

JEFFERSON COUNTY FARM DRAINAGE BOARD

Monthly Board Meeting

Jefferson County Courthouse

311 S. Center Avenue, Room 202

Jefferson, WI 53549

February 14, 2022

9:30 a.m.

1. CALL TO ORDER was made by Chairman Hughes at 9:36 a.m.
2. ROLL CALL: Board Members Present – Chairman Hughes, Secretary Magnoni, and Ron Griebenow
3. APPROVAL OF AGENDA: Motion made by Chairman Hughes to approve the agenda. Seconded by Ron Griebenow. Motion carried.
4. CERTIFICATION OF COMPLIANCE: Agenda posted on County website
5. APPROVAL OF MINUTES: Chairman Hughes made a motion to approve the minutes of the January 10, 2022, monthly Drain Board meeting. Motion seconded by Ron Griebenow and passed 3-0.
6. CORRESPONDENCE: See Report of the Drains below.
7. CITIZENS PRESENT: Patricia Cicero from Land & Water Conservation
8. REPORT OF THE DRAINS:

**A. DRAIN 33**

Secretary Magnoni reported he had met with Craig Kopacek of the DNR on January 26, 2022, concerning what role the DNR plays with beaver dam or other blockages in a navigable water stream. Mr. Kopacek stated that it is the landowners' responsibility to remove any blockage without DNR supervision. The concern of the Drain Board is when the blockage is causing water to backup in a drainage district ditch and then having to get the landowner's cooperation to remove the blockage.

**B. DRAIN 15**

The Drain Board discussed the recent billing received from the Town of Lake Mills. This billing seemed to be in error and was not approved for payment. The Board also discussed waiting for the court ordered assessment being worked on by Attorney Griggs and Engineer Dan Prunuske. This assessment must be completed and billed to the Town of Lake Mills before a final payment can be made. The Board discussed moving forward on the brushing north on the east side of this drain. Chairman Hughes asked if a bid from Jaeckel Brothers had been received on this brushing. Secretary Magnoni to follow-up with Jaeckel Brothers on the bid and work schedule.

**C. DRAIN 16**

Secretary Magnoni reported on the meeting with Jaeckel Brothers and Ranger Power representative, Scott Remaley. Magnoni reported that he presented to Jaeckel Brothers and Scott Remaley a map drawing that illustrated both the culverts in the district drains and the private drains located in the district. This map is attached to these minutes. The Drain Board also discussed the approval by DATCP of the Crawfish River Project and the letter from Attorney Griggs to Ranger Power concerning their responsibility if there are modified specifications. This correspondence is attached to these minutes. Secretary Magnoni also reported to the board that he requested a written commitment from Ranger

Power i.e. Scott Remaley regarding their payment obligation for the efforts of legal counsel and Drain Board members. This written commitment is also to include the agreement for the 40 foot set back.

#### **D. DRAIN 44**

Correspondence from Attorney Griggs was discussed which outlined the need for opinions from Engineer Dan Prunuske, DATCP, and Attorney Griggs on the issue of mapping. No action will be taken by the Drain Board until these major differences of opinion can be resolved. The insurance issue still remains unsettled, however, the statute of limitation does not apply to the maximum time limitation..

#### **E. DRAIN 43**

Barton Chapman of DTCP requested that the Drain Board assist Kathleen Kramasz of DNR to determine the drainage district boundaries. Chairman Hughes responded to the request by stating that the issue in question was "in the drainage district but is a private ditch".

### 9. PREVIOUS AGENDA ITEMS NEEDING FURTHER DISCUSSION

- a. Patricia Cicero reported to the Drain Board that she was close to confirming the issue of per diem rates and would communicate to the Drain Board the County's position in the near future.
- b. The Board discussed the issue of assessments for residential, commercial, and municipalities. The Drain Board did not take action, awaiting further information and input on this issue.

### 10. OTHER BUSINESS AS ALLOWED BY LAW:

- a. The item of notification will be addressed by the Drainage Board when further information on this issue is received.
- b. Patricia Cicero reported that she was still sending out requests for suggested Drain Board nominations. She indicated there may be one possibility.

### 11. APPROVAL OF INVOICES

The Drain Board reviewed and approved some invoices for payment:

	<u>DRAIN #</u>
a. Town of Lake Mills (not approved)	15Main-15D
b. We Energies (approved)	36
c. Griggs Law Group (approved)	Multiple Drains

The detail of invoices paid can be reviewed in the County Finance Office, Room 309. Jefferson County Courthouse.

### 12. DATE FOR NEXT MEETING

The date for the next meeting of the Drain Board is Monday, March 14, 2022, beginning at 9:30 a.m. in Room 202.

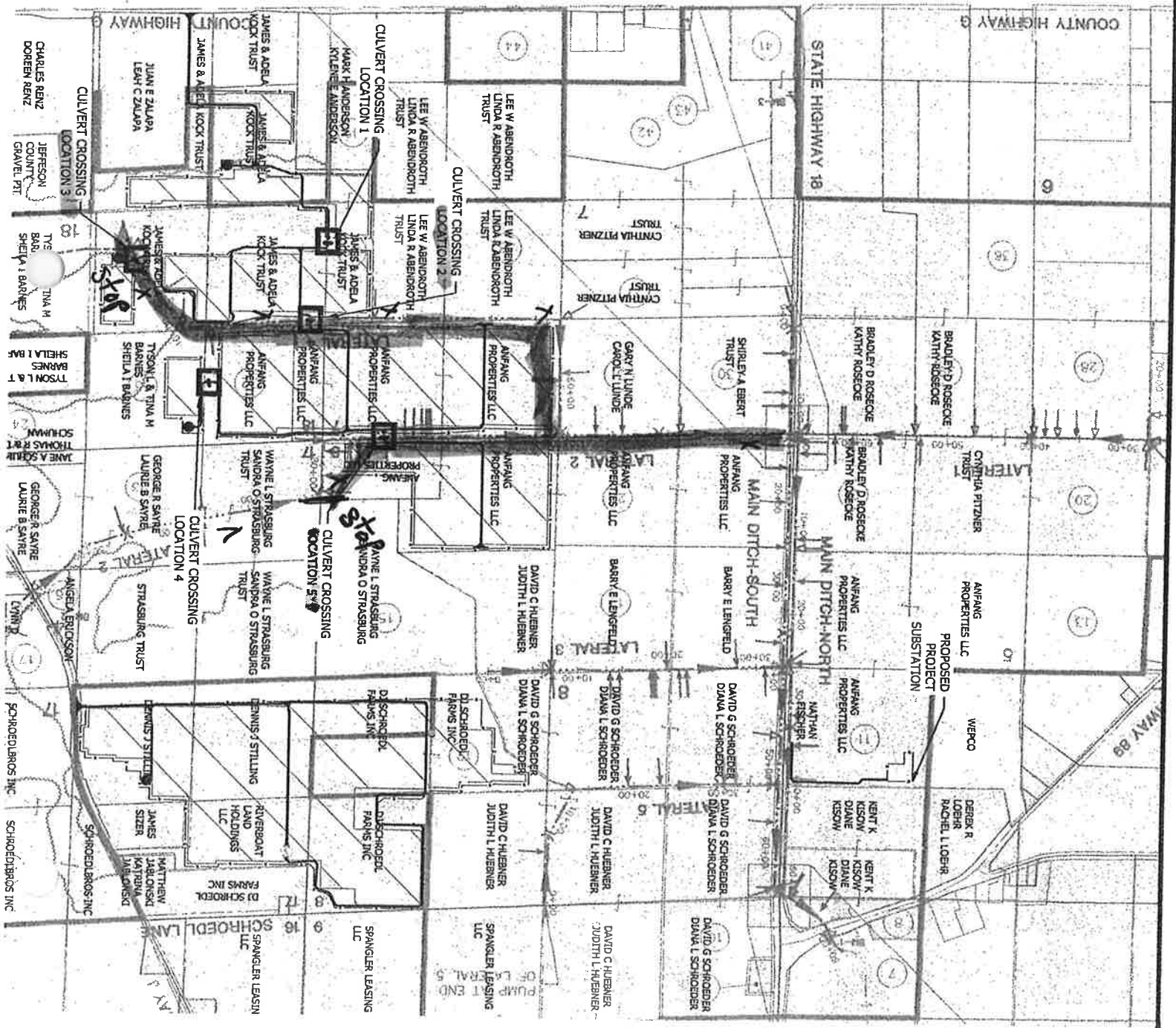
### 13. MOTION TO ADJOURN

With no further business before the Drain Board, the meeting was adjourned at 10:55 a.m. Moved by motion by Ron Griebenow and seconded by Chairman Hughes. Motion carried.

Respectfully submitted for the meeting of February 14, 2022  
Peter Magnoni, Secretary, Jefferson County Farm Drainage Board

- Attachments: 1. Map of Drain 16 Ditches and Culverts  
2. Attorney Griggs to Ranger Power (Specifications)  
3. DATCP Approval of Crawfish River Project

*2, 3, 5 D's D. Fels*  
*1 x 4 = PRIMA*



WATERTOWN OFFICE:  
136 HOSPITAL DRIVE  
WATERTOWN, WI 53098  
PHONE: (920) 261-1630  
FAX: (920) 261-0339

**NEUBERGER, GRIGGS, SWEET & FROEHLE, LLP**

ATTORNEYS AND COUNSELORS AT LAW  
SERVING SOUTH CENTRAL WISCONSIN SINCE 1922

LAKE MILLS OFFICE:  
122 EAST LAKE STREET  
LAKE MILLS, WI 53551  
PHONE: (920) 648-8381  
FAX: (920) 648-5636

February 11, 2022

**Via E-Mail Only**

Emily Straka  
[emily@rangerpower.com](mailto:emily@rangerpower.com)

**RE: Drain 16/Crawfish River Solar, LLC Project**

Dear Emily:

As you know, the State Drainage Engineer, Barton Chapman, granted approval of the work in Drain 16 regarding the Crawfish River Solar Project. Pursuant to that approval, the Drainage Board is required to submit modified specifications for Drain 16 in accordance with §ATCP 48.21, Wis. Admin. Code. Accordingly, if you create any modified specifications beyond what you have previously submitted, please provide the same to me so I may in turn provide to Barton Chapman. The Drainage Board is also required to secure any other approvals or permits from DNR and other authorities. That said, it is the Drainage Board's position that it is not required to obtain any approval or permit from DNR in connection with this Project. Similarly, there is no other approval required from any other authority. With what has been submitted, you should not be deviating from what was approved the State Drainage Engineer unless we obtain subsequent written approval.

Thank you for your attention and consideration.

Very truly yours,

NEUBERGER, GRIGGS, SWEET & FROEHLE, LLP

By:   
Andrew R. Griggs

ARG:kam  
Attachment  
cc: Peter Magnoni  
David Hughes  
Ronald Griebenow  
E-Mail: [agriggs@nlgsllaw.com](mailto:agriggs@nlgsllaw.com)

**From:** dave hughes  
**Sent:** Tuesday, January 25, 2022 3:17 PM  
**To:** Peter Magnoni; Ron Griebenow  
**Subject:** Fwd: Jefferson County Drainage Board - Crawfish River Solar Project -Approval Letter

Sent from my iPad

Begin forwarded message:

**From:** "Chapman, Barton T - DATCP" <[barton.chapman@wisconsin.gov](mailto:barton.chapman@wisconsin.gov)>  
**Date:** January 25, 2022 at 3:15:33 PM EST  
**To:** Andrew Griggs <[agriggs@nlgslaw.com](mailto:agriggs@nlgslaw.com)>  
**Cc:** dave hughes <[hugheshogs@hotmail.com](mailto:hugheshogs@hotmail.com)>, "Clementi, Matt" <[Matt.Clementi@stantec.com](mailto:Matt.Clementi@stantec.com)>, Emily Straka <[emily@rangerpower.com](mailto:emily@rangerpower.com)>, "Woodrow, Matthew C - DATCP" <[Matthew.Woodrow@wisconsin.gov](mailto:Matthew.Woodrow@wisconsin.gov)>  
**Subject:** Jefferson County Drainage Board - Crawfish River Solar Project - Approval Letter

Mr. Griggs,

Attached is the approval letter for the referenced project. Hard copy to follow via USPS.

Please be aware that the specifications for Drainage District #16 are being modified, and therefore will require the specifications to be updated to incorporate the as-built conditions of the project. I am available to discuss the requirements of the specification modifications with the project team.

Thank you.

Barton T. Chapman, P.E.  
Conservation Engineering Unit Leader/State Drainage Engineer  
Bureau of Land and Water Resources/Division of Agricultural Resource Management  
Wisconsin Department of Agriculture, Trade and Consumer Protection  
Office: [608-224-4608](tel:608-224-4608)  
Mobile: [608-216-6433](tel:608-216-6433)  
[Barton.Chapman@Wisconsin.gov](mailto:Barton.Chapman@Wisconsin.gov)

Please complete this [brief survey](#) to help us improve our customer service. Thank you for your feedback!



State of Wisconsin  
Governor Tony Evers

**Department of Agriculture, Trade and Consumer Protection**  
Secretary Randy Romanski

January 25, 2022

David Hughes  
Chairperson, Jefferson County Drainage Board  
c/o Andrew R. Griggs  
136 Hospital Drive  
Watertown, WI 53098

RE: Crawfish River Solar Project  
Installation of Culverts in Jefferson County Drainage District #16  
SE ¼, SE ¼, Sec. 07, T6N, R14E  
SW ¼, SE ¼, Sec. 07, T6N, R14E  
NE ¼, NE ¼, Sec. 18, T6N, R14E  
NW ¼, NE ¼, Sec. 18, T6N, R14E  
SW ¼, NE ¼, Sec. 18, T6N, R14E

Mr. Griggs:

The Department of Agriculture, Trade and Consumer Protection (DATCP) has received an approval request for the following work in Drainage District #16 (District): Crawfish River Solar, LLC (Crawfish) is proposing to construct a 75 megawatt alternating current ground-mounted solar energy project in Jefferson County, Wisconsin. The project will be cited within an approximately 683-acre area. As part of the proposed Solar Project, Crawfish proposes to construct 5 culverts to be installed in District drains. These culverts will provide crossing points to allow access throughout the Solar Project which will be used to provide access for construction and maintenance.

DATCP has reviewed the design, plans and other documents submitted in connection with the above-referenced project.

DATCP has determined that the proposed project involves (check all that apply):

- Restoration, maintenance, repair, or a temporary structure or modification.
- Construction or modification of any district drain or structure.
- Construction that will change the formally established specifications in the district drain.
- Connection of a private drain to a district drain.

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DATCP has further determined that the project requires:

- No DATCP approval if these conditions are met.
- DATCP approval in accordance with subch. V of ch. ATCP 48, Wis. Admin. Code.

DATCP has reviewed the materials submitted by the drainage board and evaluated the adequacy of the submission commensurate with the project proposal.

Based on the foregoing actions, DATCP:

- Determines that the submission is incomplete and requires that the applicant submit the information identified in Appendix A.
- Extends the 45-day deadline for approval.
- Determines that DATCP must complete an environmental assessment before any approval can be issued.
- Grants approval of the project as submitted.
- Denies approval of the project as submitted.

If DATCP has approved the project as submitted, the drainage board must take other actions to fulfill its legal responsibilities as part of this project, including:

- Submitting modified specifications for District #16 in accordance with § ATCP 48.21, Wis. Admin. Code.
- Secure other approvals or permits from DNR and other authorities.
- Not deviate from the approved plan unless it obtains subsequent written approval from DATCP.

If you have any questions regarding the Department's review process or if anything in this letter is unclear, please feel free to call me at (608) 224-4608 or you can email me at [Barton.Chapman@Wisconsin.gov](mailto:Barton.Chapman@Wisconsin.gov).

Sincerely,

Barton T. Chapman, P.E.  
State Drainage Engineer

cc: David Hughes, Jefferson County Drainage Board Chairperson (via email)  
Matt Clamenti, P.E., Stantec Senior Project Manager (via email)  
Emily Straka, Ranger Power Development Manager (via email)  
Matt Woodrow, P.E., DATCP Conservation Engineering Section Manager (via email)