



PHOTO BY TERRELL BOETTCHER

Evin Poquette (left, blue shirt) holds a candle as fifth grader Trevor Suzan (right) places a candle on a white-clothed table during the community Veterans Day program Monday, Nov. 11, at Hayward Intermediate School. The fifth grade students enacted the "America's White Table" ceremony, which honors those who have served or are serving in the Armed Forces, particularly those missing in action.

# Lake LCO water quality needs improvement, speakers say

BY **TERRELL BOETTCHER**  
News Editor

Speakers at a Nov. 8 Department of Natural Resources informational meeting urged the Natural Resources Board and state Legislature to set a stricter standard for the amount of the major pollutant phosphorus considered to be acceptable in Lac Courte Oreilles.

Last Friday's meeting was conducted at the Bass Lake town hall by the DNR's Dan Housel of Black River Falls, with DNR water quality specialist Kristi Minehan as presenter. About 45 people attended, with 12 of them tes-

tifying orally.

The Courte Oreilles Lakes Association (COLA) and the Lac Courte Oreilles Tribe are advocating for a limit of 10 micrograms per liter of total phosphorus (10 parts per billion) in the lake, stricter than the existing standard of 15 ppb.

The goal is to "set criteria that are appropriate and protective" of the uses of the lake, Minehan said.

Lake LCO is classified by the state as an Outstanding Resource Water and is one of five lakes in the state that contain a "two-story fishery" of both warm-water fish and cold-water fish.

The main issue is "low dissolved oxygen in the main basin which has led to fish kills" of the cold-water species cisco and whitefish, Minehan said. Those fish also are a food source for larger species in the lake: muskies and walleyes.

Lake LCO has "30 years of really good data which has been valuable for us to work with," Minehan said. "The Lac Courte Oreilles Tribe has done a lot of work, and COLA and DNR staff as well."

Besides dissolved oxygen, cisco and whitefish need cold water temperatures —

SEE LAKE LCO, 15A

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# Lake LCO

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66 degrees Fahrenheit for whitefish and 73 degrees for cisco, Minehan added. They can swim and move in the entire lake for much of the year, but when warm summer temperatures arrive, the fish "get squeezed" into a smaller cold-water layer and fish kills can result.

Minehan said surface waters in the lake have warmed three to four degrees since 1975. As phosphorus-fueled algae die and decay, they use up oxygen. Also, lake sediment can release phosphorus and metals, which also use oxygen.

A DNR analysis states that Lake LCO "has lower oxygen levels than other lakes with a similar amount of phosphorus. That indicates there are other things going on here that are causing the lower dissolved oxygen (DO). It looks like the DO has been pretty marginal since at least 1975."

Sediment studies also have shown there is very high iron in the deep basins and a lot of organic matter, both of which use up oxygen, Minehan added. "Additional sediment studies are needed. The warming water is a factor in how much habitat those fish have to survive."

Minehan said phosphorus levels in shallow Musky Bay have "really improved" and curly leaf pondweed has decreased since 2012, "thanks to all of the efforts of

you folks. It's showing healthy plant communities and it is no longer considered impaired." If any one of the deep basins does not meet the phosphorus criterion, then the whole lake will be listed as impaired, Minehan added.

"Whichever criteria is promulgated in the end, implementation is completely voluntary," Minehan added. The locally-advocated level of 10 micrograms of phosphorus per liter "sets a goal, but it doesn't actually make improvements in the water itself. That's where your actions come in. The folks in the watershed have done all kinds of good work; that needs to continue to see those improvements in the lake."

The DNR "doesn't have authority to require any implementation or compliance actions," Minehan said. "All of the different sources in the watershed that might be contributing to phosphorus, including cranberry operations, are considered federally to be non-point sources and the DNR doesn't have authority to require any reductions in discharge if this rule (10 micrograms per liter) were to be passed."

## Testimony

Ben Crary, an environmental engineer with LimnoTech, testified that, "There is dissolved oxygen impairment in Lac Courte Oreilles."

The DNR's proposed alternative of keeping the status quo of 15 micrograms of phosphorus per liter is "rejecting the mechanism" of impairment," Crary said. "The DNR is telling us that more phosphorus in Lac Courte Oreilles will not affect dissolved oxygen.

"Lowering phosphorus will reduce algal growth and decay and minimize oxygen depletion," Crary said.

Alf Sivertson, Lake LCO shoreowner and attorney for COLA, said the LCO Tribe's treaty rights include natural habitat protection. "The state does not have the unfettered expression to exercise its management prerogative to the detriment of the tribe's treaty reserved rights. Preserving the fishery is crucial to the tribe."

Sivertson also recited a letter from the Hayward Area Chamber of Commerce in support of the stricter phosphorus standard for the lake.

Kevin Horrocks, president of COLA, said their mission is to protect and preserve the lake. "Arguing over numbers is pointless," he said. "The lake is suffering. If you want to see the canary in the coal mine, look at the dead fish floating in the lake. The lake is failing. It's not going to get

better on its own, and if we don't do something, we will lose the two-story fishery.

"The excessive plant growth is throughout the lake," Horrocks said. "The lake has a lot of stakeholders who are trying to step up and save it. We would expect the least from the DNR. What we've seen so far is stalling, waiting, adding hurdles, not doing anything for the lake. Nearly half of the impaired lakes in the state are that way due to excessive phosphorus. Yet you fight and deny the same problem that we've got. We've measured it, studied it; we know it's true.

"We're trying to save the lake and what we need from you is at least a stake in the ground," Horrocks said. He disputed the DNR's contention that curly leaf pondweed in Musky Bay has been reduced; he said there is still 50 acres of the weed there. Also, the phosphorus in Musky Bay is still 20 ppb, well over the state average, he added. The cranberry grower on the east end of the bay voluntarily installed a closed-water system on a marsh and that's why the phosphorus level in the bay decreased, Horrocks said.

Circle Road resident Mark Lastrup said the water quality has declined since he moved to the area in 2007.

Victory Heights resident Steve Umland said he looks at Musky Bay every day. He thanked

the adjacent cranberry grower for putting in the closed-water system, stating, "It's made an unbelievable difference in the bay. I can put my boat out whenever I want." He urged that local cranberry marsh discharges be reduced further.

Mike Persson, an LCO shoreowner and chairman of the Hayward Lakes Chapter of Muskies Inc., said the current musky population on the lake "is probably the lowest it's ever been. This is related in part directly to the phosphorus level in the lake and primarily in Musky Bay. Musky spawning on the bay is unsuccessful now because the bottom of the bay is covered with silt and decaying plant debris, and this is the direct result of phosphorus.

"I don't understand why the DNR is fighting so hard against lowering the phosphorus level," Persson added.

Lac Courte Oreilles Drive resident Edmund Packee said, "fishing today is lousy compared to what it once was, in numbers and size." He said he doesn't support lowering the phosphorus level from 15 ppb to 10 ppb, because he doesn't see any biological difference in the two levels.

One source of high phosphorus is the "high water level they (the county) have been holding the lake at," Packee said. The result is bank erosion, he said.

Also, motorboats with propellers "disturb the

sediments down to 20 or more feet, putting phosphorus into solution," Packee said.

Bog segments have floated into Anchor Bay and ruined spawning grounds for various fish, Packee added.

### The tribal perspective

Brian Bisonette, director of the LCO Tribal Conservation Department, said he's seen a lot of changes in the lake in 58 years. "As a child, we were still getting our drinking water out of Lac Courte Oreilles. We were dependent on the fisheries and everything the lake offered. Half of the lake is on the LCO Reservation.

"We feel that not lowering the phosphorus level to 10 ppb will adversely affect the tribe's right under the Treaty of 1837 and potentially could necessitate federal litigation," Bisonette said.

"Preserving the LCO fishery is crucial to the Lac Courte Oreilles Tribe," he said. "We still reference this lake by its original name, Oda-wa-zaga-iganing (Lake of the Ottawa). Historically this precious body

of water provided the Aninshinaabe with all the resources needed to sustain the community. Fish species were bountiful and considered gifts from the Creator.

"From a tribal perspective, it is nearly impossible to quantify the loss of this LCO habitat and resource. Lac Courte Oreilles members still harvest fish, hunt waterfowl, trap and gather aquatic medicines."

Paul Sutton said there needs to be more research on what's happening to the lake and said high lake levels have contributed to it. Starting in the 1960s to 1970s, nutrients have run off into the lake from impervious surfaces and lawns, he said. Motorboats stir up phosphorus in the lake and invasive species have been introduced.

Fish kills in the lake have been "happening long before the recent ones," Sutton added. Also, "We don't know the implications of putting a number to the phosphorus level. There are so many things happening that cause it, that it's scary."

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