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Round Lake dam proposal, high water spark controversy

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Terrell Boettcher

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Terrell Boettcher, news editor

Sawyer County's proposal to abandon the Little Round Lake dam on Carlson Lane and replace it with a box culvert drew opposition from Round Lake shore owners but was supported by the Lac Courte Oreilles Tribe at a public hearing conducted by the Department of Natural Resources Friday, June 13.

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Dam hearing

Jim Purdin, spokesman for the Round Lake Property Owners Association, testifies at the DNR hearing on the proposed Little Round Lake dam. At left is DNR Dam Regulations Specialist Frank Dallam.

About 30 people attended last Friday's hearing at the Hayward Veterans Community Center. The hearing officer was Tom Aartila, DNR Northern Region basin supervisor. Other DNR staff attending were area water regulations specialist Dave Kafura and dam permit specialist Frank Dallam. The county was represented by SEH Consulting Engineer Brad Woznak, Conservation and Zoning Committee Chairman Jim Bassett, and Conservation and Zoning Administrator Dale Olson.

Woznak said the county is petitioning to abandon the dam because it is near the end of its service life and it is

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located where it is "somewhat ineffective in controlling the upstream water level due to a negligible hydraulic head. We found that the water level in Round Lake is largely controlled by points downstream from the dam."

The existing wooden structure on Carlson Lane is five feet wide and seven feet high. The proposed new precast concrete box culvert would be 12 feet wide and seven feet high. The upstream sill would be set at 1,344.1 feet and the downstream sill at 1,344.0 feet.

The Carlson Lane dam is topped by a bridge that is part of the only road access for several private homes.

Testifying on behalf of the Round Lake Property Owners Association (RLPOA), Jim Purdin said the RLPOA is opposed to the county's proposal. Over the past century of human property development, the natural connections between Round, Little Round and Osprey lakes and the downstream outlet have been "destroyed," he said. The water level has taken some "wild swings," he added.

The 1941 PSC order provided for the re-establishment of a "reliable connection" between Little Round and Osprey lakes, including a dam with a target flow of 150 cubic feet per second (equal to an inch of water per day on Little Round Lake) when the water is high. The order also set a "target normal" water level, assigned responsibility to Sawyer County to monitor and manage the water level and provided the "tools to do it," Purdin said.

"For the most part, this 1941 order has worked pretty doggone well," Purdin said. "It has allowed the resource to thrive and supported the economic development of the area. Round Lake continues to be one of the jewels of the Northwoods."

"The county's plan takes all that away and puts us back into a pre-1941 situation," Purdin said. "It puts the health of the lake at some risk, with no means to effect high-water control."

The county should make an effort to maintain the water level with some controls, including a dam permit, Purdin said. The box culvert would have no means of controlling the water level, he said. RLPOA has offered to be a partner with the county in operating a dam that would control the water level.

"Once that dam permit is gone, it's gone forever," Purdin added.

The 1941 order can be re-written into a prescriptive format, which would nearly eliminate any financial risk or liability for the county, Purdin added.

Let nature take its course

Round Lake resident Quin Feuerstein said that "We need someone to be in charge, or there will be nothing but trouble down the road."

Round Lake resident Joyce Lindseth said she doesn't believe the box culvert would benefit anyone, and "the county has a responsibility to maintain property values on Round and Little Round lakes, which is very dependent on the water level."

Lindseth, a resident of Carlson Lane, said this is the first year she's seen water going through the dam on Osprey Creek: "Otherwise, it's mostly empty."

Round Lake resident and Sawyer County Board member Fred Zietlow said it is "impossible to regulate or enforce the water level" to the specifications in the 1941 PSC order — which allows only a four-inch variation between high and low. The PSC order was initiated by the county as a "knee jerk reaction" to the low water level of the 1930s, when the lake was five feet lower than it is now, he said.

Between 2003 and 2013, the lake level fluctuated three feet, Zietlow said.

On behalf of the LCO Tribe, environmental specialist Dan Tyrolt said they are in favor of the county's proposal for a "passive system" of water passage.

High water and low water is a "social issue" rather than an environmental issue, Tyrolt said. "When it rains a lot, the water will be high and when it's dry, the water will be low. We have to let nature take its course here. Low water can help oxidize the soils, which the walleye eggs and other fish need when they spawn."



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Tyrolt said sediment core samples taken from Round Lake several years ago were analyzed for chemical signatures, which show that it's not erosion from high water which is degrading the water quality, but rather sediment runoff from the watershed, including fertilizers, street and rooftop runoff.

"The tribe is not worried about the impact of high water on the water quality, but is worried about overland runoff and urbanization within the watershed," Tyrolt said. "This is based on scientific fact."

Of 50-plus lakes studied in the state, Round Lake has the third-lowest rate of sedimentation from erosion, he added, so "there's not much cause for alarm there. But people do need to be alarmed in that the sedimentation rate from runoff over the past two decades has dramatically shot up.

"We need to protect the environmental quality here for the seventh generation," he said.

Tyrolt added that Osprey Creek is a warm water system, so there's no need for removing beaver dams — as there would be if it were a cold-water trout stream. Within the past month, two beaver dams in Osprey Creek that were holding back water above Highway NN have degraded and washed out, causing a substantial increase in the water flow. A dead beaver washed up at the Highway NN culverts.

Tyrolt said property owners need buffers in place to protect their property from high water and sediment from washing into the lake, but otherwise "nature can take care of itself and handle these episodic events."

Environmental and social imperatives

P.J. Schaefer, president of the Osprey Lake Property Owners Association, said they are in favor of the county's request. "We believe there should be no active water control mechanism at Carlson Lane. It may be detrimental to the 60-some homes on Osprey Lake. If any mechanism is put in, it should be further downstream so that all of a sudden we're not left high and dry."

Jordan Hemaïdan, an attorney representing Round Lake shore owner Jim Hausman, said that social considerations gave rise to the 1941 order. He said there is no reason given for Sawyer County to abandon the obligation they took on in the 1940s to maintain the dam "except that they don't want the liability.

"There's no environmental detriment to having flow control and a stable lake level, so we can satisfy both the environmental and social imperatives," Hemaïdan said. "There's no reason that the good people who live around these lakes shouldn't have the water level they expected and had the right to expect when they invested in their properties."

Hemaïdan added that, "We should not assume that" the beaver dams in Osprey Creek must stay there. "This isn't tribal water. It's the people's water, to maintain water levels to facilitate residential and recreational development."

Hemaïdan said under a recent Wisconsin court case, the DNR must consider socio-economic impacts of proposals such as this one.

Speaking in support of Jim Hausman, Nancy Dent, an engineer with Barr Engineering of Duluth, said that Round Lake's existing water levels "are unacceptably high. They are causing severe erosion, turbidity and destroying aquatic habitat and lakeshore property."

Dent said the county's proposed box culvert "would unacceptably limit water control in the future." The culvert "will perpetuate the high water problem over time."

There is a two-foot hydraulic drop between Round Lake and Highway NN. Dent said a properly designed dam could effectively deal with runoff precipitation.

Dent said a weir dam with operable crest gates could be installed upstream from Highway NN, with a higher capacity to pass water than a box culvert. It would also have less impact during times of low water. A crest gate dam would discourage tampering by people, she added.

Jim Bassett said that "Round Lake is very beautiful and the county has no intention of hurting property values. Once the water drops down to the current dam's sill level, there's nothing that can be done. The new box culvert would be two feet wider and allow water to move faster downstream, helping alleviate high water and flooding."

Round Lake resident Jim Hausman said that after 1966 the floor of the dam was raised two feet. "We have 49 years of experience to show that putting a fixed culvert in at this elevation (76 feet), as the county is proposing, does not work because the structures have been altered," he said. "The system that the PSC established in 1941 has never been installed 100 percent to PSC specifications without Sawyer County changing it. The dam or the downstream channel from Round into Osprey has been altered, filled in, ripped out, culverts put in approximately 10 times by Sawyer County" between 1941 and 1966, he said. "How could any system work?" If silt were removed, there would be a greater hydraulic drop, he added.

DNR water regulation specialist Dave Kafura is taking written comments on the county's proposal until 4:30 p.m. June 23. His address is at the DNR Service Center, 10220 State Hwy. 27, Hayward WI 54843, or by email, david.kafura@wisconsin.gov.



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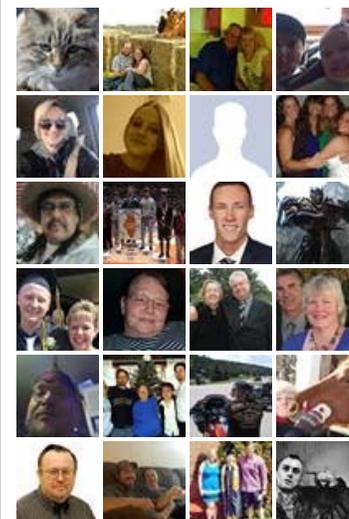
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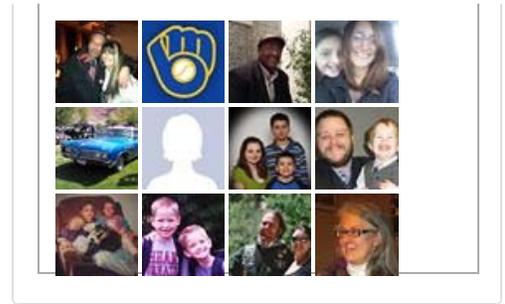
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