

Koshkonong comments demonstrate divide

By Jeff Brown
Special to The Reporter

Regulators with the state Department of Natural Resources will hopefully decide soon whether to issue an order raising the summertime water level in Lake Koshkonong by seven inches.

The agency was ordered by a Rock County judge last year to reconsider its refusal to issue such an order and take into account evidence on the economic impacts of a higher water level. The judge's order was prompted by a state Supreme Court ruling issued in July of 2013.

Since February of this year, the agency has been taking written comments from the public on whether to raise the lake's water level during the summer. As reported in The Janesville Gazette on Sunday, Nov. 1, the majority of the 400 comments the agency has received so far are in favor of raising the water level.

Wide, shallow lake

Lake Koshkonong, once a vast marsh where American Indians in canoes harvested wild rice and hunted ducks and geese so numerous they filled the sky, was formed when the Indianford dam was built on the Rock River in 1851. That means the lake, the state's eighth-largest, is wide but shallow, with depths that top out at seven feet during the summer.

During the summer, the surface of the lake is choked with pontoon boats, ski boats and bass boats as vacationers relax and play and anglers ply the lake's murky waters for prize northern pike and wall-eye.

Each fall, as they've done since the late 1800s, camouflaged hunters take to blinds in the marshes that ring the lake and, cradling shotguns, call in flights of teal, canvasbacks, and mallards.

During the winter, fishing shanties dot the lake's frozen white expanse and snowmo-

bilers crisscross the ice. Bald eagles, lured by the fish-filled open water where the river exits the lake in Newville, soar high overhead.

Water war

The Rock-Koshkonong Lake District sued the DNR in 2005 after the agency denied RKLD's request to issue an order allowing the RKLD, which owns the Indianford dam, to open the dam and allow an extra seven inches of water into the lake during the summer.

The DNR won in Rock County Circuit Court and at the state Court of Appeals, but the State Supreme Court ruled the agency had impermissibly ignored economic impact evidence in a 4-3 ruling. The Court also ruled the agency had wrongly relied upon the public trust doctrine to protect private wetlands around the lake.

To date, the litigation has cost the RKLD approximately \$800,000. A majority of RKLD electors voted in 2005 to more than double the amount of the special assessment they pay each year to fund the lawsuit.

Most want more water

The Gazette reported that 76 percent of those who submitted comments to the DNR in favor of raising the water level own houses or businesses located on land around the lake.

Homeowners complained the lake is so shallow in the summer they have to extend piers far out into the water (200 feet, in one case) to launch their boats. Boaters complained that their props stick in the lake's swampy mud or break against barely submerged rock piles.

Business owners say higher water would mean more boaters and more customers. According to a study by an economics professor at UW-Whitewater, the refusal to add the seven inches during the

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summer depresses lakelfront property values, costs area businesses sales, and means less property tax revenue for the towns of Fulton, Albion, Summer, Koshkonong and Milton.

According to The Gazette, many among the 24 percent who submitted comments opposing the higher water level said higher water would harm the lake's wildlife. Others said the UW-Whitewater study was flawed.

Farmers told the DNR in 2005 that the additional seven inches in the summer

would flood more fields, forcing them to plant crops later (thereby cutting into their yields) and clogging field drains with muck. But according to The Gazette, Edgerton's Sue Tronnes in her comment told the DNR that the lake floods regardless of how much water is let through the dam.

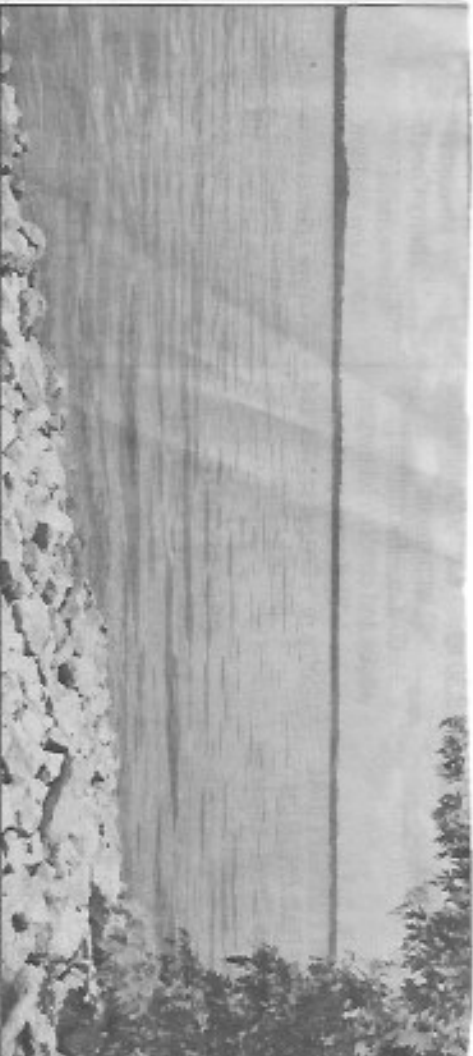
The Gazette reported that Justin Schultz, from Milton, wrote the DNR that homeowners and business owners knew the lake was shallow when they bought land along its shores. He also wrote it

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was foolish to expect the lake to be like Lake Geneva, a lake in Walworth County, long popular with summer visitors, that has a mean depth of 62 feet.

Ruling soon?

Steve Ales, a water program supervisor with the DNR, told The Gazette he doesn't know when the agency might issue a ruling on the water level. Those in favor of adding seven inches to the lake, no doubt, hope the ruling comes before next summer.



Regulators with the state Department of Natural Resources have yet to issue a decision regarding a proposal to have the summertime water level in Lake Koshkonong raised by seven inches.

File photo