

Pine Lake Protection and Rehabilitation District

"Dedicated to preserve and protect the quality and beauty of Pine Lake"

October 29, 2019

Dear Pine Lake District property owner,

The Pine Lake District has begun a project to seek Department of Natural Resources (DNR) approval for increasing the water level in Pine Lake. This is a complicated process that involves multiple steps and participants. The District will attempt to keep you informed of any progress in this matter periodically.

First, it is important to understand the regulatory structure under which we are operating. Many dams in the state, including the Pine Lake dam, are subject to what is called a "water level order" managed by the DNR. Water level orders generally include a minimum and maximum water level based on an assessment of local conditions. All dams are also subject to a requirement under state statute that dams "shall pass at all times at least 25 percent of the natural low flow of water." [Wis. Stat. § 31.34(1).]

The water level orders that have been issued for Pine Lake establish water levels based on a "local datum" benchmark elevation. The minimum water level of the lake was set at 90.0 feet in 1930 and the maximum water level was set at 91.0 feet in 1959. **The Town of Hiles, as the owner of the dam, is currently required to use best efforts to keep the lake's water levels between this one-foot range in elevation.** For those of you interested in seeing how this is managed for yourselves, you can look at the gauge that was installed on the side of the dam abutment at the lake's outlet on W Pine Lake Road. On that gauge, a reading of 1.00 corresponds with 91.0 feet, the maximum allowable water level under the current water level order for Pine Lake.

Over previous years, and often for extended periods of time, the dam was managed in a way that often resulted in significantly higher water levels than the maximum allowable elevation. **The DNR has informed the Town that maintaining water levels above the allowable maximum will no longer be tolerated.** The Town is currently using best efforts to manage the water level of the lake as close to the top of the allowable range as is allowed. However, many lake property owners are disappointed in the water level of the lake now that the water level order is being followed.

It is also important to note that the Town is currently in the process of planning to replace the Pine Lake dam. It was recently determined that the dam is eligible for grant funding from the state, based on the degree of deterioration of the existing dam. This means that it is important for any discussion about possible changes to the water level orders for Pine Lake to happen soon, in case a change in water levels may require modifications to the construction plans for the new dam. The Town Chairman has agreed to work with the District as we explore this possibility.

Project Steps

The first task that the District will do is to verify that the gauge on the dam is accurate. Surveying technology has improved significantly over the last few decades, so it is worthwhile to perform a quick check to make sure we are working off of the correct elevations.

Second, the District has asked Ms. Kleczewski from Flambeau Engineering to evaluate a number of things that will likely be relevant as we move forward with this project. She has already accessed topographical data for the near-shore area around the lake to determine if any properties might be effected by water levels above what is allowed now. She is also evaluating the various water level monitoring factors that have to be addressed for any dam project, in particular the expected impacts of significant storm events on water levels. One of the specific questions Ms. Kleczewski is assessing is whether there are existing septic systems that may be negatively impacted by a higher water level.

Once that evaluation is complete, the District will have a better idea about whether there are particular property owners that should be approached for a more detailed analysis of potential impacts on their property. This will also include the need to analyze whether there are existing property rights to flow water onto any additional property, and if not, whether those rights can be obtained from landowners.

One very important point to note is that a previous attempt to get approval for increasing the upper limit of the Pine Lake water level order from 91.0 feet to 91.5 feet was denied in 1965, so the District has its work cut out for it here. That request was denied because of opposition from some lake property owners, which underscores the need to work with potentially-affected property owners early in this process to see if their concerns can be addressed.

After this information is gathered, the District, possibly in conjunction with the Town as the dam owner, would file a formal petition with the DNR requesting a change to the water level order.

In summary, your Lake District Board, in working with our legal counsel, Mr. Larry Konopacki of Stafford Law, is making every effort to create a positive outcome for all lake property owners. We know that the single most frustrating issue is the water level on Pine Lake. We have created a special email address should you wish to respond/share your thoughts. Email: pinelakelevel@gmail.com.

Pine Lake reading on 10/29/19

