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Raised water levels coming soon to Lake Koshkonong

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JIM DAYTON
Friday, June 23, 2017

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EDGERTON—Fourteen years of legal fights will soon cause 2 inches of change in Lake Koshkonong.

The Wisconsin Department of Natural Resources reached a settlement last summer with three primary stakeholders that will raise the lake's water level by 2.6 inches beginning July 1. The lake will remain at this level until Sept. 28.

It's part of an effort to enhance the lake's recreational appeal and spark local economic activity during the summer.

The DNR held a final public hearing Thursday at the Edgerton



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Performing Arts Center before deciding to alter the water level. While nothing has changed since the DNR reached its settlement with the lake district, a wetlands association and a hunting club, the hearing was intended to boost transparency, said Russ Rasmussen, a natural resources manager with the DNR.

“This, as you know, has been a very controversial issue,” Rasmussen said. “We wanted to have the opportunity for the public to come give us comments before we actually implement the first phase of the settlement.”

Rasmussen did not believe any public comments Thursday would lead to drastic changes. But they would provide a roadmap for how to manage the lake, he said.

Lake Koshkonong's legal battle began in 2003. The Rock-Koshkonong Lake District petitioned the DNR to raise water levels by up to 8 inches from May through October, according to DNR documents.

Two years later, the DNR denied the request for increased summer levels. It did partially grant a lake district request to raise water levels during winter months.

The lake district disputed the ruling, and the case eventually made its way through the legal system to the state Supreme Court. The court ruled in 2013 the DNR had not sufficiently considered the economic benefits of raising water levels.

This decision kicked off years of negotiations and impassioned pleas from residents as multiple parties sought compromise.

Some residents and environmental groups questioned how increased water levels would affect the lake's ecosystem. A DNR report acknowledged changes in water levels have historically caused wetlands losses.

At Thursday's hearing, Susan Yates, who lives on the lake's northern shore, said the water level changes will damage her prairie restoration work and submerge a significant portion of her property.

11:10AM



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The DNR said it will monitor the water level's effects on the lake ecosystem. If no significant damage occurs by 2019, the water will rise another 2.4 inches for a total increase of 5 inches.

Others who spoke at the hearing, attended by a few dozen people, said the lake needed to be dredged or took issue with gates at Indianford Dam. Some said the DNR should consider other ways to improve the lake's water quality and overall appeal.

Steve Proud, a member of the Rock-Koshkonong Lake District board, said adjusting the lake by 5 inches is a good first step but doesn't go far enough. The DNR has placed too much emphasis on wetlands preservation and not enough on boat navigability or economic impact.

Proud declined to comment on how much further he would like the DNR to go.

Rasmussen said the past decade wasn't the first time sides argued about Lake Koshkonong's water levels. That has created a historic cycle of request, legal battle and compromise, he said.

Part of the settlement calls for better long-term planning. If a good plan is developed, there won't be another confrontation several decades from now when the lake is full of silt, he said.

“There's been a lot of passion on this and rightfully so. It's a beautiful resource,” Rasmussen said. “We can get so much further if we collaborate and find some common ground rather than just butting heads all the time.”

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 -Susan Yates is simply wrong her prairie & property being "submerged" by the DNR's new order for Lake Koshkonong (if the reporting here is even accurate). Perhaps she is just confused about what brings-on high lake levels.
 -A google search for RKLD & USGS websites indicate the lake is at 778+, 2+ feet higher than what the DNR is giving RKLD. Reports indicate all dam gates are open (since September 2016) and water is flowing over the dam. Obviously, the rain is to blame for the high lake level, not DNR. So perhaps today, Mrs. Yates' land is underwater. It happen - it is called in law an act of God, such as when the neighbor's tree falls on your home. You can't sue the neighbor.
 -However, if the new DNR level for Koshkonong inundated Mrs. Yates' land, then that is called a "takings" issue, and she could sue the DNR and RKLD.
 -There is no way lawyers for RKLD or the DNR, or the St. Supreme Court, would provoke a "takings" lawsuit. Mrs. Yates' land may be below the OHWM.

By Long_Time_Gone at 1:26 pm Thursday, June 29, 2017 | [Report Abuse](#)

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