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By Chris Welch and Kim McDarison Special to the Union

EDEGERTON — The Wisconsin Department of Natural Resources held a public information hearing on water levels for Lake Koshkonong Thursday inside the Edgerton High School Performing Arts Center auditorium.

About 30 people attended the session that included four representatives from the DNR — Water Division Administrator Russ Rasmussen, Environmental Analysis Team Supervisor and discussion moderator Michael Thompson, Dam Safety and Floodplain Section Chief Meg Galloway and Dam Safety Engineer Rob Davis — presenting information on the history of the lake levels and background on the new orders.

Rasmussen explained that there are four main parts to the new order, which focuses on dam operations management, raising water levels in the summer, evaluation of the environment and any impacts that might occur, and developing a comprehensive plan for lake management.

The primary focus at Thursday's meeting was on the dam and the proposed water levels. Since 2003, the Rock-Koshkonong Lake District has battled the state DNR to boost the lake level by 7.2 inches in summer to improve boating and the local economy.

Water levels, in part, are controlled by operation of the Indianford Dam which is controlled by the district with oversight by the DNR.

LAKE LEVELS

LAKE LEVELS — A public information hearing on water levels for Lake Koshkonong was held by the Wisconsin Department of Natural Resources on Thursday. The hearing, attended by about 30 people, took place inside the Edgerton High School Performing Arts Center auditorium. Shown here, representatives from the DNR present information on the history of lake levels and background on the new orders. Standing is Water Division Administrator Russ Rasmussen. Sitting, left to right, are Environmental Analysis Team Supervisor and discussion moderator Michael Thompson, Dam Safety Engineer Rob Davis and Floodplain Section Chief Meg Galloway. — Daily Union photo by Chris Welch.

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The lawsuit ended in 2013 when the state Supreme Court ruled that the that the DNR had to consider economic impacts when determining the lake's summer water level. Based on the high court ruling, the DNR and the lake district came to a compromise on the lake levels.

As presented Thursday, the order, which initially was drafted last year after six litigating groups negotiated an agreement ending the lawsuit, will go into effect in two phases and ultimately will raise the Lake Koshkonong maximum summer water level by five inches over a two-year period, with phase two taking effect in 2019.

The order addresses submerged wicket gate maintenance and operation at the Indianford Dam, used to regulate water flow and otherwise impound the lake,

stipulating that the Rock-Koshkonong Lake District (RKLD) — the entity accepting Rock County's ownership conveyance of the dam in 2004 — "provide (DNR) staff access to the wicket gate operations inside the powerhouse to confirm wicket gate settings within one hour of the department's request," as well as "exhibit to the department a direct view of the wicket gates to allow a determination that they are operating properly on a bi-annual basis." Citing dam operation as a "concern" and operation of the wicket gates as a "bone of contention," Rasmussen noted that historically the wicket gates "have been in various states of functionality.

"They go down 13 feet and it is sometimes really tough to tell what the accurate assessment is. So one of the things we have asked for is consideration of replacing those wicket gates with slide gates," Rasmussen said, noting that replacing the gates came with both advantages and disadvantages, citing visibility and cost, respectively. Some of the cost of replacing the gates might be mitigated with the costs associated with keeping protective trash racks clean, he said, noting that the suggested alternative, slide gates, would not have racks and their associated maintenance costs. Further, he said, RKLD has been looking into grant opportunities for replacing the gates that could cover up to half of the replacement cost.

Rasmussen noted that the summer maximum water level would be allowed to rise by 2.6 inches beginning July 1, and stay in effect until Sept. 28. The maximum summer water level would rise again by 2.4 inches on June 15, 2019, and stay in effect until Sept. 28. He explained how he and DNR analysts arrived at the new summer maximum water levels, citing a chart showing average water levels annually between the years of 1965 and 2002, which was entered into evidence, he said, as part of the 2013 Supreme Court case. Using numbers representing mean sea levels (MSL), Rasmussen said that the order provides the 2.6-inch increase in July by raising the current MSL from 776.33 to 776.55. In 2019, the MSL will rise again, by 2.4 inches, to 776.75, providing there are no adverse impacts brought to the area wetlands by the initial 2.6-inch increase. An MSL of 776.75 was chosen, he said, because, using the 1965 to 2002 average water level chart, the number represents the statistical median, which was the best way "to set a mark based on a list of averages." After doing this through 2019, the lake levels and any impact they have, environmental or economic, will be re-evaluated.

He noted that the DNR and lake district are working "in collaboration" regarding the new orders in the hope of avoiding another lengthy and complex lawsuit. Part of the collaboration was to hold public hearings like the one held Thursday.

"It's a possibility that if we find these higher levels are having a significant adverse effect then we would consider lowering them back down," Rasmussen said. "I don't want to speculate what that might be."

Using a walk-through survey completed last week as well as a 98-page analysis created in 2005, a baseline evaluation developed around current conditions of Lake Koshkonong's wetlands was established. The evaluation would be used to monitor the health of the wetlands, with that process continuing every two years for the next 10 years, Rasmussen said.

Would it be determined that damage was occurring to the wetlands after the summer water level is raised this year, further plans to raise summer water levels would be suspended, he said. Rasmussen talked about a cycle of litigation that occurs every 30 to 40 years as the resource, which he described as a dynamic system, changes.

To better manage the resource, he said, the order called for a collaborative effort made by all those who use the lake.

He cited a study created in 2012 by Montgomery and Associates in conjunction with the DNR and the U.S. Army Corps of Engineers as a good starting place. As for Thursday's informational session, only about 10 asked the DNR representatives direct questions or made comments.

The comments covered a wide range of concerns, including some that were on opposite sides of the lake levels being raised as well as some that focused on what the speakers felt inadequate maintenance of the lake, among several other concerns.

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Several audience members asked about the erosion of their property — especially since the floods of 2008 — and how that contributes to the shallowness of the lake.

Another said that there has been mismanagement of the shoreline for decades and requested the DNR make the shorelines “reaccessible,” while another said that the lake levels should not be raised because no one department, organization or agency currently is able to adequately manage the lake with all of its existing “compounding problems.”

One speaker informed the DNR representatives that the lake always was intended to be a shallow lake, and that “people want the lake to accommodate their business instead of their business accommodating the lake”; she also added that an overlooked problem has been septic tanks along the lake.

The DNR had scheduled the session to be three hours and run from 3 to 5 p.m. Since only one-third of the attendees spoke, the meeting was over in just a bit over one hour.

Rasmussen said he was pleased with the level of questions from the attendees.

“We had some good comments from people on both sides of the issue,” he said.

Comments on the lake levels will be accepted through June 27. The DNR will consider comments related to public rights in navigable waters, safety, and the protection of life, health, property, property values and economic values in making its final decision under s. 31.02(1), Wis. Stats.

Comments also may be submitted by email to dnrkoshkonongwaterlevels@wisconsin.gov or in writing to Wisconsin DNR, Attn: Rob Davis, 3911 Fish Hatchery Road, Fitchburg, WI 53711 by U.S. mail. Comments should include Docket Number IP-SC-2015-54-02457 or project name.



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