

Analysis/Opinion of What Has Happened to Round Lake  
Management Options Nov. 10, 2007

New SEH dam proposal of November 2007 provides less low water protection than old dam when full boards put in and no significant increased high water protection.

In our opinion this mediocre plan mainly came about because of the WDNR approval of new flood levels on 5/07 that artificially limited management options and essentially voided as what we saw as a good report from [SEH in March of 2007](#). The new flood levels prevent the new dam being wider than the present one thus limiting its effectiveness during high water.

The Round Lake Task Force Group started to meet in late 2005.  
SEH is Short Elliot and Hendrickson Engineering Firm.  
RLPOA is Round Lake Property Owners Association.  
WDNR is Wisconsin Department of Natural Resources.  
RFE is Regional Flood Elevation.

WDNR approved the new SEH flood levels (100 year regional flood elevations-RFE) in May of 2007 based on existing conditions for Round/Little Round & Osprey Lakes. We believe that the bureaucrat/official that approved these flood levels was Frank Dallam Water Regulations and Zoning Engineer of the WDNR in Spooner WI phone 715-635-4064 who is also a member of the Round Lake Task Force including the [technical committee](#). These new approved flood levels are based on non permitted "illegal" NN Highway Culverts, non "code compliant" culvert on NE side of Little Round Lake natural outlet by Thunderbird Road obstructing natural outflow and "temporary" obstructing beaver dams upstream of NN Highway.

It's our opinion that the approval of these flood levels early May of 2007 by the WDNR/Dallam was also somewhat secretive and the Round Lake Property Owner's Association did not find out about this action until early July of 2007 as a result of a direct question at the second public informational meeting at LCO. We believe that the County (including its representatives & contractors) and the WDNR/Dallam were the only Round Lake Task Force members for several weeks that knew about the official approval of these flood levels and consequent impact/strategy; and it appears there was a strategy most likely trying to catch RLPOA off balance and in our opinion essentially undermining the objective integrity of The Round Lake Management Task Force.

This is what happened between the March 2007 SEH Report talking about a new wider dam and the summer public meetings when a lot of people including other Round Lake Task Force members found out that a new wider dam was not allowed because of the premature May 2007 approved flood levels. This appears in my opinion to be not fair or open and an action done in bad faith.

This is why the new/latest SEH dam (same size as the old one) Nov 2007 plan cannot have significantly more protection against high water and may be damaging to Round Lake. It's my opinion that WDNR intentionally approved these new SEH flood levels to undermine and sabotage Round Lake management options and to effectively make a mockery of the Round Lake Task Force.

Frank Dallam (Water Regulation and Zoning Engineer out of WDNR Spooner office) is a strong proponent of passive management on Round Lake and it appears that it is possible that official decisions may have been made to limit/influence the outcome of the process to a predetermined passive management outcome. Because of the WDNR/Dallam flood level approval they say that the new flood level on Osprey Lake will be raised greater than .01 of a foot if the present Carlson Dam is bigger thus requiring easements from Osprey Lake homeowners.

Consequently a bigger wider dam and even a foot wider is DEAD-DOA based on what we see as an incorrect premature WDNR/Dallam Decision. This arbitrary decision is not compatible with existing law - the 1941 PSC Order. So who is going to decide what regulation applies?

RLPOA had [repeated objections](#) to the WDNR over what happened concerning flood levels and Round Lake Task Force Management options being limited and WDNR was non responsive and denied that the flood level decision was done to restrict options. In fact WDNR (Tom Aartila Basin Supervisor) denied that the flood levels were being used to limit management options and stated that the flood levels could be recalculated – it never happened. I believe we demonstrated otherwise by this [email from Lenz of SEH](#). We also requested that [Mr. Dallam be removed](#) from the decision making process involving The Round Lake Task Force Management Group or anything concerning Round Lake without material response from the WDNR.

It's our opinion that Dallam of the WDNR has also used the minimum flow requirements to implement his passive management goals for Round Lake. He has made statements about minimum flow at the artificial channel downstream of the Carlson Dam but does not talk about minimum flow at the Little Round Lake

natural outlet channel by Thunderbird Road that has a non code compliant culvert blocking flow. He also does not talk about minimum flow at the Placid Diversion Canal which may have a true stream history. We believe his statements and influence on this issue are inconsistent with the true meaning of [Wisconsin Chapter 130 Water Levels and Flow](#) and have been damaging to Round Lake and the public interest. It could be construed that these minimum flow interpretations again favored a passive system by making any new dam seem to be less effective.

It appears WDNR decisions may be predetermined, biased, arbitrary, non objective and detrimental to Round Lake and the public interest in my opinion. In our opinion the decisions appear to be based on predetermining the outcome that are personally wanted by certain WDNR officials and not what is good for the general public. It is our opinion that they may just be tired of Round Lake and wanted a passive management system with dam abandonment so they would never be troubled again by this lake.

The minimum flow decisions/statements drain Round/Little Round Lake quicker and thus lower the lake artificially more than it should be limiting navigation between bays and under Highway B bridge, most likely damage fish spawning areas, [limit public access](#), harm public recreation, damage props/boats, increase access costs to lake, and increase weed/milfoil growth etc.. The amount of water passed downstream most likely does not materially help any body of water because of the way WDNR seems to be interpreting minimum flow. The nature of the watershed (swamps) and large amount of beaver dams limits any advantages of minimum flow in the typical sense. He has essentially amputated any Round Lake storage capacity that could provide a more sustained true minimum flow even thru the natural outlet by Thunderbird Road if the WDNR made that code compliant.

These new WDNR flood levels are not consistent with current law the - [1941 PSC order](#). This order allows for higher flow rates and would [lower the flood levels](#) on all of the above lakes significantly. At Nov. 8, 2007 Round Lake Task Force Meeting it appeared that Mr. Dallam acted like this was not true or did not understand it.

This flood level approval may have also caused additional monetary damage to Round Lake owners by reducing property value, marketability and requiring additional survey costs and flood insurance. There also may be a developing stigma against Round Lake as a result of WDNR decisions. The flood levels were approved in the midst of the Round Lake Task Force Process and in our view had a huge negative veto type impact on many of what we believe are the preferred management options.

In addition several other RFE flood levels on other lakes and waters calculated at the same time by SEH for the County were retracted a few days later in early May after their initial approval. This raises questions about all of the work on these flood levels. Round, Little Round & Osprey Lake flood levels were not retracted even with the obvious flaws described.

WDNR also most likely approved the flood levels in May of 2007 to undermine prevailing law - the 1941 PSC Order. The two are not compatible. Thus this is a backdoor method to usurp the 1941 PSC Order by the WDNR.

The WDNR and County appear to be hoping that these issues do not become widely known to the general public. The County would like to have you think that the new flood levels are a zoning issue only and separate from Round Lake management options. This WDNR flood level decision probably was made to predetermine a passive management plan but it became clear that if The Carlson Dam was abandoned with Sill & floor removal that Round Lake [could drop a few feet more](#) than what it was this summer. Then it also became clear that the Carlson Bridge/dam is old and not safe and would have to be fixed anyway. Hence this explains the background for where we are at now: A new dam/bridge with no significant increased high water protection and less low water protection because of the "V" notch in the proposed dam boards. Decisions by the WDNR are responsible for this even though a passive plan is what they most likely prefer. It's my understanding that the WDNR was supposed to be a neutral observer-protecting the public interest not sabotaging the process .

This new mediocre dam proposal does repair the old wooden dam and make it safer. It does address the new contrived problem of minimum flow requirements with the "V" notch but the dam capacity is not significantly increased over the present structure. Consequently the risk of high water problems will be about the same as in the past in my opinion. The low water protections will not be as good because the boards have a "V" notch that will allow more flow than the old style of conventional board. This proposal may be an improvement over abandonment that was a serious option a few weeks ago but may cause continued harm during high water.

Sincerely,

RLPOA Website Administrator. TK