

LLA
PC

Matthew P. Dregne

mdregne@staffordlaw.com
608.259.2618

June 2, 2004

BY HAND DELIVERY

P. Scott Hassett, Secretary
Wisconsin Department of Natural Resources
101 South Webster Street
Madison, WI 53703

Re: PETITION OF SAWYER COUNTY TO REVIEW AND CLARIFY CERTAIN
ORDERS RELATING TO ROUND LAKE

Dear Secretary Hassett:

We are writing on behalf of Sawyer County to request that the Department of Natural Resources ("DNR") exercise its authority to regulate and control the level and flow of water in navigable waters, and review and clarify certain orders issued by the Public Service Commission of Wisconsin ("PSC") and the DNR relating to Round Lake, Little Round Lake and Osprey Lake¹ in Sawyer County.

INTRODUCTION

Sawyer County has been sued by Round Lake property owner James Hausman, who is seeking a court order requiring the County to manage Round Lake in accordance with the terms of a 1941 order issued by the PSC.

¹ Osprey Lake and Osprey Creek were formerly named Squaw Lake and Squaw Creek. All references in this petition to Squaw Lake and Squaw Creek are to Osprey Lake and Osprey Creek.

JUN - 3 2004

June 2, 2004

Page 2

The PSC and DNR have issued a series of orders from 1937 through 1985 that relate directly or indirectly to the management of Round Lake. Today, there are significant questions regarding how Round Lake should be managed under those orders. Some orders are inconsistent. Some requirements cannot be followed without further approvals from the DNR, and without impacts on property owners, other interested parties, and the environment. Letters and directions from the DNR and other state officials during the last several decades also raise significant questions about how the system should be managed.

There are 668 parcels of land on Round Lake, 74 parcels on Little Round Lake, and 53 parcels on Osprey Lake and Osprey Lake Creek. Different property owners have different views regarding how the lakes should be managed. In addition, this system flows into the Lac Courte Oreilles tribal reservation. The Lac Courte Oreilles Tribal Council has adopted resolutions strongly opposing any dredging or other disturbance of Osprey Creek, and favoring establishing a new revised lawful water level on Round Lake to prevent any lowering of the lake and to reflect the current normal variations of the lake.

A lawsuit commenced by a single property owner is not the appropriate forum to determine how the Round Lake system should be managed. Most affected and interested persons (including the DNR) are not parties to the litigation. There is a substantial risk of multiple lawsuits and inconsistent determinations. Only the DNR has the authority to consider the broad range of interests in the level and flow of the Round Lake system, and if appropriate issue a new order that finally and authoritatively determines the manner in which the Round Lake system should be managed.

The DNR should exercise its primary authority to regulate and control the level and flow of water in the Round Lake system, and should review and clarify the County's obligations with respect to the management of that system. The County intends to play an active and constructive role in that process.

Further information supporting this petition is set forth below.

