

OBSERVATIONS FROM AN OLD COP

I started my career in Law Enforcement in 1980 when I started working for the Rock River Safety Patrol and Milton Township Police. Many of you may remember the Chief of both these organizations, Warren Kidder. Warren was my mentor and a friend. I miss his wisdom, knowledge and his common sense.

One day while patrolling on Lake Koshkonong, during the summer, I asked Warren why the water levels were so low and the gates at the Indianford Dam wide open. Warren told me that there was some Duck Hunting Clubs at Thiebeau Point and on the north end of the lake that wanted the water levels low for their ducks and their duck hunting activities. He said that the duck hunters had money, influence and the support of the DNR. Warren summed it up by saying; "It's a hand full of duck hunters verses all the land owners and boaters on the lake". Warren said that the fight between the duck hunters and the landowners has been going on for many years. That the Duck Hunters had too much money and influence for the landowners to ever win the battle over the water levels.

Here it is 27 years later and now I'm the Chief of the Rock River Safety Patrol. The issue of the summer draw down of Lake Koshkonong still exists. The water level controversy is still as contentious as ever. The difference now is that the landowners have their own representative body, the Rock-Koshkonong Lake District. The private hunt clubs and the Lake District are presently enjoined in a legal battle. One side to increase the water levels the other to reduce the water levels.

I want it known that the Rock River Safety Patrol does not have a dog in this fight. My obligation and concern is safety for all the lake users and the recreational boating public. Low water levels on the lake and river complicate my job and contribute to safety issues for boaters. I am merely stating some observations and experiences.

I attended the public participation portion of the Contested Water Level hearings held in Jefferson County. I listened to many people testifying for either more or less water in the lake. There were passionate pleas to protect flora, fauna and the irreparable damage that high water causes. There were comments on the dangers of high water to wild life and the loss of privately owned lands.

There was a remarkable presentation from a young girl who expounded on the need for quiet sports on the lake such as canoeing and kayaking. These sports require less water depth than the big gas guzzling powerboats. Judging from her presentation I'm not sure if she knows the dynamics of Lake Koshkonong or ever was actually on the lake.

There was one man that came to the podium and talked about a jetty that was built in the marsh area of Thiebeau Point. This jetty raised the water level in his area of the marsh flooding out his, and several of his neighbors, vegetation and taking away some of their land. This man stated that he complained to the local DNR warden and was eventually told that nothing could be done. He stated that he observed DNR administrators standing on the jetty talking with the Hunt Club owners, who built the jetty. He stated that he learned that a DNR permit had not been issued for the jetty at the time it was completed or at the time of this meeting between the DNR and the Hunt Club owners. He also stated that he believed that this jetty was illegal.

There were several days of public testimony some coming from the landowners, but their testimony was dwarfed by the time the Hunt Clubs spent at the podium. The Hunt Clubs overwhelm the meeting with information consisting of slide presentations, graphs and other information all illustrating the importance of low water levels. There were speakers from the DNR and other government agencies from Madison giving presentations but they all were supporting the need for low water levels and their arguments seemed to side with the Hunt Clubs.

After all the presentations from the Hunt Clubs designated experts I'm still confused as to what tangible evidence they presented other than they wanted low water levels for duck hunting.

The landowners were concerned with the quality of the water in the lake, property values and the economic need for recreational boating. Their concerns were for the majority of the people that live on the lake.

After the public participation aspect of the hearings came the expert testimony from various fields. These were closed sessions so the public didn't get a chance to hear what was being said at the proceedings. I was requested to testify as a Public Safety Officer. Under direct examination I was asked to qualify my professional career and then was asked question regarding my Patrol's operation on Lake Koshkonong. Part of my testimony concerned getting emergency equipment near shore or launched from shore in order to effect a rescue operation. I explained that low water levels hampered these operations as well as my law enforcement duties. I also explained about our equipment being damaged due to the low water levels. When the Hunt Club's attorney asked about our patrol and rescue operations he alluded to the fact that we have a large boat and should conduct our patrol operations in a flat bottom jon boat or some other similar small boat. I explained we need a large boat to carry rescuers, equipment and sometimes victims. Having a larger boat on Lake Koshkonong is an officer safety issue especially during bad weather. The Hunt Club's attorney gave an example of his saving a person on the water during a storm using only his duck boat. I told him that that was a foolish and dangerous thing to do.

I could have told him about my recovering the body of Donny Kidder who used his paddle boat in an attempt help save three duck hunters who's duck boat swamped in a storm. One of the hunters, Donny was attempting to save, pulled Donny's boat under water. Donny drowned and the three duck hunters died of hypothermia. I didn't give this example because I knew that this attorney was aware of this event and it was clear to me that my point would have been lost, avoided or argued into irrelevance.

The July 28, 2007 annual Rock-Koshkonong Lake District meeting was held at the Jefferson High School. A presentation by the Lake District's attorneys and board members was made. There was a presentation on future plans to dredge the lake to build islands to help increase the water quality. Then the Lake District board made their reports. When it came to the budget there were a number of challenges made from the Hunt Clubs about the budget. There was a matter of money being set aside, by the Lake District, for future legal expenses. The Hunt Clubs made a clear and overt attempt to take away any funding, from the Lake District, for the future Contested Water Level litigation. According to the Lake District attorneys that during the initial phase of the litigation the DNR loaded them with a very large quantity of superfluous information. The Lake District attorneys stated they believed this tactic was a deliberate attempt to break the Lake Districts finical back by incurring excessive legal cost.

The lake property owners stepped up and voted to raise their own assessments to pay for the extra attorney fees. These same landowners stepped up again and voted to keep the future legal fees in next years budget.

After the end of the meeting one of the Hunt Club members attempted to start a fight with the Lake District president. Had this occurred in my jurisdiction this Hunt Club member would have been arrested for disorderly conduct.

After this meeting I met with an acquaintance that is also a DNR administrator. I commented about the hand full of duck hunter's holding hostage thousands of property owners on the lake over the water level issue. I asked him if the DNR didn't have an obligation to the public because the DNR's mandate is to hold land, water and wildlife in the public trust. His response was something to the effect that the DNR is not going to raise the water levels and flood out even one person on the lake.

On my way home I pondered the statement made by the DNR administrator. To my way of thinking precedence was set when the damn was built and flooded thousands of acres of land. Every year Mother Nature takes whatever land she wants and gives it back when she has a mind to. Then I remembered the landowner talking about the illegal jetty and his, as well as his neighbors land, being flooded and taken away with the DNR's knowledge, what about their rights.

So the question arises does the DNR hold the land, water and wildlife in public trust or are certain elements of the DNR pandering to a special interest group. If the Hunt Clubs and the DNR win this battle then what precedence does it set for other water level and lake issues around the State. I could see many more lawsuits against the DNR and millions of tax dollars spent on issues that certainly appear to be in favor of special interest groups.

In retrospect I think Warren Kidder had some unique insight when he stated, so many years ago, "It's a hand full of duck hunters verses all the land owners and boaters on the lake".

Henry Sautin