

Menominee

Department of Natural Resources
Madison, Wisconsin 53701

LAKES OF THE MENOMINEES - PROJECT REVIEW

I. BRIEF HISTORY OF PROJECT

Phase I of the project was authorized in docket 3-WR-69 (January 18, 1968) which issued a permit to construct a dam at the outlet of Wahtoah Lake (Fig. 1). The permit was granted to Menominee Enterprises, Inc. The dam formed Legend Lake No. 1 by flooding out Wahtoah and Skice Lakes. These lakes are in the Wolf River Watershed. There was little opposition to this phase of the project.

The U. S. Soil Conservation Service was involved in the early stages of this lake development project and they provided guidance. The original dam at the outlet of Wahtoah Lake was inadequately constructed and it had to be reconstructed.

After the initial construction of Dam No. 1, N. E. Isaacson & Associates became involved with Menominee Enterprises, Inc. in a joint venture which became known as "Lakes of the Menominees". In the phases of the project which followed, the two applicants hired various recognized experts in hydrology, especially in ground water hydrology, to assist with the lake development plans. Basically the testimony of these recognized experts was that there would be essentially no seepage from the new lakes in any direction other than downstream toward Moshawquit Lake.

In docket 3-WR-418 (February 28, 1969) the Department issued an interlocutory order authorizing the applicants (N. E. Isaacson & Associates and Menominee Enterprises, Inc.) to divert surplus water from Linzy Creek to Legend Lake No. 1. This order also authorized the construction of a temporary diversion dam on Linzy Creek to raise the water level of Wahtoah and Little Blacksmith Lakes. The order was issued subject to certain conditions which included having the applicants install weirs or gaging stations and record flows daily at seven locations, install staff gages and record levels of four adjacent lakes, and report the information weekly to the Department.

In docket 3-WR-319 (August 4, 1969) the Department granted authorization to the applicants to construct a dam (Phase II) at the outlet of Blacksmith, Little Blacksmith, Spring and Pestiga Lakes. Linzy Creek passes through these lakes and is in the Oconto River Watershed. There was increased opposition to this phase of the project.

Prior to issuance of this permit, N. E. Isaacson & Associates paid a forfeiture of \$1000 for unauthorized connection of the lakes and for disturbance of an area in excess of 10,000 square feet of shoreland on Linzy Creek (Section 30.19).

In docket 3-WR-543 (September 14, 1970) the Department granted authorization to the applicants to construct a dam (Phase III) in Linzy Creek at the outlet of Pywaosit Lake to create Legend Lake No. 3. This lake is also in the Oconto River Watershed. There was considerable opposition to this phase of the project but little substantial evidence to back the concerns of the opponents.

Investigations showed that the construction of Legend Lakes 1 and 2 had caused a reversal of the groundwater table which then caused the water levels of Round, LaMotte and Keshena Lakes to rise by seepage due to the head differential of approximately 8 feet. Water was pumped from LaMotte to maintain levels in Lake Wahtohsah.

Concern was expressed at the public hearings that construction of Phase III would also cause the levels of adjacent Sand, Little Sand and Pine Lakes to rise due to the differential head that would be created. A recommendation was made not to connect or disturb Long Lake located to the north of lake No. 3.

The development plan called for connecting the three phases by the removal of the dam constructed in Phase II and by removal of a dike barrier between Legend Lakes No. 1 and No. 2. Concern was expressed that the removal of the dike barrier would connect waters of the Wolf and Oconto River Watersheds. To prevent the interchange of water it was suggested that certain structural changes would be necessary in the dam constructed in Phase I. This latter item was eventually deleted from the order in docket 3-WR-543 by Circuit Judge Lewis Charles (August 12, 1971).

Removal of the various barriers would create an irregularly shaped lake of approximately 7 miles long. The total lake would have a surface area of 1340 acres and would have approximately 40 miles of shoreline. The total project area was 5170 acres of which approximately 53 percent would be left undeveloped. About 35 percent of the shoreline would also be undeveloped. Certain areas of the lake were designated as conservancy areas for wildlife (fish spawning).

The dam in Phase III was designed to provide a minimum level of the lake at elevation 845.0 feet and a maximum level of 845.7 feet except during flood stage.

The soils in the vicinity of the dams and lakes are generally of the Omega loamy-sand type which has severe limitations in reservoirs and embankments. This fact was confirmed by the construction of lakes 1 and 2 which encountered seepage problems.

The hearing on docket 3-WR-543 concluded that the proposed dam for Phase III would not adversely affect the quality of the water and would not pollute Linzy Creek if certain conditions in the order were followed. The cost, operation and maintenance of the dam was considered to be in the public interest.

Docket 3-WR-543 also included the following items in the order: The applicants were to provide the Department with daily flow records at the outlet of Dam No. 3; gage data at the outlet of Moshawquit Lake (Linzy Creek near where it leaves the Reservation) and at inlet streams designated by the Department; and gage data from Round, Sand, Little Sand, Pine and Long Lakes. This information was to be provided to the Department weekly. In addition, within one year after the flowage attained its normal level, the bed of the entire lake was to be conveyed to the State of Wisconsin in trust for all its citizens.

II. CURRENT STATUS OF PROJECT

The lakes formed by the dams constructed in Phases I and II are now connected.

Figure 2

A RESOLUTION

RESOLVED,

THAT the Council of Chiefs of the Menominee Indian Tribe of Wisconsin, Inc., in a special meeting held at Keshena, Wisconsin Menominee County, this 4th day of January 1969, that we hereby manifest explicitly our wholehearted support in the program of NE. Isaacson & Associates, of Keshena, Wisconsin, in the development of certain lake areas and tributary streams in Menominee County, such will benefit Menominee County economically and its citizens to assume a stable society in Wisconsin's new county, and be it further

RESOLVED,

that the Department of Natural Resources of The State of Wisconsin is hereby requested to approve the project in Menominee County, Wisconsin, as presented at this hearing.

CERTIFICATE

I hereby certify that the forgoing resolution was duly adopted by the Menominee Indian Tribe of Wisconsin, Inc., and made a part of their record in a special meeting held at Keshena, Wisconsin on January 4, 1969.

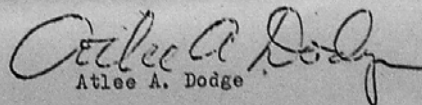

Atlee A. Dodge
Secretary

Exhibit 11
2-WR-319
2-WR-418
3-WR-419
1-8-69
[Signature]