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Rock-Koshkonong Lake District rejects appointed member

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JAKE MAGEE
December 8, 2015



Brian Christianson

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INDIANFORD—Justin Shultz said he intends to serve on the Rock-Koshkonong Lake District Board whether the board chairman wants him or not.

After the Rock County Board appointed Shultz to the lake district board, Chairman Brian Christianson said he wouldn't accept him.

“I am having our legal team draft letters to Rock County indicating the reasons for this, which I will not get into here, but I suspect, being a smart guy, you can deduce for yourself,” Christian wrote in an email to

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What: Meeting of the Rock-Koshkonong Lake District Board

When: 6 p.m. Thursday

Where: Tallgrass Restoration, 3139 E. County N, Milton.

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Shultz, an attorney and land conservationist.

State statutes allow county boards to appoint people to serve on lake district boards, Shultz said.

The quarrel is tied to the district's longstanding legal feud with the state Department of Natural Resources over Lake Koshkonong's water level.

The district wants to raise it 7.2 inches in the summer to support boating and water recreation, but some private property owners and hunters would like it to remain at its current level to maintain wetlands, wildlife and shorelines.

The state Supreme Court has ordered the DNR to consider the economic impacts of raising the lake level before making its final decision.

Department officials are considering hundreds of public comments they received this year, many of which support raising the water level.

Shultz wrote to the department in opposition of raising the lake level. He has different priorities than most lake district board members, but that shouldn't be an issue, he said.

“Nothing in the law says that the county representative has to agree with the chairman of the lake district politically and serve with his blessing,” he wrote in an email to The Gazette.

SHULTZ'S APPOINTMENT

Until Shultz was appointed to replace Rock County Board Supervisor Mary Mawhinney as the county board's representative on the lake district board. About two years ago, lake district board meetings were changed to Thursday nights, which overlaps with county board meetings, Rock County Board Chairman Russ Podzilni said.

Shultz learned about Mawhinney's scheduling conflict and went to



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the lake district's website, where he learned the damage increasing the water level could do, he said.

“I thought, 'I need to get involved here,’” Shultz said. “It's not just about boating and recreation. It's about people's private property rights.”

He contacted Podzilni, who brought him in for an interview. Podzilni noted Shultz's credentials and recommended to the land conservation committee they approve him to serve on the lake district board. The committee and county board unanimously approved Shultz.

“I don't have a dog in this race,” Podzilni said. “I just wanted somebody who could go to these meetings, someone who understood land conservation ... and would report back to the county board on the activities of the Rock-Koshkonong Lake District. Not everyone should be running around yelling, 'Raise the lake level 7 inches!’”

The county line ends at the mouth of Lake Koshkonong, but the county doesn't want to see shoreline erosion on the Rock River, he said.

It would be preferable to have a county board member on the lake district board, but the overlap of meetings makes that a challenge, which is one reason why Podzilni recommended Shultz, Podzilni said.

OBJECTION

After being appointed, Shultz sent an email to lake district board members introducing himself. Christianson emailed back asking if Shultz owned lake property or was related to the Shearers.

Shultz's great uncle Charles Shearer was party to a lawsuit in the mid-1980s that sought to keep lake levels down when the Department of Natural Resources was trying to raise them.

“I was a little boy. I was born in '85. I wasn't really involved in that,” Shultz said.

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Shearer was fighting then for the same thing Shultz is interested in now: property rights.

Shultz doesn't own lakefront property, but his family does, including wetlands. Shultz is concerned private wetlands would be lost if lake levels are raised, he said.

Shultz didn't answer Christianson's questions in the email exchange but offered to meet Christianson in person. Christianson informed Shultz he wouldn't be accepted to the lake district board.

“I was hoping you would be honest and transparent, answering a simple question. Instead, you chose obfuscation,” Christianson wrote.

Shultz then revealed he was indeed related to the Shearers and had no intention of hiding anything.

“My genealogy is irrelevant to my competence to serve,” he wrote. “I have a genuine desire and capacity to serve in the post I have been appointed and shall serve with care and interest to the best of my abilities and with good judgment.

“I will not be intimidated, because surely intimidation is the best word to describe the tone of your emails to me in this exchange,” Shultz wrote.

This is the first time in the lake district's 16-year history that the county board has appointed someone who isn't a county board member, Christianson wrote in an email to The Gazette.

“But our deeper concern is the connection Justin has to Buck Sweeney, ... the attorney representing parties in our litigation with DNR over water level orders,” he wrote.

Sweeney represents local clubs that don't want to see the water level raised. He also is involved in the Lake Koshkonong Wetland Association, which includes Shultz's family.

“A number of sitting board members are tied to business interests and affiliations that stand to gain from higher water, (and) it does not prevent them from serving,” Shultz wrote in an email to The

Gazette.

Christianson didn't return requests for further comment.

“There's a group of people on this lake ... but they don't have a representative on that board,” he said. “What's a government body without a discussion?”



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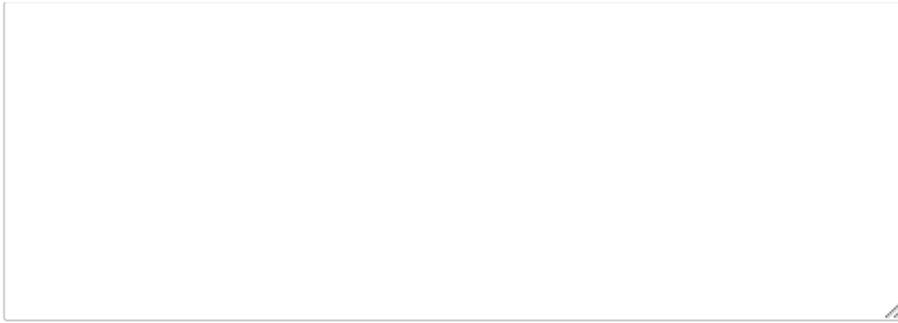
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 BuyUSA - Are the Board members appointed or elected? And if Dallman Park is county property, shouldn't they have their own county committees or parks people care and regulate it? As far as your understanding of fish habitat, what happens to the fish population when the lake is so low that it freezes solid, for months, to the lake bottom? Sounds like you have dog in this fight.

By Long_Time_Gone at 5:59 pm Wednesday, December 9, 2015 | [Report Abuse](#)

 LTG...You bring up a good point. You went to Dallman Landing which is a Rock County Park. Don't you think the County should have a representative on the Board to discuss and make decisions?

By buyusa at 11:06 am Wednesday, December 9, 2015 | [Report Abuse](#)

 The problem is that mid summer, rain gets rare and snow melt is even rarer. A healthy environment for vegetation and wildlife depends on a natural rise and fall of water levels. If you keep the water levels high all the time, much of the vegetation will permanently die. With less vegetation for spawning and to protect young fish, fishing will suffer. Maybe get a flat bottom boat instead of a bass boat with a 200hp outboard?

By buyusa at 11:01 am Wednesday, December 9, 2015 | [Report Abuse](#)

 I had a day off yesterday and pulled my fishing boat over near my ole hometown of Milton. From Dallman Landing, I could see there was no ice on Koshkonong so decided to try rare December open water fishing. Then I noticed that the lake level was high, 778+. The county says that is Slow No Wake Level. But it was not posted, so I went down river, thinking the gates must be closed to hold back the high water level. Even at 778, every shoreline I saw was exposed. No lawns were flooded. Do the anti-boaters and anti-fishing minority even understand lake levels, and how 777 is over a foot lower than what I fished yesterday? The gates were all wide open. Do they bother to educate themselves on erosion caused by wind fetch. The "big boat" season is pretty limited in WI, maybe from Memorial Day to Labor Day. 90 days of boat traffic and then usually limited to weekends. But the wind blows across the big lake much more routinely. Share the lake, with all of us.

By Long_Time_Gone at 10:25 am Wednesday, December 9, 2015 | [Report Abuse](#)

 It seems Brian Christianson has no intension to listen to anybody else than the

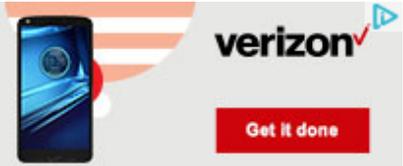
big expensive boat people. Even the problem of more flooding won't affect them because they mostly live on the more valuable high ground. Does this group even care about the low areas that will sustain more flood damage? Do they even care that their big boats cause more shore erosion? Do they even want a discussion about it?

By buyusa at 10:10 am Wednesday, December 9, 2015 | [Report Abuse](#)

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