

# Christianson rejects RKLD appointee

By Jeff Brown  
Special to The Reporter

The fight to add 7.2 inches of water to Lake Koshkonong has turned personal.

Brian Christianson, chairman of the Rock-Koshkonong

Lake District's board of commissioners, is refusing to accept Justin Shultz, a Milton lawyer whom the Rock County Board of Supervisors appointed to the RKLD board earlier this year.

Soon after his appointment in October, said Shultz, "I sent out an introduction to the members of the lake district board telling them a little bit about myself and Brian Christianson said the lake district does not want to accept my appointment."

"Your nomination will not be accepted by the RKLD board," wrote Christianson in an email to Shultz. "I'm having our legal team draft letters to Rock County for the reasons for this, which I won't get into here."



CHRISTIANSON



PODZILNI

## Law grants county a seat

Under state law, the RKLD board must include one person who is either a county commissioner, a member of the county's land conservation committee, or a person nominated by the land conservation committee and approved by the county board.

On Oct. 13, the county's land conservation committee unanimously approved a recommendation to appoint Shultz to replace Supervisor Mary Mawhinney on the RKLD board. Russ Podzilni, the county board's chair, spoke in favor of the recommendation.

Podzilni told committee members that Mawhinney was unable to attend RKLD board meetings because they're held on Thursday nights, the same night as the county board's bi-monthly meetings. Christianson told The Reporter on Monday that he recently offered to move the RKLD board meetings to a different night.

The county board appointed Shultz to the RKLD board at its Oct. 22 meeting. Shultz said he put his name in for the appointment after he learned of Mawhinney's scheduling conflict.

"I got in touch with Russ Podzilni and went in for an interview with him and Sandra

## RKLD APPOINTEE

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Kraft and after a few weeks they got back to me." Kraft serves as the vice-chair of the county board.

The chairman of the land conservation committee, Supervisor Al Sweeney, told The Reporter there was no public opposition to Shultz at the Oct. 13 meeting. He said the RKLD has no authority to refuse Shultz' appointment.

"It's up to the county board to have a representative there and it's up to the county board to pick that representative."

### By the book

Podzilni told The Reporter the county "did everything by the book" in appointing Shultz.

He accused Christianson of moving the RKLD board meetings to Thursday night several years ago to make it hard for Mawhinney to attend.

Why would Christianson do that? Because he's not interested in input from the county, said Podzilni.

"All we wanted is a representative to tell us what's happening at the board meetings—nothing sinister," Podzilni said. "I've been looking for somebody ever since Brian changed the meeting night."

Christianson did offer to move the RKLD board meetings to another night, said Podzilni, but only after learning of Shultz' appointment.

"I don't care if he changes it now," Podzilni said. "We have a representative."

Podzilni said he picked Shultz because "he owns property in both Jefferson and Rock counties, he's reputable, he's likeable, and he's very much into land conservation—he's not coming in with any agenda at all."

Christianson denied moving the RKLD meetings to Thursday night to thwart Mawhinney's participation and pointed out that Mawhinney never attended the RKLD annual meeting, which is held on a Saturday morning in August when there are no county board or committee meetings.

Christianson also said he doesn't want to cut the county out of the RKLD's business—actually, he wants to work with county officials to improve boat landings

around the lake and attract a business to the old Cliff Lodge property along the Rock River near Indianford. If he didn't want to work with the county, said Christianson, why has he attended several county parks workshops?

### What's the beef?

What's Christianson's problem with Shultz? Shultz submitted a comment to the state Department of Natural Resources earlier this year opposing the RKLD's request to add 7.2 inches to the lake during the summer.

Christianson, a veteran political consultant, has led a ten-year legal fight to force the DNR to add water to the lake during the summer, when the Rock River's flow through the lake tapers off. Lake Koshkonong was formed from a vast marsh when the Indianford Dam was built in 1851. That means the lake is wide but shallow, with a maximum depth of seven feet in the summer.

The low water forces some landowners to build piers 100 or 200 feet long to launch their boats from. It also causes boaters to run aground in the mud or damage their props on rocks and drives down the value of lakefront property.

In July of 2013 the state Supreme Court ruled the DNR had impermissibly failed to consider the economic impact of denying the RKLD's request for the extra 7.2 inches. The Court remanded the case to a Rock County Circuit Court judge, who sent it back to the DNR with instructions to consider the economic impact of not adding the water. The DNR has been taking public comments on the issue since February.

Proponents of adding the water claim the lower water hurts lakeside businesses and drives boaters to other area lakes. Opponents of adding the water claim the extra 7.2 inches would flood wetlands and harm wildlife, as well as flooding nearby crop fields.

### Family ties

In an email to The Reporter, Christianson complained that Shultz was related to one of the plaintiffs who brought the law-

suit that started the dispute over the water level in the late 1980s.

Shultz, who's 30 years old, said it's true his great-uncle, Charles Shearer, was a party to the lawsuit that eventually led to the DNR order setting the current summer water level in 1991. But that's ancient history, said Shultz.

"When that lawsuit was going on I was a baby."

Shultz said his opposition to raising the water level has nothing to do with family and everything to do with the rights of wetland owners.

"I'm in favor of improving the lake any way we can, but raising the water affects private property rights. It's like taking someone's property and to me that isn't right."

The battle over the water level has pitted the RKLD, boaters and business owners against farmers and conservationists, including duck hunters. Shultz admits duck hunters use property his family owns along the lake but said his stance is a matter of principle, not a matter of protecting any specific use of the lake.

"It's just about what I believe is right."

### A leg to stand on?

Podzilni said state law is clear the RKLD has no authority to reject Shultz. The lawyer who's researching the issue for RKLD didn't return a call seeking comment before The Reporter went to press Tuesday night.

The next RKLD board meeting is scheduled for Thursday, Dec. 10 at 6 p.m. at Tallgrass Restoration LLC on County Road N in the Town of Milton. Shultz said he plans to be there.

"I'm just going to show up. I'm there to represent the county."

Podzilni hinted the RKLD will have another legal fight on its hands if Shultz isn't allowed to participate in the meeting as a commissioner.

"I just hope he (Christianson) doesn't try to embarrass Justin at the meeting on the 10th and say 'We don't accept you.' Then we're going to have a pissing match because Justin knows the law."