

**RLPOA OPINION ON HOW FLOOD LEVELS ARE BEING USED
BY DNR/SEH/COUNTY TO SABOTAGE RESPONSIBLE
MANAGEMENT**

The following two emails are a response from Bernard N. Lenz, PE of [SEH \(Short Elliot Hendrickson Inc.\)](#); 1701 West Knapp Street, Suite B; Rice Lake, WI 54868-1350) to an email from RLPOA (Round Lake Property Owners Association) Tom Kintzinger Board Member.

The RLPOA Email asked Mr. Lenz why the [March 2007 SEH Hydraulic Controls Evaluation](#) report which talked about replacing/widening the existing Carlson Dam had stopped being an option at the subsequent meetings. Both emails follow.

This email clearly shows how the new prematurely/inappropriately approved [flood levels on Round, Little Round, & Osprey Lakes](#) are being used to stifle any and all Round Lake water level management options. We believe they are also being used to usurp the [1941 PSC Order](#).

These flood levels are based on improperly permitted Highway NN culverts (they are too high and undersized). They are presently technically illegal. The flood level calculations also ignore the natural northern drainage channel from Little Round Lake that is currently partially obstructed with a [non “code compliant” culvert](#). The flood levels also use the non maintained deteriorated Carlson Dam and downstream channel. The flood levels also do not consider the long history of [Osprey Lake being 2 feet lower then the Round Lake system](#).

We believe that these have been prematurely approved by the Dallam/DNR to stifle responsible Round Lake Water level management. It is also our opinion that The DNR was hoping that their premature approval of these flood levels would not be recognized as the ploy it is to adversely affect the outcome of the Round Lake Water Level Management Meetings.

This is one of the main reasons that RLPOA has elected to start a [Water Level Defense Fund](#).

I’m sure that any lawyer would want to know how flood levels could be approved that depend on improperly permitted Highway NN culverts and leaky beaver dams.

It is our opinion [Supervisor Tom Aartila of the DNR Office in Park Falls](#) would like to have us believe that the flood level approval by Frank Dallam of the Spooner DNR Office was a perfunctory technically correct innocent public interest decision and has no material effect on Round Lake Management talks. He claimed that Mr. Dallam’s support of a passive management system was based on the [technical committee](#) recommendation back in June of 2006. This was his opinion to me in a phone conversation on 9/7/07.

The email below from SEH Bernard Lenz clearly refutes Mr. Aartila’s assertion.

Mr. Lenz is an engineering contractor for Sawyer County and Mr. Dallam works closely with Sawyer County.

RLPOA strongly believes that the Round/Little Round & Osprey Lake flood levels should be retracted by the DNR until the conclusion of the Round Lake Water Level Management process.

Tom Kintzinger RLPOA www.roundthelake.com

----- Original Message -----

From: "Bernard Lenz" <blenz@sehinc.com>

To: "tom kintzinger" <tk25@centurytel.net>

Cc: <conservation@sawyercountygov.org>

Sent: Tuesday, July 03, 2007 4:51 PM

Subject: Re: Hydraulic control report

> LENZ SEH: We're finally there Tom. I see what your saying now. This line hits
> it.

> TK RLPOA: It appears to us that you are now NOT recommending replacing the
> existing

> Carlson Dam but talking about a scenario where a new dam is put in front of

> the existing Carlson Dam. Is this true that you are now talking about not

> removing the existing old dam if a new dam is put in? We could agree with

> you and the county that this most likely does not make hydraulic sense if

> that is in fact what you think now.

LENZ SEH: YES!! The existing box needs to

> remain so peak flows down stream do not increase or any new structure needs

> to have similar hydraulics so 100 year peak flows do not increase. If a

> new structure has increased capacity then whoever permits it would be

> required to obtain flood easements from all property owners downstream

> before the new structure would be approved. Frank Dallam made that point

> at that task force meeting. So the dam constriction has to remain. In

> essence, the laws say that you can't solve Round Lake's flooding issues by

> passing the water down stream and flooding the neighbors, unless you obtain

> the right to do so thru flood easements. (see note, and then answers to you

> questions in red embedded in your original text below)

>

> At the task force meeting I discussed how a weir would work if we cleared

> the channel by getting rid of the dam constrictions and how it also

> requires beaver dam removal. With the constriction gone and the beaver

> dams gone we'd be able to pass a lot more water at the high end, reducing

> flooding. But with the dam gone we'd still need to hold back water at the
> low end because with the beaver dams gone and dam constriction gone, we'd
> lose the low water control. The solution was the 'run of the river' weir
> that controlled flow at the low end but passed it at the high end. that
> was explained at the task force meeting.

>

> However, for this to work I clearly stated that the beaver dams would need
> to be removed because they are the next thing to control water if the dam
> restriction was removed. If you look at Figure 5, the two blue line that
> are nearly on top of one another show the hydraulics of the two runs. The
> darker blue squares are with the dam constriction in place and beaver dam
> in place. The light blue pluses are with the current dam constriction gone
> and the beaver dam in place. They are very similar.

>

> If the beaver dams leak it might be more of gain to add the new weir
> (about a foot), but since baseflows are required to be passed downstream of
> dams, the V notch for baseflow would probably pass the same as a beaver dam
> leaks? (ie - a stable beaver pond pool elevation means leaking equals
> baseflow)

>

> A second concern WDNR brought up is that we have to get flood easements
> downstream if we pass more water at the peak flow than we currently do.
> Just like Tiger Cat not being allowed to pass water to Round when Round is
> flooding, there are laws against passing water to Osprey, Osprey River, and
> LCO during times of flooding. If a change raises the downstream or upstream
> 100 flood elevation we need easements. So if the constriction and beaver
> dams were gone and the run of the river weir installed more water would
> pass out of Round Lake and Round Lake would stay lower during the 100 year
> flood. However, if this passed water makes Osprey or any waters downstream
> higher at the 100 year flood, than we need flood easements downstream
> according to WDNR. So we'd be forced to leave the current restriction or
> replace the constriction to exactly the same size as it is now. If we do
> that, now the new weir only would have effect from 1344.95 feet to up until
> 1345.15 feet and that impact would only be to raise the water 0.05 feet
> higher than the beaver dam does (assuming no leaking or leaking at a rate
> similar to baseflow) . At 1345.15 feet on up the constriction controls and
> the proposed weir would have no affect.

>

> So even if you do get flood easements you'll get minimal benefits unless
> the beavers go too. With flood easements in place, the beaver gone, the
> restriction gone, (and then you'd also need to lower NN ,which needs to be
> lowered or permitted as a dam and is part of this) you get twice as much
> benefit as you would if the beavers remain. Is the minimal benefit with
> beaver dams remaining (difference between the blue line) financially worth
> it ? Is the cost of flood easement financially worth it? Would there be
> property owners downstream unwilling to give flood easements--even at any

- >
- > Dear Mr. Lenz:
- >
- > TK RLPOA: This is in follow-up to the recent public meeting on 6/29/07 where you made
- > a presentation that appears to us to contradict the Hydraulic Controls
- > Evaluation report drafted by SEH March of 2007.
- >
- > In that report you recommend that a wider weir REPLACE the existing Carlson
- > Dam to maximize the amount of water leaving Round Lake during times of high
- > lake level. You state that the existing structure is adequate for low
- > water control.
- >
- > See page 11 last paragraph of your March 2007 report and attachments
- > specifically the proposed question one.
- >
- >
- > It appears to us that you are now NOT recommending replacing the existing
- > Carlson Dam but talking about a scenario where a new dam is put in front of
- > the existing Carlson Dam. Is this true that you are now talking about not
- > removing the existing old dam if a new dam is put in?

LENZ: YES

TK RLPOA: We could agree

- > with you and the county that this most likely does not make hydraulic sense
- > if that is in fact what you think now.
- >
- > What made you change your public presentation and to not present what is in
- > your original March 2007 Hydraulic Control report?

LENZ SEH: The WDNR statement at

- > the Task force meeting that flood easements would be required to if flood
- > elevations change, the unlikelihood of getting these flood easements, and
- > the low possibility of beaver dam removals.
- >
- > TK RLPOA: It is also clear to us that any talk about the beaver dams upstream of NN
- > need to be qualified in how they impact Round Lake at specific levels (sill
- > elevations). It is most likely true that most of our members want Round
- > Lake at least at the 1941 PSC order levels and some want it higher. Very
- > few people want it lower. So most of your presentation about the beaver
- > dams upstream of NN may be misleading at best considering this information.
- > You seemed to be mainly talking about the beaver dam impact at lake levels
- > lower than the 1941 order. It was also confusing because you mixed up your
- > terminology for high and low water controls during the presentation. Did
- > the county direct you to do this?

LENZ SEH: No, if I mixed up my terminology I am

- > sorry for the confusion
- >
- > TK RLPOA: This new scenario of not replacing and removing the existing dam is not in
- > your original report. Has the county suggested these changes to you?

SEH LENZ: I summarized the suggested approaches I have heard at meetings and asked the

- > county if I could include them in the public presentation so I could
- > address the issues related to each.
- >
- > TK RLPOA: Your assertion that a reason for this change is the flood level would be
- > altered on Osprey Lake would need to be documented, verified and proven.
- > According to your report on page 11 flows would increase by 10%+ depending
- > on water level with a new wider weir completely replacing the existing
- > Carlson Dam. How could these modest flows alter the flood level
- > particularly if the NN culverts are lowered?

LENZ SEH: I am told that if the 100

- > year flood elevation change water surface level by 0.01 foot the easements
- > are required and that case law from SE Wisconsin supports this. i am not a
- > lawyer.
- >
- > TK RLPOA: Please let us know if we do not understand your apparent NEW public
- verbal
- > presentation correctly. Have you officially modified your original report
- > and I have an old copy?

LENZ SEH: The report has not been modified.

- >
- TK RLPOA: Please explain this apparent change and let us know if you have additional
- > changes, clarifications or modifications that are not in your original
- > report.

LENZ SEH: Hope this helps. Bring these questions Friday. The more this is

- > clarified the sooner we can reach a solution.
- >
- > Sincerely,
- >
- > Tom Kintzinger RLPOA Admin
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- > [attachment "Proposed Questions for Round Lake Public Meeting July 6.pdf"
- > deleted by Bernard Lenz/seh] [attachment "Response to County Minutes of
- > Round Lake Management Meeting April 19 2007.pdf" deleted by Bernard
- > Lenz/seh]
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