



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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March 18, 2005

Dear Sir or Madam

GODFREY & KAHN, S.C.

Subject: Lake Koshkonong EA decision

I am writing you because of your expressed interest in the Department of Natural Resource's Environmental Assessment (EA) of the Rock Koshkonong Lake District's proposal to raise water levels on Lake Koshkonong. If you are getting this letter it means you either specifically commented on the assessment or attended the public meeting held on January 19th. Attached you will find the Department's summation of the comments we have received since releasing the EA and our clarifying comments or answers to those questions.

The Department has determined that the EA satisfies the requirements of the Wisconsin Environmental Policy Act, which is codified for the DNR in Wisconsin Administrative Code NR 150. Therefore, the formal review process by means of the EA is complete. The next step will be a formal decision by the Department. We expect the decision to be issued shortly. After the decision is issued, there will be a 30 day appeal period in which any interested party may request a formal contested case hearing. If the Department's decision is not appealed, it will become final 30 days after it is issued.

Thank you for you interest in this matter. If you have any further questions on the water level matter and/or technical issues, feel free to call me at 275-3243. If you have specific questions to the EA process, please call Russ Anderson, Environmental Analysis and Review Program Supervisor, at 275-3467.

Sincerely,

Kenneth G. Johnson P.E.
Lower Rock River Water Leader

Cc: Ruthe Badger, SCR
Russ Anderson, SCR

Comments on the Environmental Analysis of the Rock Koshkonong Lake Districts Petition to Raise the Water Levels of Lake Koshkonong.

The Department of Natural Resources released its draft Environmental Analysis (EA) of the District's proposal to raise the water levels on Lake Koshkonong on December 21st 2004. The Department requested that comments on the EA be submitted prior to February 2, 2005. The Department also held a public meeting on the draft environmental analysis on February 19th where a Power Point Summary of the EA was presented. At the Public Meeting there were 10 public comments. Including the public hearing comments, the Department received a total of 53 timely comments from email, mail and verbal comments over the phone. While the Department's EA does not directly take a position on the merits of the District's petition, all of those commenting expressed an opinion either for or against the proposal. Of those commenting, 33 were opposed to the District's proposal, 17 were in support, and 3 people wanted the winter drawdown removed.

Almost all of the comments fall under one of the following categories:

1. Concern about damage to wetland, wetland habitat, or shore land property resulting from raising the water levels; 23 comments
2. Concern that the proposal will negatively affect forested wetlands; 5 comments
3. Concern about the impacts on septic fields and agricultural fields resulting from higher ground water as a result of raising water levels; 5 comments
4. Concern about falling property values resulting from higher water levels: 4 comments
5. Believe that higher water levels will improve property values; 1 comment
6. Believe that the current Ordinary High Water Mark (OHWM) is the result of improper operation of the dam and is therefore wrong; 2 comments
7. Believe that the current winter drawdown will negatively affect fish; 4 comments
8. Believe that the current winter drawdown will negatively affect amphibians ; 2 comments
9. Believe that the current winter drawdown protects shorelines and helps to generate aquatic plant growth; 4 comments
10. Believe that the current order negatively impacts navigation; 2 comments
11. Concern that the proposal will negatively affect threatened and endangered species; 3 comments
12. Another comment stated there is a substantial dispute of facts between the EA and the Environmental Impact Report, and they intend to seek contested case review under Chapter 227, Stats; 2 comments (1 from the RKLK and the other from the Rock River Koshkonong Association)
13. A 7-inch rise in water levels will affect more than 50 acres of water as stated in the EA (and the EIR); 2 comments
14. Concern about the impacts on wildlife from rising water levels; 2 comments

15. The Department should require an EIS before it implements this proposal; 1 comment
16. Concern about shoreline erosion from raising water levels; 2 comments
17. Armoring the remaining unarmored areas of the lake will mitigate the effects of erosion from raising water levels; 4 comments
18. Higher water levels will make some of the existing riprap ineffective; 2 comments
19. Higher water levels will result in more plants and better fishing; 2 comments
20. Higher water levels will improve boating access from piers; 5 comments
21. Higher water levels will mitigate thermal impacts on fish during the summer months; 1 comment

The above comments were general in nature and will not result in a revision of the EA.

There were two additional specific comments on the quality and quantity of information in the EA. **The first was a concern raised during the comment period that there was not much information on the bird species in the area** - Please note that More bird information can be found in the Endangered Resource section of the EA. Also, the EA was not all-inclusive but indicative of the significance of the area for birds. It is also important to point out that the Lake Koshkonong area has been nominated as an Important Bird Area (IBA), which is significant on a national level, with more surveys to occur this year (2005).

The second comment questioned the Boat survey quoted within the EA because it was 16 years old and should be updated with more recent information - The Department is not aware of any study on the Rock River or Lake Koshkonong that would give better statistical information on the navigable use of Lake Koshkonong other than the studies referred to in the EA. Warden Mike Cross did shed some personnel observations of boat traffic on Lake Koshkonong as a result of his 18 years of work in the area of Lake Koshkonong. His observations are:

1. Boat use of Lake Koshkonong has easily quadrupled in the last 18 years. This increase is very similar to what he has observed on other lakes and water bodies within South Central Region.
2. There has been an increase in the size of boats and the horsepower of boats but the actual increase has not been documented
3. There has been a huge increase in personal watercraft.
4. There has been a large increase in large boats like "cigar boats".
5. The dominate watercraft used on the lake is still the pontoon boat.
6. Most boats are launched from the deeper river boat accesses.

This concludes the questions we received with the answers we gave.