

History of Rest Lake Dam, 1937 to Present

By John Hanson

After the Wisconsin Public Service Commission issued its final operating order for the Rest Lake Dam in 1937, the dam was operated by Chippewa & Flambeau Improvement Co. (today Xcel Energy) in compliance with that order until the early 2000s. The chain level was drawn from the summer level of 8.5 feet on the gauge by the dam to 5 feet for the winter. The only time there would be a deviation from those levels would be if repairs had to be done to the dam.

During that time, control of the dam was given to the Wisconsin Department of Natural Resources. In the 1990s, the Federal Energy Regulatory Commission proposed bringing the dam under Federal control. At a hearing in 1997, the Chippewa & Flambeau Improvement Co. (CFIC) objected to the proposal, and the Feds withdrew its proposal and exempted the dam from its regulation.

In 2001, the Natural Resources Board received a complaint about how the dam was being operated. As a result, over the next 10 plus years, discussions were held between the DNR, CFIC, town officials, and interested property owners on the chain. In 2007, the Manitowish Chain Defense Fund (MCDF) was organized, and legal counsel was hired by the Defense Fund to assist in responding to any changes the DNR might propose to the dam operation.

In 2013, the DNR did an environmental analysis and based on that analysis, proposed changing the 1937 operating order. In the summer of 2014, the DNR presented a draft order that offered four alternatives to change the operation of the dam. Hearings were held in Manitowish Waters, and this was the first time the public saw the proposed changes. At the end of the day, there was no input from the MCDF, CFIC or the public.

Once the MCDF, its legal counsel and experts, CFIC and the public saw the proposal, everyone agreed it was unacceptable. CFIC said they had never seen an order like this, and it would be impossible to implement operationally. At this point, it seemed likely that a legal challenge might be the only option to prevent the DNR from implementing a new order.

That prospect was taken off the table when then State Senator Tom Tiffany had an amendment inserted into the 2015 state budget bill that there was a certain dam located in Vilas County that controlled water levels on a chain of lakes, and if the DNR proposed any changes to an existing operating order, it would be reviewed by the Natural Resources Committees in the State Assembly and Senate. As a result of this legislation, the DNR and CFIC entered into a Memorandum of Understanding (MOU) in the fall of 2015 that allows for regular consultation, including the MCDF and downstream interests. The MOU maintains historic seasonal water levels in the chain of lakes above the dam and establishes flow regimes to address river flows below the dam when there are drought conditions.

Since the implementation of the MOU, a working group representing all the stakeholders has been meeting several times a year to review dam operations. In addition, new technology, such as drones and satellites, is providing valuable information that allows decisions to be made based on accurate information.