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TOPICAL FEATURED

DNR settles suit by agreeing to move toward lake pollution limit

STEVEN VERBURG sverborg@madison.com 4 hrs ago



JOHN HART, STATE JOURNAL ARCHIVES

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Kris Sivertson, a property owner on Lac Courte Oreilles and member of the Courte Oreilles Lake Association, left, and Brett McConnell, an environmental specialist with the Lac Courte Oreilles Conservation Department, check water conditions on the lake's Musky Bay in Sawyer County in this April 11, 2016, file photo.

The state has agreed to move more quickly than it usually does toward limiting pollution in one northern Wisconsin lake as the result of a lawsuit filed by a tribe and a group of property owners.

The property owners dug into their own pockets to cover the \$200,000 cost — usually borne by the government — of evaluating the lake's water quality and the sources of the



pollution.

The Courte Oreilles Lakes Association and Lac Courte Oreilles Band of Lake Superior Chippewa sued to force tougher state limits on pollutants they say are threatening to cause the collapse of the lake's two-story water structure and the prized fishery it nurtures.

"We need a more protective standard because of the amount of phosphorus coming into the lake," association spokesman Jim Coors said. "That would give us a little more ammunition to clean up the sources."

The state Department of Natural Resources settled the lawsuit in Dane County Circuit Court by agreeing to seek approval from Gov. Scott Walker by May 15 for a plan to create new limits on the amount of phosphorus that rain and snowmelt can carry from surrounding land into the lake.

If the plan — called a scope statement — is approved by Walker and the Natural Resources Board, the DNR agreed to calculate the limit within 150 days.

More information



Fixes come slowly for growing list of impaired lakes and streams

Runoff from farms is the main source of phosphorus pollution in a growing number of Wisconsin lakes that are listed as "impaired" by the unnatural weed and algae growth the nutrient causes.

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Plan would give large dairy farms more power in drafting of pollution permits

Controlling farm runoff has become a major problem in a state that prides itself both in its powerful agriculture industry and its sparkling lakes and streams.

In this case, the Wisconsin State Cranberry Growers Association said the four cranberry farmers who operate around the Lac Courte Oreilles shores have been wrongly singled out.

Growers association executive director Tom Lochner said Friday he believes pollution of the lake isn't as bad as it is portrayed in the study commissioned by the lake association and that cranberry producers aren't responsible for as much phosphorus as the study concludes they are.

Lake property owners hired LimnoTech, an environmental engineering firm based in Ann Arbor, Michigan, to conduct the \$200,000 pollution assessment the DNR will now consider under the settlement agreement. LimnoTech has recommended that a 10 parts per billion limit on phosphorus be set for the lake. The general statewide limit is 15 parts per billion.

The study points to agricultural runoff as the greatest single contributor of nutrients, especially discharges from cranberry growers who borrow water from the lake to irrigate the plants, make harvesting easier and protect crops in winter.

After a legal battle several years ago, one grower installed a system — with a state subsidy covering part of the cost — that is designed to reduce nutrient pollution by storing and recirculating water instead of returning it to the lake.

The lake association in October publicly offered \$100,000 of its own money to help growers install other such systems.

Coors said none of the growers expressed serious interest initially, but a facetious reply from one farmer led at least to an exchange of information that may still lead to a partnership.

Pollution limits are slow

Every two years, the state adds hundreds of lakes and streams to its list of those where swimming, boating and fishing are impaired by pollution. Relatively few are taken off the list.

Setting a pollutant limit lower than the general state standard can take a decade or more under the eight- to 12-year timetable recommended by the U.S. Environmental Protection Agency.

The association and the tribe sued the DNR in June after the DNR said it wouldn't move more quickly despite the completion of the LimnoTech study.

Lac Courte Oreilles (pronounced La-KOO-deray) is a 5,100-acre lake near Hayward in Sawyer County. It is listed by the state as an outstanding water resource.

The lake is one of a few in Wisconsin with cold enough temperatures at its bottom to support whitefish and cisco, which are food sources for the walleye and muskellunge that are prized by anglers.

But phosphorus has caused unnatural algae and weed growth, and when the weeds die and decompose, they rob the colder "lower story" of oxygen so the fish can't survive, Coors said.

One of the lake's bays is on the DNR list of waters where swimming, boating and fishing are impaired by pollutants.

The DNR has said the lake could benefit from two administrative rules the agency has been working on for several years related to setting lake-specific pollution limits.

The settlement document indicates that a phosphorus limit for Lac Courte Oreilles will play a role in finalizing one of those rules.

Under a 2011 law, rules can't be approved until business-impact studies have been conducted. The law also added more involvement by the governor in the rule-making process.

Lake association members have acknowledged that a stricter phosphorus limit won't necessarily mean a quick fix because most regulations on agricultural pollution are based on voluntary actions by farmers.

Steven Verburg | Wisconsin State Journal

Steven Verburg is a reporter covering politics with a focus on environmental issues for the Wisconsin State Journal.

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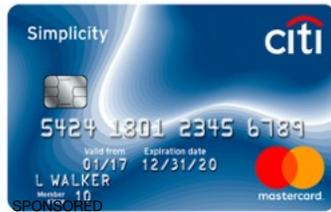
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