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Round Lake shore owners accuse county, DNR of stalling on water level issue

Terrell Boettcher
Sawyer County Record
Thursday, October 05th, 2006 04:09:43 PM

Round Lake shoreowners are urging Sawyer County and the Wisconsin DNR to actively manage water levels in order to protect property values and the lake's ecology.

At a Sept. 28 meeting of the Round Lake water level task force, shoreowners also expressed their concern that the county and DNR are stalling in order to avoid lawsuits.

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The task force — which includes shoreowners, county board members, DNR staff and LCO tribal representatives — are asking the county to proceed with

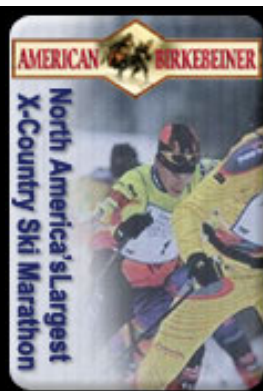
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an engineering study of the existing control system, which includes a board dam structure at the outlet of Little Round Lake, twin culverts carrying Osprey Creek beneath Highway NN downstream to Lac Courte Oreilles and a channel between Little Round and Osprey Lakes.

At their Sept. 23 meeting, the Round Lake Property Owners Association (RLPOA) affirmed their previous position adopted last December, with some additions.

In 2005, the RLPOA stated 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 Public Service Commission order, but the association supports what the average has been over the past 25 years whether that complies with the PSC 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."

Now, the RLPOA adds that the county's proposed study by an engineering consultant "must establish the normal and the maximum lake elevations, considering at a minimum ecology, property values, access and navigability.

"The RLPOA does not support a passive water level management system; we expect the Wisconsin DNR to order an active system that the county will implement and manage," the association added. The RLPOA board expects to make a more definitive statement within 30 days of receiving the engineering study.

RLPOA Secretary David Andersen told the task force that based on the measurements provided by the county and DNR showing the maximum water elevation over the past 60 years to be 78.19 feet and the minimum to be 75.6, the association's board "expects the county and DNR to manage the lake between these extremes, aiming at the midpoint of 76.9 feet."

Back in 1941, the PSC established the lake's minimum authorized level at 77 feet and the maximum at 77.25.

Andersen added that the water level as of Sept. 28 (76.19 feet) is "causing navigability problems, particularly for those folks close to the dam on Little Round Lake. They're basically landlocked."

One association member said the dam where the ditch to Osprey Lake and Little Round Lake begins needs to be modified or replaced with a concrete sill, set at the lowest acceptable water elevation, with stop logs in place to maintain the normal level.

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"The RLPOA general membership believes that the Sawyer County Board and the Water Level (Study) Committee underestimate their [property owners] dissatisfaction with both entities," Andersen said. He added that there is "much anger felt" toward the shoreowner who filed a lawsuit several years ago against the county, claiming a taking of his property due to high water. The lawsuit was settled out of court for \$580,000.

"This whole thing has given Round Lake a hell of a lot of negative publicity, and the property owners don't like it," Andersen added.

He added that the 660 property owners on Round Lake "are paying taxes on (conservatively-estimated) \$300 million worth of property. Most are nonresidents, so they really cost local government very little.

"The RLPOA, with more than 300 members, feel the DNR and County are simply avoiding managing the resource to minimize the chances of litigation," Andersen added. "There is a strong and growing sentiment by the property owners for a class-action lawsuit against the county and/or the DNR for failure to manage the water level of Round Lake.

"A lot of people are getting fed up," Andersen added.

Frank Dallam, DNR dam regulation specialist, said a previous study of the lake system performed by Barr Engineering is copyrighted and not available to the public, so the DNR won't accept it. "That doesn't mean there isn't some valid information in it," he added.

Shirley Riedmann, who chairs the county's Land and Water Conservation Committee, said the Barr study was performed to support the shoreowner's position as part of his lawsuit. "It is not necessarily the position of the general public, the DNR or the county," she said.

Riedmann said the county has the majority of data now through previous studies, and "the county will not pay" for the Barr study.

County attorney Scott Nicastro added that whichever engineering consultant the county now chooses "wouldn't rely on the (Barr) information. They have to do their own studies on which to base their opinions."

County Conservationist Dale Olson said the idea of managing the lake's water level by pulling out or putting in boards on the dam "isn't going to work. The low point isn't controlled by a dam (concrete sill), but by factors in the upstream or downstream channel."

Olson said he leans toward "trying to leave nature alone. This isn't a completely passive system. We still have the diversion canal in there (from

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Lake Placid). Now we have this opening through the berm and the water can go on down to Osprey Creek”.

LCO Tribal Conservation Department biologist Dan Tyrolt said Round Lake property owners may be “scared of a passive system, that they will be stuck with extremely high or low water.”

But Round Lake’s water level can’t be quickly changed by human action, Tyrolt said. Dallam said “There isn’t much control except for maintaining a certain minimum through diversion” of water (from Lake Placid). “The county doesn’t have control of the channel downstream from the dam. You can try to manage the beaver dams (which obstruct the creek channel).”

Andersen said the property owners “understand there is no immediate gratification. You can’t manage the level to a specific point. To us, it sounds like a 20- to 24-inch range is acceptable. But our point is, don’t wait until it gets to the top or bottom before taking some action.”

County Clerk Kris Mayberry said an engineering study is needed to find out if there are ways to manage the water level in Round Lake, taking into account the level on Osprey Lake and downstream in Lac Courte Oreilles.

Tyrolt said the control system is more efficient with high water than with low water, but it’s not possible to quickly change the water level through removing a board in the dam.

DNR water regulation specialist Tom Aartila said that on Sept. 25, staff measured ordinary high water marks (OHWM) on Round Lake. Dave Kafura added that such marks can vary from place to place on a lake, depending on whether it’s a sheltered spot or on a point that is pounded by waves. In a channel such as the Round Lake Narrows, boat wakes will affect the OHWM.

Stan Strainis said a water gauge needs to be placed in a visible place that the public can see and understand.

Tyrolt said the worst thing ecologically would be diverting water from the Tiger Cat Flowage into Round Lake, because the waters have different chemistry and there is potential for introducing aquatic invasive species.

“It should be a no brainer that this thing [Lake Placid diversion channel] should be eliminated,” Tyrolt added. The channel was created 65 years ago “for social reasons, not ecological,” to provide an additional source of water for Round Lake when the lake is low due to drought, he said.

Olson said the snowmobile trail obstruction of Osprey Creek near Indian Trail Road was excavated and a culvert installed on Sept. 27.

The proposed engineering study of the Round Lake water system will be discussed at this Thursday's Land & Water Conservation Committee meeting, as well as at the Oct. 13 Finance Committee meeting and Oct. 19 county board meeting. The estimated cost is \$18,000.

The task force will meet again on Oct. 26 to work on the draft Round Lake management plan.

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