



URL:

http://www.gazettextra.com/20140809/water_levels_property_values_local_organizations_work_with_dnr_to_find_balance

Water levels, property values: Local organizations work with DNR to find balance

By Catherine W. Idzerda

August 9, 2014

EAST TROY--For people with lakefront homes, water level equals property value.

That's why residents living around Lake Beulah were so concerned when the Wisconsin Department of Natural Resources said their dam needed to be replaced.

The DNR told residents that the new dam would be designed to allow drawdowns, but no such drawdowns were planned. Those promises didn't reassure residents.

After several years of sometime contentious discussion, all of the parties involved found a compromise, but the dam battle is being played out in a variety of ways across the state and in Walworth and Rock counties.

REPAIR OR REPLACE

Many people don't notice the Lake Beulah dam because it is primarily made up of County J and the land under it. Located on the northern side of the lake, the dam is made up of more than 1,000 feet of earthen mound that runs under the county road. A spillway allows water to run into a small stream that ends up in the Mukwonago River.

The dam was built in the late 1800s to create a single lake out of three smaller ones. Since that time, lakefront land has been developed and now has an estimated tax base of \$350 million, said Dave Bitter, chairman of the Lake Beulah Management District.

In January 2012, the DNR ranked the Lake Beulah dam at number five on its list of publicly owned dams that needed to be removed or repaired.

Under a previous agreement, Walworth County became responsible for the repair and reconstruction of the dam within the 33-foot right-of-way of County J. The management district, which is made up of an elected board, takes care of the lake.

Bitter remembers some of the first meetings with the DNR.

“They told us they wanted to put in a variable weir dam so they could draw down the dam four feet,” Bitter said.

When residents asked why, they weren't given a specific reason. Rather, they were told that it was now a “policy” to put in variable weir dams.

In all of the lake's history, Bitter said, there has never been a problem with flooding. Even in 2008, when rivers and lakes across southern Wisconsin were flooding, there wasn't a problem.

“I think we had a week of slow/no wake during that time,” Bitter said.

It helps that the lake is spring fed, and its watershed—the area that drains to the lake—is small.

William Sturtevant, a dam specialist with the DNR, said that the agency never had any plans to draw down the lake. He thinks the rumor about a drawdown was started because one of the original designs for the dam had gates that were below the water level, leading people to think that the water could be drawn down to that level.

LOW WATER

Lake Beulah residents also pointed to instances of unwanted drawdowns.

In 2012, the DNR told the Geneva Lake Level Corporation to open the dam gates and allow 1.9 cubic feet of water per second into the White River or face a \$1,000-per-day fine.

The order was designed to protect fish species stressed by a statewide drought.

The drought had already lowered lake levels, and the lake level corporation argued that opening the dam gates would put the lake level below the minimum set by the DNR.

In addition, the group argued, lowering the lake level would damage piers, cause shoreline erosion and result in the loss of business and property values. At one point, the water level was so low that people had trouble getting into the marina at the Abbey Resort in Fontana, said Larry Larkin, longtime member of the lake level corporation.

After several back-and-forth meetings, the hiring of specialists and a variety of other negotiations, the DNR agreed to reduce the amount of water going through the gates to 1.0 cubic feet per second.

Since that time, however, a permanent agreement has been “elusive,” Larkin said.

A July 2013 decision by the Wisconsin Supreme Court helped move things forward in the debate over lake levels in the state. In a case that pitted the Rock-Koshkonong Lake District against the DNR, the court ruled that the DNR was wrong in ignoring the economic impact of water levels.

Using that ruling, the lake level corporation was able to return to the bargaining table.

Now, the DNR and lake level corporation are close to an agreement that would set the lake water threshold at 4 inches below the lip of the spillway. When the water is at that level, the drawdown would stop.

The details still have to be clarified and approved by both sides.

COMING TO AGREEMENT

In the case of Lake Beulah, all of the sides were able to come to an agreement about the style of the dam, but not without the threat of a lawsuit, a rejected design, a resubmitted design, the hiring of specialists, endless meetings and, of course, attorneys.

Bitter believes DNR officials when they tell him that they have no plan to draw down the lake. But it's impossible to know what will happen in the future. DNR policy could change. A change in the governor's office might give the DNR increased powers.

“What about 20 years from now, or 40 years from now?” Bitter said.

At Geneva Lake, for example, the lake level corporation had been operating the dam for decades--through dry years and floods--without any input from the DNR.

As part of the Lake Beulah agreement, the lake management district will control water levels. In addition, the design for the structure includes what officials are calling an “interlocutory” dam that serves as a dam before the dam.

If the main dam under County J needs to be inspected, the interlocutory dam will be put into place. It will hold the water back while at the same time maintaining the water levels in the main part of the lake.

Construction is scheduled to begin in fall 2015.