



Lake Views

The newsletter of the Yahara Lakes Association

April • 2006

Pier Rules Back In Muddy Waters

YLA has participated in almost two years of hearings and meetings about new DNR or legislative rules about piers. We believe our participation has been valuable because we have been able to show that the Yahara lakes have unique pier characteristics. In particular, we have stressed that piers should be able to have modest decks, most existing piers should be grandfathered, riparians should be able to have three, not two boat hoists to accommodate family boat uses, and piers should be allowed to extend out to a point in the lake where a boat hoist is usable. For the most part, YLA has been successful in these areas. Most proposed rules (and there have been many) include these items, with the exception of the third boat hoist.

But where are we now? The short answer is “Back to square one.” But YLA’s work and that of others interested in reasonable pier legislation is not in vain. After intensive meetings and long debate, the Wisconsin Senate passed an amendment to Assembly Bill 850, which expanded it from 2 to 10 pages. The important items were that a pier could extend to the 3 foot water depth or enough depth to moor a boat or use a boat lift, *whichever was more*. Boat slips (hoists, moorings, etc.) were left at 2 for a 50 foot lot, with an additional hoist for each additional 50 feet of frontage. Pier width remained at 6 feet except that decks no wider than 8 feet were permitted at a pier’s lakeward end. Condominiums received double the boat hoists or slips of other residential lots. Piers existing before February 6, 2004 would be grandfathered, except those with decks exceeding 300 square feet. Grandfathered piers must be registered with the DNR. This is **NOT** a complete list, but it really doesn’t matter. Read on...

The Senate sent amended AB 850 back to the Assembly, which, had it passed Amended AB 850, would have been

sent to the Governor, for his probable signature. But there are numerous pitfalls in the road to passage. The Speaker of the Assembly, John Gard, announced that he would not bring amended AB 850 to the floor of the Assembly for a vote because he believed it negatively affected property rights and was too complex. Representative Gunderson, the bill’s main sponsor, said that he would re-draft AB 850 to address these objections, and would introduce new legislation in time for this season’s pier installations. YLA will be watching this, and as in the past, will be voicing YLA members’ concerns.

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The problem is this: If the legislation passes giving real estate developers the right to install piers that are too long, too wide with too many boat hoists, the Governor has said that he would veto it because huge piers take away too much of every citizen's right to use Wisconsin's lakes. The Public Trust Doctrine in the Wisconsin Constitution protects every citizen's right to use Wisconsin lakes.

The trick will be in finding the narrow area that both the Governor and lawmakers will endorse. That area could turn out to be non-existent, and YLA and everyone else will be left with the present, vague and contradictory rules found in Chapter 30 of the Wisconsin Statutes and the present NR 326 rules. The DNR will then be enforcing Wisconsin Statute 30.12(1g)(f), which right now limits pier width (including deck width) to 6 feet, pier length to the 3 foot water depth or the depth necessary to use a boat hoist, *whichever is less*, and boat hoists, moorings or slips to 2 for the first 50 feet of shoreline and one for each additional 50 feet.

YLA will continue to follow proposed legislation, present our views to legislators and the governor, request YLA members' help in sending letters or postcards and post new developments on our web site, www.yaharalakes.org.

Family Asks For Help

The family of Chris Dickinson is asking the residents living along Mendota to please keep a look out for their son who has been missing since last summer as a result of a tragic swimming accident. Chris and his best friend Darren Mellor disappeared on July 31, 2005.

Darren's body was found and identified near Spring Harbor Beach. Chris remains missing and the family would like any help possible to find him and gain the closure they have been seeking for the past seven months.

The Dickenson and Wipperfurth families would like to express their thanks.

Mark Your Calendars!

YLA Annual Meeting

June 27, 2006

Rundown on Recent Riprap Rules; Solving Your Shoreline Erosion Confusion

Confusion is not surprising with all the recent changes in state laws and rules affecting shoreline erosion control structures. Generally, jurisdiction depends whether the structures are above or below the “Ordinary High Water Mark” (OHWM). The Wisconsin Department of Natural Resources (DNR) normally has jurisdiction below OHWM while local governments have jurisdiction above the OHWM. This is the first cause of confusion since many shoreline projects involve two parts - both above and below the OHWM. That means both state DNR and local permit requirements are involved.

Because so many municipalities occupy the shoreline of the Yahara Lakes, it is suggested you contact your local government first before starting a shoreline project. Additionally, Dane County enacted some new shoreline erosion control ordinances that took effect very recently in December of 2005. New features there include possible waivers of the engineer’s stamp and exemptions of minor grading projects. Use of the new simplified erosion control checklist is recommended.

A second cause of confusion came with newspaper articles in early 2005 describing new state laws that exempted some riprap projects from DNR permitting requirements. The identified riprap projects included replacing up to 100 feet of existing riprap, repairing up to 300 feet of existing riprap, minor filling projects, and installing biological shore erosion control structures. However, the articles did not identify the fact that exemptions could not be granted in “areas of special natural resources interests” (ASNRI) waterways.

With over 95% of the Yahara Lakes System currently designated as ASNRI waterways, the exemptions do not apply for our shorelines. **A DNR permit is required.** Most of the System’s shoreline is subjected to moderate storm-wave action as calculated by DNR’s formula. The three recommended shoreline erosion control methods under these conditions are:

- Biological Shore Erosion Control
- Vegetated Armoring
- Traditional Riprap

System shorelines have been developed for many years with the majority consisting of the traditional rock riprap. Vegetated armoring is best described as traditional riprap with native Wisconsin plants, shrubs, and trees planted between the rocks to secure the armor stones while providing a natural appearing shoreline from the water.

It is likely that repair or replacement riprap permits will be most common for Yahara Lake System shorelines, for the General Permit (Fee \$50). Some of the key requirements for these permits are:

- Must have documentation of the original footprint
- Repair must not exceed 100 linear feet
- Replacement must not exceed 300 feet
- Max height OHWM plus wave height
- Max slope 2’ horizontal to 1’ vertical
- Re-vegetate above the armor stones.

For new permits the vegetated armoring method will likely be emphasized due to a growing trend of creating more natural settings.

If shoreline erosion control projects do not meet the requirements of the General Permit, application must be made for the more complicated Individual Permit. Permit applications and other related materials are available from the local District DNR office or online at dnr.wi.gov/org/waterway/erosioncontrol.shtml. Clarification of the distinctions between using traditional riprap and vegetation armoring is best described in Wisconsin Administrative Code Chapter NR 328 which is available online or at your local libraries.

Here Come the Barges . . . Collecting Aquatic Debris

Dane County Public Works barges will conduct the annual aquatic debris pickup from your piers on Lake Mendota and Lake Kegonsa on Monday, June 12 and on Lake Monona and Lake Waubesa on Monday, June 19, starting at 6:00 a.m.

Lakes and Watershed Proposes Channel Markers for Squaw Bay on Lake Monona

The Dane County Environment, Agriculture and Natural Resources (EANR) Committee held a public hearing on a proposal to establish a navigational channel bounded by waterway markers in Lake Monona's Squaw Bay. The proposal was the unanimous recommendation of the Dane County Lakes and Watershed Commission. Commission chair Brett Hulsey said, "I am grateful for the hard work of the Commission's Slow-No-Wake Task Force, which brought us their consensus recommendation that we recently adopted. Marking a navigational channel with buoys is a reasonable compromise to improve public health and safety without changing current slow-no-wake zones." Supervisor Don Eggert, a member of the Lakes and Watershed Commission who was the lead sponsor said, "The Commission reached its consensus recommendation after extensive review and public input." Supervisor Richmond said, "Our upcoming hearing was one of the last opportunities for citizens to review this compromise proposal before it goes to the County Board for action."

The proposal is to define a navigation channel with red and green navigation markers in Squaw Bay starting at the Yahara River out to a line running south from Tecumseh Avenue in Monona and with the western end of channel within ¼ mile of either shore. Watercraft operating outside of the navigation channel would be subject to the normal boating rules and could operate at normal speeds since this area would not be a slow-no-wake zone. The citizen comments at the February 7th meeting ranged from opposition to the proposal because of concerns that funneling the traffic into a narrow channel would make the area more dangerous to reluctant support by former slow-no-wake advocates with the hope that the channel would bring more order to the traffic flow and reduce potentially dangerous interactions with kayakers and fishing boats closer to the shorelines. The committee was unable to vote on the proposal because it lost its quorum when a member had to leave early.

New Rep for Lakes and Watershed Commission

Doug Bach, YLA Board member, has recently been appointed to the Dane County Lakes and Watershed Commission (LWC). The Commission is in place to protect and improve water quality, as well as the scenic, economic, recreational, and environmental value of Dane County's water resources.

Doug expects that storm water management, agricultural pollution control, and wetland preservation will be the big topics facing Dane County. Doug lives on Lake Monona and has served as a board member of the Yahara Lakes Association since 2003. He is a licensed civil/environmental engineer with 20 years experience in pollution control and has routinely served as a regulatory liaison with environmental regulatory agencies including WDNR and EPA. Doug is also a board member of the Wisconsin Association of Lakes (WAL).

Mark Pernitz recently stepped down as YLA's representative after two consecutive 3 year terms. He was the first to be appointed from YLA, following a change in state statute in 2000 that added our association as a Commission member.

Mark was involved in a lot of activity during his time on the LWC. The drafting and passage of the Erosion Control legislation, the Stormwater Management Ordinance, Phosphate Fertilizer Ordinance, a county dredging policy, and new shoreland zoning regulations were put in place. LWC also initiated and developed the pier address system to assist in emergency responses and recommended the 200' no wake zone. LWC implemented the 5 year boat replacement schedule for the sheriff's patrol boats resulting in a zero net cost each year for a new patrol boat. LWC also successfully recommended and lobbied for an increase in the weed harvesting budget and the replacement of the aging (and sinking) weed cutting barges with new stainless steel barges.

We thank Mark for his many years of service on LWC and Doug for his newest commitment toward preserving and enhancing Dane County waterways.



Take a Stake in the Lakes 2006

Dane County's Lakes Cleanup Event



Volunteers needed.....The 19th annual Take a Stake in the Lakes volunteer cleanup of the Yahara Lakes will be held on **June 10 and June 17, 2006.**

Lakes Mendota, Kegonsa and Wingra will be cleaned on Saturday, **June 10 from 9:00-12:00, with the information center at Wingra Park in Madison.**

Lakes Monona and Waubesa will be cleaned on Saturday, **June 17 from 9:00-12:00, with the information center at Law Park in Madison.**

Over the years, thousands of volunteers have removed hundreds of tons of waste from Lakes Mendota, Monona, Waubesa and Kegonsa. During Take a Stake in the Lakes groups, individuals and families adopt a beach or shoreline, collect litter and rake aquatic debris from the shoreline and shallow waters. Some adopt boat launches, and some clean rivers while paddling their canoes or kayaks. Many groups then have a picnic in the park they've just cleaned up. Garbage bags, T-shirts and door prizes are provided.

Call now to reserve your group's favorite park or stretch of shoreline, or to find out how you can help protect our beautiful lakes.

Take a Stake in the Lakes is sponsored by the Dane County Lakes & Watershed Commission and is part of Yahara Lakes Week, which celebrates and promotes public awareness of the Yahara Lakes. The event is held in cooperation with Dane County Parks, Dane County Public Works and Dane County/UW Extension, and is sponsored by many local businesses and organizations.

To participate or to discuss sponsorship opportunities, call Rhea Stangel, Take a Stake in the Lakes Coordinator at 608-224-3601 or stangel-maier@co.dane.wi.us. Volunteers may also come to the information centers, where stencil kits and garbage bags will be available.

Visit our website www.danewaters.com

With a hard working committee and a group of generous sponsors, YLA has created what we hope will be a valuable on-line resource for our members. If you are looking for instant information and links for area lake levels, pier rules, weed control and more, check us out at www.yaharalakes.org.

We would like to extend our thanks to the following sponsors who helped us get our website off the ground and into cyberspace in a quality way: Endres Manufacturing Company, Stark Homes, Skipperbud's, D.L. Anderson Company, Sail Boat House @ Anderson Marine and von Rutenberg Ventures.

www.yaharalakes.org



Getting Back on the Water . . .

Lake access

There are 25 boat launching sites and several marinas/boat storage sites on the Yahara River lakes. These range from large marinas and multi-ramp launching sites to street-end access with only on-street parking available. Lake Access Permits (formerly Boat Launch Permits) are required from May through September at City of Madison and Dane County launching sites.

Lake Access fees

Dane County Resident Annual - \$25.00

Out of County Annual - \$45.00

Senior Citizen Annual (Dane County only) - \$15.00

Disabled Annual (with proof) - \$10.00

Replacement Annual - \$10.00

Duplicate (2nd vehicle) – Annual - \$10.00

Duplicate (2nd vehicle) – Daily - \$7.00

Tenney Lock Passage Annual - \$20.00

Tenney Lock Duplicate (2nd vehicle) – Annual - \$10.00

Tenney Lock Duplicate (2nd vehicle) – Daily - \$5.00

Lock Permits

Annual lock permits for the Tenney Park Locks can be purchased in advance at the following locations: Dane County Parks (4318 Robertson Rd), Dane County Clerk (Rm 112 City-County Building, 210 Martin Luther King Jr. Blvd), Dane County Public Works (1919 Alliant Energy Center Way), Quams Motor Sports (1896 Barber Dr, Stoughton), and Skipper Bud's (5442 County Rd M, Town of Westport).

Navigational Aids

There are approximately 160 buoys in the Yahara lakes that mark no-wake zones, rock obstructions and the center of channels to assist boaters in navigation. Some points to remember include:

- From shore out to 200 feet, obstructions are not marked.
- Areas that are buoyed and signed “Slow No Wake” and other areas within 100 feet of restrictions (e.g., boat landings) require no-wake speed. (No-wake speed is the slowest speed a boat can go and still maintain steerage.)
- Boats should always pass between pairs of green and red buoys.

Mooring Buoys

The sheriff's boat patrol monitors all mooring buoys that are privately owned. All mooring buoys within 150 feet of shore are no longer regulated by the DNR; however, they may be regulated by local government by ordinance. Thus, individuals should check with their local government before placing any new mooring buoy within 150 feet of shore. All mooring buoys beyond 150 feet from shore must be lighted, and a permit is required from the DNR.

Boating Safety Classes for Spring 2006

The Madison Sail & Power Squadron has currently scheduled four (4) Boating Safety Classes for this upcoming Spring.

The Class Calendar is as follows:

- 1) Tuesday, May 9 through June 6, 2006 at the American Family Insurance World Headquarters Building, Class time is 6-8 pm, Open Seating, Registrations will be taken onsite the first night of classes. Class Fee = \$35/student
- 2) Wednesday, May 10 through June 7, 2006 at the “New” Waunakee Village Center, 333 South Madison Street, Pre-registration is required. Contact the Waunakee Village Center at 608.850.5992 to register. Class Fee = \$35/student
- 3) Saturday, April 29 & May 6, 2006 at the American Red Cross Center at 4860 Sheboygan Avenue, Madison, Wisconsin Each Saturday 4-hr class starts promptly at 8:30 a.m., ending at 12:30 p.m. Pre-registration is required. Class size is limited to 45. Contact the American Red Cross Center at 608-227-1247 to register and guarantee a seat. The compressed 2-week schedule requires significant home-study between classes to be successful.
- 4) Saturday, May 13 & May 20, 2006 at the American Red Cross Center at 4860 Sheboygan Avenue, Madison, Wisconsin. Again, class size is limited to 45. Contact the American Red Cross Center at 608-227-1247 to register.



NEWSLETTER

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Yahara Lakes Association, Ltd. is a non-profit organization of over 700 members dedicated to representing Lake property owners and advocating for the vitality of the Yahara chain of lakes so that all citizens may enjoy them.

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COMMITTEES

Communications Committee
Lake Quality Committee
Legislation and Legal Committee
Membership Committee
Water Safety Committee

Call 848-1450 if you would like to become involved in any of the above-listed committees, or if you have concerns you would like a committee to address.