

MINUTES OF THE  
RLPOA GENERAL MEMBERSHIP MEETING JUNE 24, 2006 DRAFT  
REVISED AUGUST 31, 2006 WITH DIRECTOR WHITLOCK'S NOTES

The meeting was called to order by President Bob Strachota at 9:00 AM at the town of Round Lake town hall. All the directors except John Ardoyno were present as were approximately 60 additional property owners/interested parties.

Fish Committee Report (Al Reinemann)

- 1) The Fisheries Report from the DNR is due now. It is expected to show a walleye population of approximately 2 per acre with a goal of 4 to 8 per acre. It is also estimated the adult Musky population is 100 fish, and they are not reproducing naturally.
- 2) Stocking
  - a) Last year 4000 extended growth walleye were stocked, with an expected survival rate of 85%.
  - b) This year there have been 450,000 fry stocked (1% survival rate) and 30,000 1.5 to 2 inch fish stocked (10% survival rate).
  - c) Between last year's stocking and that done so far this year, a yield of 11,000 adults should be seen.
  - d) More walleye stocking should be done this year, when the immature fish now in the rearing ponds should be 6 to 9 inches. It was moved, seconded, and approved to give the LCO Hatchery \$1,000 to help pay for fish rearing and stocking in Round Lake.
  - e) It was also moved, seconded, and approved to send the DNR a memo from our association asking that they not stock any more trout in Round Lake.

Secretary-Treasurer's Report (Dave Andersen)

- 1) The minutes of the Sept 17, 2005 general membership meeting were reviewed and approved.
- 2) The financial report was reviewed and approved. It was reported as of May 3, 2006 we have \$18,042.08 in the General Fund and \$21,465.84 in the Milfoil Fund. We are spending down the Milfoil Fund at a rate of about \$10,000 per year, so we are going to have to address how to replenish the fund.
- 3) Donations of \$330 to WAL, \$100 to WFNW, and \$250 to Couderay Waters Land Trust were approved.
- 4) Members were told that we officially have 501 3C status (Tax Exempt) so dues and donations to RLPOA are tax deductible. This was achieved at the cost of several thousand dollars and a lot of time from President Strachota.

Membership Report (Wally Narr)

- 1) Only 62 people have paid their 2006 dues of \$20
- 2) Wally and Sue Kintzinger updated the membership list and over the past 2 or 3 years about 100 properties have changed hands. Unfortunately, the printer used an obsolete distribution list on the mailing announcing today's meeting.

- 3) About 50 people paid dues in 2005 who had not been members before, and of 640 property owners on the lake, 341 are now or have recently been paid members.

#### Governmental Affairs (Bill Whitlock)

- 1) Bill gave an update on the Water Level management meetings that have been going on since last fall among the county, DNR, and a host of other agencies. The DNR is leading the development of a Round Lake Water Management Plan.
- 2) History of Round Lake
  - a) Prior to the 1920's Hinton, Richardson, and Filter bays were not parts of Round Lake. When CTH B was constructed, a wetland was filled to enable the road construction. Similarly, Lovejoy was connected to Round Lake through a wetland. The water level of Round Lake fluctuated by as much as 10 feet at this time, as there was no outlet from the system.
  - b) Due to severe drought in the 1930's Sawyer County petitioned the Wisconsin Public Service Commission to manage the water level of Round Lake. In 1941 the county petitioned to set the elevation of the lake at 79 feet, but a petition from a group of property owners asked that it be set at 76.6 feet. The PSC held hearings on the petitions, took testimony, and examined physical evidence of the shoreline and entered its order setting the normal elevation at 77 feet with a maximum of 77.25 feet. Part of that order was that when the level fell to 76.0 feet water would be diverted from Placid Lake, but, because of subsequent orders affecting Placid Lake, only if the Placid Lake level was above its established minimum level.
  - c) In order to try to manage these bodies of water according to the orders, the diversion channel from Placid Lake, the dam at Little Round Lake, and the drainage ditch from the dam to Osprey Lake were ordered constructed in the 1940's. This was the first time there was a true flow into and out of Round Lake. While the diversion channel from Placid Lake was the first true inflow other than through wetlands, it has been established that over 50% of the water flowing into Round Lake is ground water seeping in from the Tiger Cat chain of lakes.
- 3) The Hausman suit against the county alleged damage to his property due to high water in 2002 as a result of the county's alleged failure to manage the water level in accordance with the 1941 order of the Public Service Commission. Hausman's suit also sought an injunction to require the county to manage the water level in accordance with that order. The county asked the Court to rule that any taking of Hausman's property was temporary rather than permanent. The significance of this was that if the taking was temporary, under Wisconsin law Hausman could recover only his property damages which were in the neighborhood of \$80,000 but if the taking was permanent he could recover all his costs of the litigation, including attorney's fees and the costs of his expert witnesses which, with the costs of trial, could approach another \$800,000 or so. Shortly after the court ruled that the question of whether the taking was permanent or temporary would have to be determined by the jury at a trial, the county settled the case for \$580,000. While the case was still pending, Sawyer County petitioned the DNR to review

and clarify various orders and rulings concerning Round Lake water levels which it believed were conflicting. The DNR accepted this petition on July 14, 2004. The county then moved the court for an order to dismiss Hausman's suit for injunctive relief and to stay his suit for monetary damages. The State of Wisconsin on July 20, 2004 moved to file an amicus brief in support of the county's motions. The court dismissed the county's motion to stay Hausman's suit for monetary damages and took under advisement its motion to dismiss his claim for injunctive relief. The suit proceeded until it was settled in June of 2005 as described above. As part of that settlement Hausman insisted that the county not withdraw its petition to the DNR for review and clarification of the water level orders. During the last half of 2005 and continuing to the present, the DNR headed an effort to establish a Lake Management Plan for Round and Osprey Lakes and set up a study group with representation of the county, LCO, the Tiger Cat, Osprey, and Round Lakes property owners and other interested stakeholders. While waiting for this plan to be established and implemented the county has taken a "do nothing" position relevant to managing the water level.

- 4) Current Status of Management Plan: The study group has appointed a technical group to review the status of the water system and to make recommendations. That group has made the following observations.
  - a) An evaluation of the choke points from Lac Courte Oreilles upstream to Round Lake was done in May/June, 2006. Among other things, it found a road had been built with a culvert under it between CTH NN and Lac Courte Oreilles, a road that nobody seems to know about, although it is assumed it was built to accommodate snowmobilers traveling to the casino. A beaver dam is blocking the culvert under this new road and there are 7 to 9 other new beaver dams as well as many older ones impeding the flow of water. Water is backing up all the way to the culverts at NN and in fact water is flowing backward through those culverts.
  - b) The culverts at NN are 18" to 24" above the grade of the creek and the county has been ordered to lower them.
  - c) Upstream from NN to Osprey Lake there are many beaver dams and constricted vegetation slowing the flow of water.
  - d) There are two ways for water to flow out of Little Round Lake to Osprey Lake. One is through a wetland on private property, but there is a road on that property that is restricting the flow of water through the wetland. The second is through the dam at Carlson Road and down Osprey Creek. The dam has blockages from rocks and the drainage ditch from the dam to Osprey Lake has beaver dams and vegetative barriers impeding water flow.
  - e) There are no known reliable elevation gauges on the lake. However, a lake resident who has the right technical skills has recorded fluctuations in the water over the past 11 years and if given the scale the DNR uses he can make a conversion. His records show a 14-inch fluctuation over the past 11 years.

- f) RLPOA has filed a certificate with the county and DNR that reads as follows: “The undersigned, the duly elected, qualified and acting Secretary of Round Lake Property Owners Association, Inc, a Wisconsin not-for-profit corporation, hereby certifies that the following is a true, correct, and complete copy of the resolution duly adopted by the Board of Directors on August 19, 2005, and the same is and remains in full force and effect without amendment or modification. Resolved, that the official position of the Round Lake Property Owners Association on the issue of the water level of Round Lake is that we are not certain whether or not the level of the lake in recent years has been within the limits established by the 1941 PSC order but that the association supports what the average has been over the past 25 years whether that complies with the 1941 order or not. We expect that Sawyer County and the DNR will maintain and manage the waterway systems in and out of the lake in a responsible manner so as to be able to quickly control the extreme circumstances of high or low water. Dated December 23, 2005 and signed by David A. Andersen, Secretary, Round Lake Property Owners Association”
- g) The technical group is to review historical water levels and come up with recommendations. Whatever the study group recommends will be reviewed by the county and DNR before the public will have an opportunity to weigh in. Both the county and the DNR are planning to have public meetings.

#### Water Quality (Terry Kingston)

- 1) The focus is on Eurasian Water Milfoil. While we have been aggressively treating it for several years the problem remains and seems to be growing. We need a professional approach to manage the program at a controlled level.
- 2) Terry introduced Kristi Maki, who had been working with Dan Tyrolt at LCO until recently but is now employed with Sawyer County in Dale Olson’s Land and Water Conservation Dept.
  - a) Kristi has been working on invasive species for 5 years and is very familiar with the situation on Round Lake.
  - b) This year she has treated ¼ acre on Little Round Lake and about 5 acres in Leder Bay for milfoil. Other hot spots have been Musky Bay, Mud Lake, and Hinton Bay.
  - c) Another invasive, flowering rush is present in Schoolhouse and Leder bays.
  - d) Zebra Mussels – 30 water samples from Round Lake have been analyzed over the past 3 years. Veligers (larvae) were found in just one, and no adults have been found. Zebra mussels need lots of algae to flourish, and since Round Lake is low on algae, it is felt the threat is minimal.
  - e) For questions regarding any of the invasive species, Kristi can be reached at 634-6463.

- 3) On Terry's recommendation, the membership authorized the association to spend \$10,000 plus or minus 20% to develop an Aquatic Plant Management Plan. Preliminary discussion says we ought to get \$7,500 reimbursement from the DNR.
- 4) The audience asked that information on Eurasian Milfoil and Flowering Rush be included in future newsletters to help people identify it and know what to do to treat it.

The meeting adjourned at 10:30 AM

Respectfully submitted, Dave Andersen, RLPOA Secretary-Treasurer