

The Edgerton Reporter, Edgerton, WI 53534, Wednesday, December 21, 2005

Retired DNR supervisor retained by RKLD

The Rock Koshkonong Lake District (RKLD) has added another expert to their team of ecologists and hydrologists studying Lake Koshkonong.

Mike Dresen, a retired DNR Director of State Shoreland Management, will serve as an expert witness during the contested case hearing against his former agency. The hearing is scheduled to begin March 28 and run through mid-April.

Brian Christianson, Lake District

Chairman, said recruiting Dresen is a huge blow to the DNR's opposition to increasing summer water levels on Lake Koshkonong and eliminating the winter drawdown the lake is currently experiencing.

"It will be tough for DNR attorneys to cross-examine the one guy who was once their colleague and who authored many of the shoreland management handbooks currently published by the DNR," said Christianson.

Dresen said the Lake District is fighting a "David vs. Goliath" battle with the DNR but noted that Dresen may prove to be the one expert that may persuade an administrative law judge to see all the facts.

"Government can be a bully sometimes," said Christianson. "The DNR cherry-picked our research to fit their bias against dams and against raising low water levels. Hopefully Dresen's impressive resumé will carry added weight with the judge."

Flashboards To Be Installed By Rock County At Indianford Dam: Judge

As a way to keep the lake level at Indianford Dam more stable, Rock County was ordered last week to install flashboards and build a telemetry station to measure water pressure, in compliance with a 1982 order by the Department of Natural Resources.

When the DNR order was first made in 1982, Rock County, which owns the dam, objected to it, "because it required the county to spend money on equipment," explained Mary Ann Sumi, of the State Department of Justice.

The case has been in court ever since.

Wednesday's decision, however, may not be the end of it. The county can appeal the court's decision to the state Court of Appeals within 45 days, after receiving a timetable for implementing the order.

The new order may cost the county in the range of \$300,000, according to James Fowler, attorney representing Rock County.

But Sumi said the price in this case is not relevant in deciding if the county will suffer substantial injury by carrying out the order.

"Koshkonong has had a history of problems," she noted. "One way (to alleviate those problems) is to install flashboards and a telemetry station, which measures the water level."

"Indianford Dam is a partial means of stabilizing the lake

level," but it is not enough, Sumi said.

However, when the order to install the new equipment was made by the DNR in 1982, the county and property owners objected to it, she said. The operating order sets minimum and maximum seasonal levels at the lake.

Michael Dresen, DNR employee, identified himself as the principal drafter of the environmental impact assessment concerning the proposed 1982 order.

"He admitted that flashboards would amount to raising the in-

crease in holding capacity and that the flashboards would result in more water more of the time in Lake Koshkonong during the open water season," witness summaries reported about Dresen's testimony.

"It is Dresen's opinion that the 1982 order will benefit wetlands, wildlife, fish habitat and decrease the rate of shoreline erosion and wetland loss that has been experienced over the years," the summaries stated.

Circuit Court Judge Arnold K. Schumann said the county will benefit from the capital expen-

diture. He said he based his ruling on the fact that "there is no injury or threat of injury caused by the agency action."

Schumann wrote that the new order requires dam operation according to levels determined at the lake rather than at the dam as under the old order. The new order imposes a seasonal water level range and calls for manipulation of the dam accordingly.

He added that the new order requires flashboard installation and manipulation according to lake levels and the speed with which lake levels are rising and falling.

Another point made by the judge is that the dam has, apparently from the time it was constructed in its present form, always had provisions for flashboards. In the 1950's, in fact, 12-inch flashboards were in place the year round.

The DNR has now ordered six-inch flashboards to be used only during certain water conditions at the lake and dam.

But according to comments made by Frank Micale, president of the Rock River Koshkonong Association, it does not seem that the county will comply with the order without an appeal.



Youths Arrested For Robbing IGA