



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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October 22, 2010

Arnold Peer, Chairman  
Town of Johnstown  
2243 Polk-Barron Street  
Cumberland, WI 54829

Subject: Pipe Lake Outlet Culvert on 205<sup>th</sup> Avenue

Dear Mr. Peer:

As you are aware, the Department has been working with the Town for a number of years regarding elevations of the culvert under 205<sup>th</sup> Avenue which serves as the outlet to Pipe Lake. A number of different Department staff have been involved, and there have been a number of concerns expressed by local residents over lake water levels relative to the elevation of this culvert. The purpose of this letter is to formally clarify the record and bring closure on this issue.

Over the years, various Department staff have provided mixed messages on the proper elevation to set this culvert. We apologize for all the confusion created. Our additional field review and study has confirmed a number of details which are outlined below.

1. The Town made an application in 1996 to replace the culvert with an upstream invert elevation of 997.21. At that time, this elevation was assumed to be the same or very close to the old culvert elevation. Our June 10, 1996 concurrence response letter indicated the culvert needed to be **set at or below** streambed elevation. We have concluded the Town decided to install the new culvert following this condition rather than at the elevation which was requested in the original application.
2. Our review of the culvert replacement in 1996 indicated the proposed culvert was properly sized and shaped to pass regional flood flows. Therefore, culvert sizing does not appear to be an issue as has been questioned.
3. Follow-up surveys in 1999 indicated the upstream culvert elevation to be at 996.63. Our most recent survey information indicates the current invert elevation is 996.65 which coincides with those previous surveys. We have also validated that the bottom lips of both the upstream and downstream ends of the culvert are currently resting on existing streambed. The culvert appears to be fairly level through the roadway section as evidenced by small amounts of standing water inside during periods with no inflow or outflow. Therefore, the culvert is set where it should be, and the existing streambed at the culvert invert is the controlling elevation for lake levels.
4. We have concluded that the previous culvert (i.e. prior to the 1996 replacement) was set too high and was acting as a dam (i.e. holding back water) without proper authorization. So, the Town did complete the 1996 culvert replacement at the proper elevation under TRANS 207 authority (i.e. at or below streambed elevation).

5. There is no question that the 1996 culvert replacement resulted in a lowering of lake levels. This was to be expected given that the previous culvert was acting as a dam for many years even though it was not properly authorized as such.

In conclusion, at this point in time, there is no information to indicate the existing culvert was set incorrectly or is not functioning properly as authorized. Therefore, **this is to formally advise that no further work is necessary on resetting this culvert, and we hereby rescind our March 14, 2007 letter requesting the culvert be raised six inches.** If the Town ever decides to raise the culvert itself (or add additional features onto the end of the culvert which would elevate water levels), you would need to make application for a dam permit under Chap. 31, Wis. Stats.

No doubt, there will continue to be questions and concerns from lake residents who desire higher or lower water levels depending on their interests and ongoing, natural dry/wet cycles over which nobody is in control. When contacted, we will continue to advise people that the culvert is properly set and any proposed changes would need to be proposed by the Town since this is a municipal road culvert.

Again, we apologize for all the delays and confusion created over such a long time period. If you have any further questions, please do not hesitate to get in touch with us.

Sincerely,



Bill Clark  
Environmental Review Supervisor  
715/635-4226



Kathy Bartilson  
.St. Croix Basin Watershed Supervisor  
715/635-4053

cc: Bill Gantz – Spooner  
Dan Harrington - Spooner