

Comments on Koshkonong water level sought

By Jeff Brown
Special to The Reporter

The state Department of Natural Resources is asking for comments about the economic impacts of a higher water level on Lake Koshkonong.

"We can predict water level impacts to wetlands, fisheries and shoreline vegetation and we understand how water flows in the geographic area that feeds the Rock River and Lake Koshkonong, but we are less certain about the economic impacts of higher water levels on landowners and businesses," said the DNR's South District Water Leader Steve Ales in a press release issued on Monday, Feb. 16.

In July of 2013, the Wisconsin Supreme Court ruled that the DNR impermissibly ignored economic impact evidence when issuing an operating order in 2005 that set summer and winter water levels for Lake Koshkonong.

Lake Koshkonong is a large, shallow lake,

created when the Indianford dam, built in 1851, flooded a large marshy area.

In 1991, the DNR issued an operating order that specified the summer and winter water levels for the lake which, if reached, would require Rock County, which owned the Indianford dam at the time, to open all of the dam's gates and lower the lake's water level. The summer water level was set at 776.33 feet above mean sea level.

In 2003, the Rock-Koshkonong Lake District and the Rock-Koshkonong Recreational Association petitioned the DNR to issue a new operating order with higher summer and winter water levels. The petitioners wanted the DNR to set the summer water level at 777 feet above mean sea level.

In 2005, the DNR issued a new operating order with a higher winter water level but the same summer water level of 776.33 feet, and RKLD and the RKRA challenged the order in a hearing before an administrative law judge, arguing the DNR had ignored economic impact evidence.

Environmentalists, duck hunters and farmers argued that a summer water level of 777 feet above mean sea level would flood adjacent wetlands, harm wildlife, and make croplands harder to drain.

Shoreland property owners and business owners argued that the summer water level of 776.33 feet above mean sea level would shrink lake frontage and make it harder for boats to traverse the lake.

The administrative law judge upheld the DNR's operating order, as did a Rock County Circuit Court and the state Court of Appeals.

After issuing its decision, the Supreme Court remanded the case to Rock County Circuit Court, and last summer a judge remanded the case to the DNR and ordered the agency to gather and consider economic impact evidence.

Comments may be mailed to Steve Ales, Department of Natural Resources, 3911 Fish Hatchery Rd., Madison, WI 53711, or e-mailed to dnrkoshkonongwaterlevels@wisconsin.gov.