted ordinance) was posted, a notarized affidavit by the local official (i.e., clerk) stating that it was posted in three public places (with date and location) is sufficient proof.

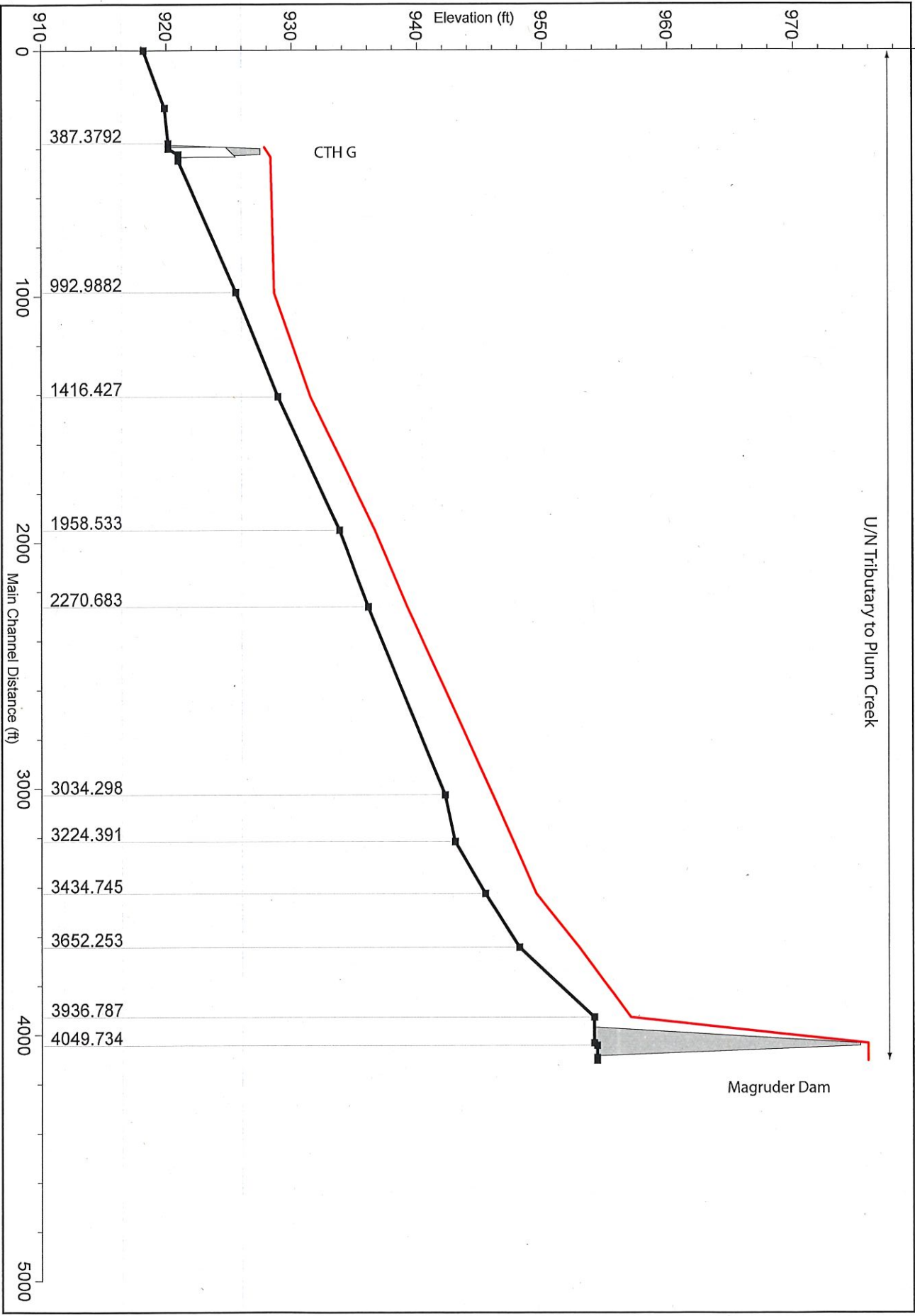
7. Wisconsin Department of Natural Resources

The DNR reviews ordinances for compliance with the minimum state standards. Both the ordinance and adoption procedures are reviewed. When it is determined that all the requirements are met, a formal approval letter is sent to the adopting community.

Floodplain zoning ordinances and amendments do not become effective until approved by the DNR; thus formal approvals are issued each time the ordinance is amended. DNR approvals are required by FEMA for a community to maintain their flood insurance.

To minimize the time and expense associated with ordinance revisions, communities should submit a draft of the proposed language to DNRFLOODPLAIN@wi.gov. Once the DNR has reviewed the draft and the community has made any needed revisions, please follow the complete adoption process outlined in this guide. If you have questions regarding floodplain ordinance adoption, please contact DNR Floodplain staff at DNRFLOODPLAIN@wi.gov or 608-220-5633.

January 2019



Legend

Max WS ELE - Hydraulic Shadow

Ground

October 25, 2018

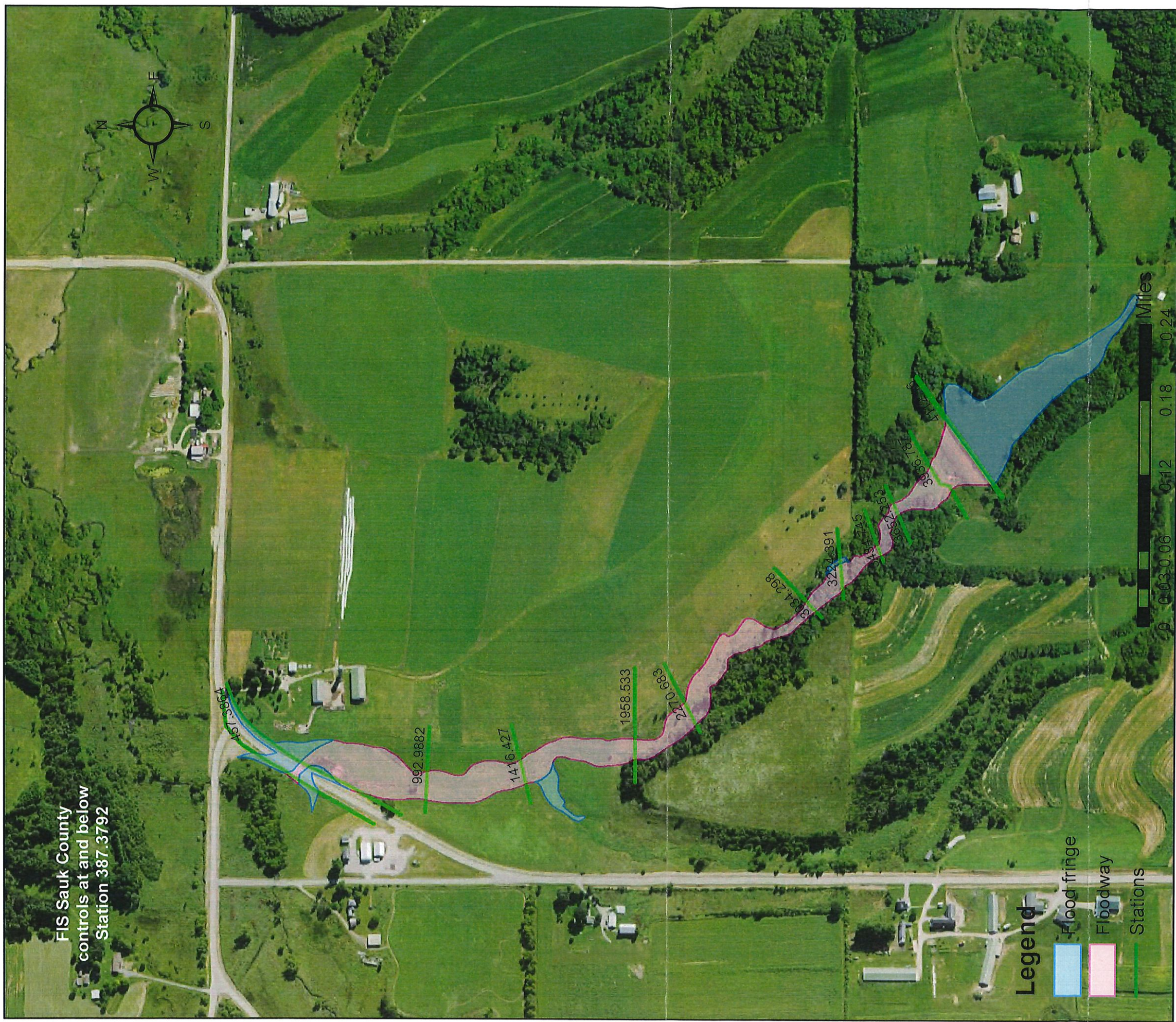
Magruder Dam Failure Analysis

Hydraulic shadow profile

Sauk County, WI

FLOODING SOURCE		FLOODWAY			HYDRAULIC SHADOW/FLOODPLAIN WATER SURFACE ELEVATION			
CROSS SECTIONS	DISTANCE¹	WIDTH (FEET)	SECTION AREA (SQ.FEET)	MEAN VELOCITY (FEET/SEC.)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
U/N TRIBUTARY TO PLUM CREEK								
4112.16	-175.37	333.89	5006.51	0.00	975.9	975.9	975.9	0.0
4102.16	-165.37	333.89	5006.51	0.00	975.9	975.9	975.9	0.0
4049.734 MAGRUDER DAM								
3936.787	39	130.77	159.40	4.08	957.0	957.0	957.0	0.0
3652.253	323.53	55.52	80.41	7.71	952.9	952.9	952.9	0.0
3434.745	541.04	38.34	75.23	8.02	949.5	949.5	949.5	0.0
3224.391	751.39	99.26	132.74	4.31	947.7	947.7	947.7	0.0
3034.298	941.48	61.37	90.22	6.03	946.0	946.0	946.0	0.0
2270.683	1705.09	96.54	125.61	4.23	939.2	939.2	939.2	0.0
1958.533	2017.24	80.69	116.73	4.45	936.6	936.6	936.6	0.0
1416.427	2559.35	106.15	107.37	4.58	931.5	931.5	931.5	0.0
992.9882	2982.79	123.95	166.54	1.86	928.6	928.6	928.6	0.0
457.3864	3518.39	40.40	218.71	0.89	928.3	928.3	928.3	0.0
422.5704 CTH G								

¹ Feet from the dam



Magruder Dam
Failure Inundation Map

U/N Tributary to Plum Creek
Sauk County, WI

General Engineering Company
P.O. Box 340 916 Silver Lake Dr., Portage, WI 53901
608-742-2169 (Office) 608-742-2592 (Fax)
www.generalengineering.net

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Engineers • Consultants • Inspectors
Date: 10/25/2018