

RKLD electors nix fee increase

*By Mary Zinn
Special to the Reporter*

The Rock Koshkonong Lake District (RKLD) Board of Commissioners' 19th Annual Meeting was held Saturday, July 29, at Fort Atkinson High School. The most anticipated agenda item was the proposed \$20 hike to members' annual assessments, a tax increase on area property owners being proposed by the Wisconsin Department of Natural Resources

(DNR) to help cover the cost of modifications to the Indianford Dam. Following considerable discussion, the \$20 increase was rejected by RKLD electors.

After introducing the board members, the RKLD chairman, Brian Christianson, announced that Jerry Richardson, one of the lake district's founding members, passed away on Wednesday. Richardson was also the owner of Harbor Recreation in Newville. Chris-

tianson asked the audience to pay their respects with a moment of silence. Afterward, Christianson informed the crowd of approximately 100 residents that the visitation for Richardson will be Thursday, Aug. 3, from 4-8 p.m., at Albrecht Funeral Home. Services will be held on Friday, at 11 a.m., at St. Joseph's Catholic Church in Edgerton.

Christianson then began by discussing last year's meeting where DNR Secretary Cathy

Stepp was in attendance. He reminded residents that part of the deal that was negotiated with the DNR was an inspection of the wetlands in the spring of 2017, before the first water level increase goes into effect, to determine if the wetlands had been harmed in any significant way before the DNR would grant the 2019 water level increase. Though an agreement held that the lake district would be present when these inspections were done, Christianson

said that what happened instead was a few local wetland owners invited the DNR on their private land and refused to allow RKLD to be present. Christianson said, "We were disappointed to learn, within the last few months, the DNR had undertaken the baseline assessment study without sharing with the district a description of their approach." He said that because the studies had been

RKLD MEETING

Continued from page 1

done without the lake district's involvement, he was concerned that if the DNR rejected the 2019 increase in water levels, they could end up back in court.

Indianford resident George Wellenkotter, who has consistently questioned the lake district's efforts to keep the trash racks clean, stood to say that he had photos showing that the trash racks had not been cleaned for 16 days. Wellenkotter said he contacted Rob Davis of the DNR to inform him of this, and the next morning the racks were clean. Christianson did not engage in discussion with Wellenkotter, but instead thanked him and moved on to the next agenda item.

Board member Ray Lunder provided a brief overview of the 2016 Treasurer's Report, and, after some comments from Christianson on financial matters, Bill O'Connor, legal counsel for the lake district, spoke. O'Connor started by highlighting the significance of the fact that the order had finally been signed after 14 years. O'Connor gave an account of the process they went through to get the order signed and what was included in the order. He explained that although the first water level increase has been approved, due to the fact that there has been so much rain this summer, there won't be a need to increase the flow. He said that in 2019, even if the water levels are lower, the DNR has the authority to deny the second increase if they determine that the first increase caused "severe adverse impacts" to the wetlands.

O'Connor pointed out that if the DNR does reject the second increase in the water level, the burden would be on them to prove, with scientific evidence, that there had been a "severe adverse change" and that it was a result of the increased water level. He stated that this would require the DNR to establish a

current baseline of the health of the wetlands and that the lake district had asked the DNR for a clear understanding of the process they would use to establish this baseline.

O'Connor said that the district was led to believe it would be given the opportunity to review the DNR's plan to study the wetlands and was told they would be allowed to accompany the DNR when the wetland studies were occurring. He added that neither of these things happened.

"We made it clear to the DNR that we're distressed that they did not appear to do this study subject to a carefully brought up plan and we're also concerned that they apparently chose to do all the wetland impact sites that they would produce baseline information about on privately owned wetlands and that none of those sites were on public wetlands on Lake Koshkonong," said O'Connor. However, he also stated that neither the proposal nor the order required the DNR to outline a specific plan for the wetlands study.

Throughout the meeting, both members of the audience and board members referred to owners of the private wetlands as "wetlanders." At one point, a private wetland owner stood up and requested that the board refer to any group of wetland owners by their official name. "Let's be sure that we talk about wetland owners as what their official title is in whatever you write because I ain't with them," the resident said. He went on to invite the lake district and the DNR to his property to observe the health of his wetlands. Christianson expressed interest in doing so.

Another area resident, Gary Shackelford, a wetland property owner and member of the Lake Koshkonong Wetlands Association, spoke to clarify that the association is a public entity and he emphasized that

not all wetland owners are hunters. Shackelford stated, "We have been characterized many times as 'the gun hunters' or 'the duck hunters.' It's true that many members of our organization hunt ducks and other waterfowl, but not all of us do."

Shackelford went on to say that he and his wife have placed a conservation easement on their property to prohibit hunting of waterfowl on the lake and that this easement travels with the deed to their property in perpetuity. Shackelford ended by emphasizing that what all wetland association members do have in common is a commitment to policies that promote the ecological health of the wetlands and he again requested that members of the association no longer be characterized as duck hunters or as a private group. That statement was met by applause.

The DNR proposal also asked the district to conduct a plan to look more comprehensively at management activities that might be suitable for the lake. Now that litigation was over and the water level order had been granted, the lake district was focusing on other projects, Christianson said. He shared that the district had recently tried to collaborate with the Wisconsin Department of Transportation (DOT) to acquire two DOT owned parcels on the Rock River for a new boat launch. After spending tax dollars on legal expenses to make this request, the request was rejected by the DOT.

Christianson said that with the recent heavy rains, the current water level is about two feet above the new approved water level. He said he believed that a majority of residents think the current level is perfect and would be happy to see it kept at this level. The audience laughed and then applauded. Christianson said his point was, to get to the new approved



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level, they still needed to drop the lake level approximately two feet.

Christianson expressed frustration over the lack of trust residents had that the RKL D is doing what was mandated — keeping the racks clean and the gates open and draining the lake when required. The DNR proposal had suggested that RKL D remove the wicket gates and trash racks and replace them with slide gates that would allow better visibility regarding whether the gates would be open or not.

Hydrologist Rob Montgomery spoke next about capabilities and limitations of the dam. He explained there is a limit to what the dam can do because of the hydraulic capacity of the river downstream. He said the real value of the dam is when the water levels are low — not at high water levels. He reviewed the potential grants the DNR has available for projects, including dam repairs, that offer 50 percent matching.

Montgomery said he studied the effectiveness of what impact removing the trash gates would have by evaluating three scenarios with different discharge levels (at current levels, at the 100-year flood levels and the 500-year flood levels) and three different situations — with the wicket gates shut (providing no hydraulic capacity), with the wicket gates open (like the current situation) and with the wicket gates removed (providing an increased hydraulic capacity). His conclusion was that water differential levels between gates shut and open is

about the same as open and removed. He called the effect “modest.”

Christianson shared with residents that, initially, the DNR approached the district with a combined proposal tying the dam modifications to the new water level order. The district rejected the proposal because it was linked to the dam modifications. The district agreed to look at the proposal once the DNR separated the two and they hired contractors to determine the cost of the dam modification project which he said came in at \$250,000. Later, they received further input indicating that final costs could be in excess of \$300,000. Christianson emphasized that the \$80,000 being asked of the residents was just a fraction of the total cost. He said that it was expected, but not guaranteed, that the DNR would cover 50 percent of the cost which would bring the district's portion down to \$150,000, leaving them \$70,000 short of the total. He added that early on, the wetland owners said if the district would take a serious look at the proposal, they would also consider contributing funding. At the time of the meeting, Christianson had not heard back from the association about this.

Wellenkotter stood up again, this time to ask Christianson about the \$450,000 that was given to the district by Rock and Jefferson counties when they took over management of the dam. Christianson explained that the funds are there primarily for insurance if the

dam ever got wiped out by a flood, and that he, as chairman of the board, would not support spending money from these funds to make modifications that he feels have a questionable return on investment.

The 2018 annual budget was discussed next, and after being rejected, resident Tim Keller made a motion to eliminate the \$20 increase which was voted on and approved. Christianson announced that the special charge of \$20 and the subsequent \$80,000 expenditure for the Indianford Dam modification had been removed. There was loud applause from the audience and the budget, with the removal of these items, was voted on and approved.

The final item on the agenda was the election of two supervisors for the RKL D board of commissioners. Two seats were being voted on with two announced candidates — Jim Bowers of Edgerton and Steve Proud of Fort Atkinson. After Christianson opened it up to the floor for nominations, Milton resident Buck Sweeney, from Thiebaut Hunting Club, nominated Wellenkotter, who verbally accepted the nomination.

After each of the three nominees made statements about their candidacy, the electors voted and the audit committee collected the ballots. Christianson announced that the vote tallies were: Bowers 85 votes, Proud 85 votes and Wellenkotter 25 votes. After announcing that Bowers and Proud had been re-elected to new three-year terms, the meeting was adjourned.

Photo submitted by Mary Zinn