

Water Levels

Since our last report, the DNR on July 14, 2004, notified the County that it had accepted the County's petition to review and clarify existing orders of the Public Service Commission and the DNR relating to water levels on the Round and Osprey Lakes. In its letter the DNR stated that it would work with the County, Round Lake Property Owners, the Lac Courte Oreilles Tribal Council and other interested parties to resolve the water level orders. The County Clerk wrote RLPOA on July 20, 2004 advising that the concerned officials of the County agreed that it is important to keep RLPOA informed of developments concerning any management plans for Round Lake and that he will attempt to see that RLPOA gets copies of important public documents in the future. The president of RLPOA has notified the DNR that RLPOA does not support a change in the authorized water levels but, rather, wants the County to do what has to be done to actively manage the water level to comply with the 1941 order of the Public Service Commission. In a related development, the DNR notified the County in a letter dated July 9, 2004 that the County's after-the-fact permit application for the

placement of the culverts under Highway NN that drain Osprey Lake were incomplete and, since the culvert inlets were elevated above the bed of Osprey Creek, a determination would be made whether the culverts constituted dams. This letter asks for additional information to assess the culvert placement.

Meanwhile, there have been developments in the Hausman v. Sawyer County litigation in which the plaintiff seeks (1) monetary damages for injury to his Round Lake property allegedly caused by the County's failure to maintain the water level as mandated by the 1941 order and (2) injunctive relief requiring the County to install and maintain the structures necessary to comply with the 1941 order. On September 13, 2004, the Court denied the County's motion to dismiss Hausman's suit or in the alternative to stay the litigation pending completion of the DNR study. In addition, the Court denied the DNR's motion to dismiss Hausman's prayer for injunctive relief and to stay his suit for monetary damages. The trial has been scheduled for July 11, 2005.

Piers

As reported in the summer newsletter, the DNR's emergency rules governing piers were suspended on June 25, 2004. The DNR has established a committee of

so-called stakeholders to develop proposed permanent rules for piers. The proposed permanent rules will be posted on the DNR's website: <http://dnr.wi.gov/org>. We understand that the proposed rules will likely follow the existing Pier Planner as it pertains to the length and width of a pier, viz., length equal to the greater of 1) a boat length, 2) the distance to the three foot water depth contour, or 3) the distance to a deeper contour by the draft of a craft permissibly using the pier and a width of six feet. The new rules will regulate rafts and will incorporate statutory provisions.

Zoning Committee and Board of Appeals Matters

It has been very quiet on requests for Round Lake properties that require Zoning Committee or Board of Appeals action. There is currently pending before the Zoning Committee a request to subdivide a lake front lot into three lots, two of which would be less than 100 feet wide, measured at right angles along their depth. The Town of Hayward Board denied the request for a variance and the hearing before the Zoning Committee on September 17, 2004 was continued at the request of the property owner. RLPOA intends to oppose the granting of the variance.