



Lake Views

The newsletter of the Yahara Lakes Association

August • 2006

Enough about Piers! What about Boat Hoists?

For the past two years, YLA has participated in the long and tortured issue of pier regulation. We won't rehash the history, because the 2006 summer is in full swing, and YLA members have installed their piers and for the most part are now concerned with what the rules will bring next boating season. You can read all about what has happened with piers and decks on YLA's website, www.yaharalakes.org. As for boat slips or hoists - nothing has changed and the rules are the same as always. But what those rules are is not so simple.

The following is applicable to residential boat slips: A Wisconsin statute, 30.12(1g)(f) provides that anyone can have 2 boat slips for the first 50 feet of shoreline frontage and one for each 50 feet thereafter. This is known as an "exemption." A slip can be a boat hoist, a mooring alongside a pier or at a buoy. This statute became effective for the 2004 boating season. Attorneys disagree whether 30.12(1g)(f) applies to boat slips in place before 2004. Boat slips legally placed before December 9, 1977 are presumed to be in conformity with the law existing then. Any riparian can apply for a DNR permit to place or continue any number of boat slips at their pier. But the DNR does not have to grant the permit, and there has been much expensive litigation about the number of slips allowable under a permit. Cities and villages can enact their own rules about boat slips. Those are the rules.

It appears that unless a riparian owner limits boat slips to 2 for the first 50 feet of frontage and one for each 50 feet thereafter, the number of allowable boat slips is uncertain. YLA will continue to promote legislation to clear this up and push to add one boat slip to those allowed as exempt boat slips. If this happens, a riparian would then be entitled to 3 boat slips for the first 50 feet of frontage and one for each 50 feet thereafter. A riparian could apply for a permit if more slips were needed. YLA will update you as the saga continues...



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Annual Membership Event



Pictured at the YLA Annual Meeting are, left to right, out-going President Joe Tisserand, Board Member Sal Troia who was honored as YLA Member of the Year, Board Member and former YLA President Mark Pernitz, who was selected Public Official of the Year for six years service on the Lakes and Watershed Commission, Maryls Mittelstadt whose late husband Russ was recognized for his service to YLA, Dr. Jim Lorman who was named Citizen of the Year and YLA President Dan Schultz.

The Yahara Lakes Association annual meeting was held on June 27th at the Mariners Inn and was attended by more than 90 members. After enjoying great appetizers, a delicious dinner included steak and lobster.

Following dinner, an informative presentation was made by Kevin Connors, Director, Dane County Department of Land & Water Resources.

A Special Thanks to . . .

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Annual Meeting Committee: Joe Tisserand, Dan Schultz, Mike Gerner and Bill von Rutenberg.

Thanks also to von Rutenberg Enterprises for providing a perfect location, terrific food and wonderful weather!

Raising a Stink: What to do with Weeds

Aquatic Plant Management Committee Getting to Work

“I hauled tons of weeds out last year over a 4 week period. These were not my weeds. They were weeds left by the cutters and chopped off by boaters and left to float to shore.”

“I have to remove weeds literally every other day or the accumulation starts to collect dead fish and stink pretty bad.”

Sound familiar?

Current method is harvesting.

Currently weed harvesting is the primary method Dane County is using to deal with lake weeds. There are two harvesting shifts: 5:00 AM to 1:00 PM and 11:00 AM to 7:00 PM from May to mid-August. Harvesters cannot maneuver into waters less than two feet in depth and if they're loaded, the water depth must be even greater. There are locations on all lakes that are too shallow to harvest or provide assistance picking-up floating vegetation and debris. Priority harvesting includes emergency flood relief, boat navigation and public access areas such as beaches and boat landings. Dane County is considering installing GPS units on all harvesters to better track harvested areas.

What else will help?

Last year, Dane County Resolution 94 established an Aquatic Plant Management Committee of the Dane County Board that began meeting in February of 2006. YLA members Doug Bach and Sal Troia serve on the committee and represent the interests of shoreline property owners along the Yahara Lakes.

The committee is charged to review aquatic plant management options, including herbicides and mechanical harvesting, for invasive weed control, and overseeing preparation of aquatic plant management plans required by DNR to be in place before the 2007 harvesting season.

Aquatic plant management plans provide an inventory of existing plants in a lake or stream, and describe how native plants will be protected as the foundation for healthy lake ecosystems, controlling nuisance

non-native species and providing access for recreational use of the waters.

Dane County and its consultant, Underwater Habitat Investigations, are currently preparing these plans for Lake Mendota, Lake Kegonsa, Lake Wingra, Indian Lake, Fish and Crystal Lakes, and Lower Mud Lake. DNR has already approved aquatic plant management plans for Lakes Monona and Waubesa.

In addition to this planning effort, there are recommendations that are being developed by the Aquatic Plant Management Committee for exotic weed management. Included are some innovative approaches which move well beyond weed cutting and harvesting. These recommendations will be presented to the Dane County Board by about the end of August

We do know that whole-lake fluridone treatment will not be among the recommendations.

Why not Fluridone?

In 2005, there was quite a bit of media attention given to whole-lake treatment of Houghton Lake in Michigan using the herbicide fluridone and a proposal by several local citizens that fluridone be used on the Yahara Lakes.

At its May 17, 2006 meeting, the Aquatic Plant Management Committee agreed that whole-lake treatment with fluridone is not appropriate for the Yahara Lakes system because it is a flow-through system with a narrow littoral zone, not conducive to fluridone use.

The Department of Natural Resources would be extremely unlikely to allow a whole-lake fluridone treatment on the Yahara Chain of Lakes (Lakes Mendota, Monona, Waubesa or Kegonsa) primarily because these large drainage lakes are not good candidates.

Stay Tuned...

YLA will keep you informed. Check www.yaharalakes.org for updates on this process. Hopefully we will see some new approaches for next spring and summer as the weeds begin to emerge.

Historic Restoration of Merrill Spring

By Bill Fitzpatrick, YLA Board Member

YLA has partnered with the city of Madison and the Spring Harbor Neighborhood Association to help restore water to Merrill Spring on the south west shore of Lake Mendota. The old stone cistern in Merrill Spring Park had suffered from neglect for many years and over the past three years local residents had initiated a plan to restore the site and recreate the aesthetic, historical and environmental function of the cold water spring that flowed to Lake Mendota at the park.

YLA with a small contribution helped the local neighborhood raise \$20,000 to improve the historic structure. In addition, several local YLA members worked with the local neighborhood to help with project organization, design work, fundraising, and field labor.

The park has an old 45 ft diameter stone cistern built over Merrill Spring to capture and contain the large ancient cold water spring that welled up to the surface on the shore of Lake Mendota at the end of Spring Ct. in the city of Madison. The stone cistern with walls over eight feet tall protected the water quality of the spring from surface runoff. The current structure was built in 1932 and replaced an older structure that was there at least since 1900.

The tie to YLA is both historical and environmental. The springs of the Yahara Lakes were the focal point for human settlement for at least 1500 years back to the Woodland Period; for the Native American settlements including Black Hawk's encampment in the Spring Harbor Neighborhood; and for modern settlers.

The stone cistern at Merrill Spring Park is the most public feature of the Merrill Springs Mound Group Archeological District (National Register #91000670). The original terminus of the Parks and Pleasure Drive on the south shore of Lake Mendota was Merrill Spring. Ecologically, the springs of the area supported a cold water ecosystem both in the lakes and the streams that carried the spring flow to the lakes.

Merrill Spring like many local springs dried up due to municipal ground water pumping. In this project a shallow well was drilled to provide water to the spring cistern to recreate the cold-water environment at the

site. City and neighborhood crews cleaned out sediment and debris from the cistern, placed a liner and clean sand in the bottom, repaired the spillway and restored the outlet channel.

YLA in its work to protect the vitality of the Yahara Lakes is pleased to be able to partner with the city and neighborhood for the protection and restoration of this historic structure.

Visitors to this quiet park can once again see the environmental interaction of flowing cold spring water habitat intermingling with the lakeshore environment that has attracted humans to our lakes for thousands of years.

For Your Information

Did you know? Much of the premier lakefront property in the Madison area is publicly owned ... 64% of Lake Mendota's shoreline is owned by municipalities, the state and the University of Wisconsin-Madison. Forty percent of Lake Monona shoreline is publicly owned.

The names were changed ... The Winnebago, who lived here when Europeans arrived, called Lake Mendota "wonk-sheck-ho-mik-la," meaning "where the Indian lies," based on an old Native American tale of love and transformation. The Winnebago called Monona "Tchee-ho-bo-kee-xa-te-la." or "Teepee Lake." Lake Waubesa got its name, which is Chippewa or Ottawa for swan, when a settler killed an unusually large swan in the area. Lake Kegonsa's name was taken from the Chippewa word for fish - "ke-go-e."

Lock Hours for September... Don't get stuck on the wrong side of the Tenney Locks before they close for the night. If you have any questions regarding the Lock schedule or the operation of the facility please contact the Dane County Parks at (608) 246-3896.

September, 2006

- Monday - Thursday: 10:00 AM - 7:00 PM
- Friday: 10:00 AM - 9:00 PM
- Saturday: 10:00 AM - 9:00 PM
- Sunday: 10:00 AM - 8:00 PM

Lake Related News You Can Use

Pier Pressure

In a case released July 6, the Wisconsin Supreme Court affirmed a DNR order requiring modifications to a pier on Big Green Lake. The Court's ruling in *Hilton v. DNR* confirms the State's authority to protect navigation and the public's rights on lakes and streams from oversized piers that damage fish and wildlife habitat or interfere with navigation.

The plaintiffs in the *Hilton* case—38 back lot owners who collectively own a 77 foot wide piece of lake frontage—installed a 249 foot pier and 22 boat hoists.

A state administrative court judge ruled that this pier interfered with public rights on public waters and ordered the back lot owners to reduce the length of the pier and remove some of the boat hoists. The back lot owners claimed this court order constituted a “taking” of property and the plaintiffs should be compensated by the state.

Pests are Killing Ash Trees

The emerald ash borer has been discovered in Illinois about 35 miles from the Wisconsin border. A native of Asia, the emerald ash borer is a small, metallic green beetle. Its larvae burrow into the bark of ash trees, causing the trees to starve and die. Since its presence was first confirmed in 2002, more than 20 million ash trees in the Midwest are dead or dying.

30% of trees in Wisconsin cities and towns are ash trees. Southeastern Wisconsin could be a prime entry point for the destructive pest because of its abundance of ash trees and proximity to states where the bug has become well established.

The ash borer is an effective hitchhiker and is often transported in firewood. Signs of infestation include:

- the presence of metallic-green beetles about half the diameter of a penny on or around ash trees,
- thinning and yellowing leaves,
- D-shaped holes in the bark of the trunk or branches
- Shoots growing from the base of the tree.

Tackling Land Use for Water Woes

Dane County Executive Kathleen Falk said the county plans to sell bonds to raise \$1.5 million for the creation of a Land Water Legacy Fund. Money from the fund will be used to tackle problems on lands, such as farm fields and other private property, where lake problems often begin in the form of erosion and manure runoff. Silt and fertilizers increase nutrients in the lakes and hasten weed growth and deterioration of water quality.

The money would go toward:

- Funding to private landowners, such as farmers, for the installation of items including buffers and native plantings that help reduce the amount of soil running into the lakes and their tributaries.
- Purchase of development rights from willing landowners. Under the agreements, farmers, for example, would agree to restore and protect sensitive lands while retaining them for agricultural use.
- Expanding access to streams for public fishing and create a water trail system in Dane County.
- Restoring wetlands and other features that improve flood control and prevent the introduction of pollutants into Dane County lakes.

Hearing about Manure

The Legislature Assembly and Senate Agricultural Committees are expected soon to schedule a joint public hearing on the Manure Management Discharge Rules (NR 243) that were unanimously approved by the Natural Resources Board this May.

NR 243 affects how Wisconsin's largest farms (Concentrated Animal Feeding Operations or CAFOs) handle, spread, and store their manure. Manure runoff has contaminated drinking water, killed fish, and contributes nutrients to lakes that can lead to chronic algae blooms and declining water quality. Stay tuned for more on this issue as state legislation moves forward and Dane County continues to work on plans for this issue.

Algae, Weeds and Floods; A Few Comments

By Steve Morton, YLA Board Technical Advisor

1. Lakes take on the characteristics of the surrounding land. In naturally nutrient areas like southern Wisconsin the lakes are rich with algae and weeds. These problems, natural in origin and observed by early settlers in Madison, have increased because of the 300,000 people living in the watershed.

2. The internal nutrient loading from the lake sediments in many mid-western lakes including Madison lakes is greater than the external loading from streams and runoff. Every effort should be made to reduce this external loading, however expectations should be minimized for water quality improvements such as the numerous, short lived, cyclical algae blooms that occur during the summer.

3. Manure runoff in spring is the major external nutrient loading to the lakes. One suggestion has been made to use anaerobic sludge digesters for this problem. These have been used in municipal wastewater treatment for nearly a century to handle sludge that is the Achilles Heel of wastewater treatment. Sludge digesters have to run continuously and serve a substantial population to be practical. For manure treatment many farms would have to use the same digester since individual farms have too few cattle. The use of these in Dane County could be a step in reducing the nutrient runoff.

4. There is an inverse relationship between algae growth, limited by the concentration of dissolved nutrients in the water, and the sunlight limited growth of the rooted weeds that can use the sediment nutrients. When the water clears the weeds increase as was observed in the 1920's when Lake Monona was treated with copper sulfate to control the algae and in the 1937 and 1958 diversions of treated sewage effluent from Monona and from Waubesa and Kegonsa.

5. Weed cutting is like cutting the grass in a park, it gives short term relief, it has to be done on a regular basis and even if harvested does little to eliminate the cause of excessive growth.

6. The main problem in the Madison lakes is no longer the weeds and algae but flooding. We have had three one-hundred year floods in thirteen years

due to the watershed being paved over which keeps the water from soaking into the ground. The question remains whether uncontrolled development will continue to pave over the watershed and cause increased and even catastrophic flooding.

Markers on Squaw Bay

If you've been on or near Squaw Bay in Lake Monona you will see buoys that have been in place since June that mark a navigational channel. There are four sets of red and green waterway markers, beginning south of a line from Tecumseh Avenue in the City of Monona marking a channel heading east that ends with two slow-no-wake buoys at the outlet to the Yahara River. These buoys were all installed with safety lights.

These navigational markers, authorized by section 72.12 of the Dane County Code of Ordinances, were recommended by the Dane County Lakes and Watershed Commission's Slow-No-Wake Task Force in late 2005, and the Dane County Board adopted the ordinance authorizing their placement in April of this year. The Department of Natural Resources then approved Dane County's application to place these waterway markers. Lots of hard work, money and committee meetings went into making this safety measure happen.

The press release issued by Dane County on the channel markers stated... "Though it is not a requirement, it is hoped that many boaters would follow the channel at slow-no-wake speed, thereby increasing safety in one of the most concentrated areas of boat traffic in the Yahara Lakes system."

Only time will tell whether the markers will lead to any significant change in the boating conditions on Squaw Bay but initial observations by the Squaw Bay residents are that the majority of boats are following the marked route. Although it may be confusing to have a marked path that a boater does not have to follow, the goal was to add some order to the area without restricting the rights of boaters to use the whole bay.



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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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.