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Round Lake water management headaches continue

by Terrell Boettcher
 News Editor

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Issues relating to the management of water levels in Round Lake continue to be a thorn in Sawyer County's side, as the county faces pressures from the Department of Natural Resources, Round Lake property owners and the Lac Courte Oreilles Tribe.

In a recent letter, DNR Upper Chippewa Basin water management supervisor Tom Aartila said the culverts carrying Osprey Creek beneath Highway NN "remain an outstanding enforcement issue: they were installed in 1999 without a permit and are elevated above the natural stream channel, which acts as a dam."

County Conservationist Dale Olson indicated that the county has an easement to maintain Highway NN but doesn't own the land. The LCO Tribe owns the land immediately upstream and Plum Creek owns the land immediately downstream. "It will cost us \$10,000 to \$15,000 (in

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engineering) to get (the culverts) declared as a dam," said Zoning and Conservation Committee chairman Jim Bassett. "That would be in place 20 to 25 years until the culverts cave in and we have to replace them."

"We are sensitive to the tribal needs and desires," Bassett said. "We've got to get along with the tribe in this county. That's why we've not done anything with those culverts."

Aartila said the potential for flooding on Round Lake "needs to be resolved." A study conducted by engineering consultant SEH showed that a 100-year flood event or greater "would back water up into Round Lake and essentially it would be a takings issue," he said.

"It's a perfect quagmire, a sticky wicket; (the culvert issue) is connected with everything else," Aartila said.

Olson said the 1941 state Public Service Commission order that established the permitted range of water levels on Round Lake "has to be changed. Right now if you stand on the roadway above the Carlson Road dam/bridge, you can just see water 300 to 400 yards above it. (The channel) is as dry as a bone. You could plant corn there."

Aartila said "the first step (to changing the 1941 order) is to identify a new potential range, something that is manageable. Depending on conditions (amount of rainfall, etc.), the Little Round Lake dam has a hard time discharging enough water to keep the lake level within the designated range. This is in part due to the flat nature of the system."

Olson said, "We can do almost nothing. We're still at the mercy of nature here. If it rains, we will have higher water. We can put in dams and spend hundreds of thousands of dollars. The beavers will take care of what they want to in far better fashion."

The tribe "says they don't want to see those culverts lowered; the DNR says we have to do something to handle the 100-year flood," Olson said. He suggested an alternative: "We can actually drop in a third tube, a four-footer, and drop it down to the (required) level, while technically not lowering the two culverts that are there."

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The committee voted to send a letter to Northern Region Director John Godzialski and DNR Secretary Matt Frank stating that the Sawyer County Board met with the LCO Tribal Governing Board and is still working on the Highway NN culverts issue.

Placid canal

The county's application to vacate and remove the diversion canal and dam between Placid Lake and Round Lake will be the subject of a public hearing conducted by the DNR following a 30-day notice. The date hasn't been set yet, but could be in July.

Ultimately, someone could request a contested case hearing, which would take longer, said Aartila. Another alternative is for a municipality or taxing authority to request taking over the structure, "but I don't see that happening," he added.

"I don't see us as not approving" the county's application, Aartila said. "I think we're in agreement that it's better to split those watersheds (Tiger Cat and Round Lake) and not have water going from one watershed to the next."

Dale Olson read a letter from Donald Stover representing the Tiger Cat Flowage Property Owners Association stating that they "fully support" the county's application to abandon the canal and dam.

Tribal sites

Pursuant to an issue raised by the LCO Tribal Governing Board at their recent meeting with the Sawyer County Board, the committee agreed to invite tribal representatives to a future meeting to further discuss tribal concerns over the county's issuance of land use permits on private properties within reservation boundaries that may contain burial or cultural sites. The county zoning office will notify the tribe by e-mail of pending permits within reservation boundaries.

Dam inspections

Olson distributed letters from Statewide Dam Safety Engineer Lynda Hyatt stating that they will inspect several county-owned dams this year: Tiger Cat Flowage, Upper Brunet (Lake Loretta), Fishtrap Lake, Billyboy, Deer Creek, Lake Placid and Price (Lake Winter). The county then will be required to hire an engineer to perform a dam failure analysis, if it hasn't already done so. All of these are listed as "high hazard" dams.

"Luckily we've gotten ahead of the curve on this," Olson said. "We've done a lot of the inspections and dam failure analyses in the past 15 years."

The Totogatic (Nelson Lake) Dam has been inspected and had a dam failure analysis performed. The report still needs a "final blessing" from the DNR's Frank Dallam, Olson said.

Olson said the DNR is "now out of the business of doing floodplain and ordinary highwater mark delineations."

Mud hut

Town of Draper Chairman Ed Peters informed the committee that the 27-foot-circumference clay-and-strawbale residence built a few years ago by Michelle Piper and Febe Dancier on a five-acre wooded parcel off North Clover Road is listed for sale, but continues to be a nonconforming structure. The owners have bought another house for themselves on Helsing Road.

Anyone buying the mud hut property on North Clover Road would have to apply for and receive permits from the town and county.

"We need to send a letter stating that it's not habitable and needs to be taken down," said County Board member Warren Johnson.

Olson said the county can't take it down unless it takes ownership of the land for nonpayment of taxes. Deputy zoning administrator Cindy Yackley said a legal alternative would be for the owner to make the current residence an accessory structure for storage.

Olson said he would draft letters and revisit the issue at next month's committee meeting.

Phosphorus in lakes

Aartila said that the DNR is developing a rule to set acceptable phosphorus limits for surface waters, in response to Environmental Protection Agency (EPA) requirements. The draft rule has had a public review and will come before the Natural Resources Board next month. It then will go to a legislative review.

"In Wisconsin, we haven't had an (EPA) impaired waters list since 2006," Aartila said. "We've been at odds over Musky Bay (on Lac Courte Oreilles). Locally there was a push to list it as impaired. It didn't meet our criteria as impaired, based on the water body type. We don't have invasive species; it isn't a kicker for us to put it on the impaired list. We were notified a number of months ago that the EPA was going to list it as impaired. We will respond to EPA. That may become an impaired water. What it means, I'm

not sure yet."

With the ongoing drought, there is a "tug of war between people who want more water. It will take a long time to recharge the groundwater," Aartila said.

Next month, the committee will discuss charging higher fees to release gravel rights on lands sold within the county.

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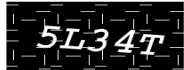
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