

## **NEW PIER LEGISLATION**

On April 1, 2008 Governor Doyle signed new legislation concerning the placement of piers on Wisconsin Waterways. The subject of piers has been controversial in recent years, and the Wisconsin State legislature has considered bills regarding pier placement in navigable waters in the past two legislative sessions.

The Wisconsin Association of Lakes has been actively working on pier bills for the best outcome achievable for our member's interests within the current political atmosphere.

The WAL Board approved two key policy goals to help guide our involvement. First, to ensure that pier placement does not damage habitat, obstruct navigation or interfere with the rights of other riparian owners or the public. Second, to maintain current law, which generally recognizes that the right to place piers should be proportional to shoreline frontage, rather than the density of shoreland development.

### **How we got to where we are now on piers**

In 2003 Act 118 (the "Jobs Creation Bill") the Legislature decided to reform pier law by defining piers (by length, width and boat mooring capacity) that may be placed without any state permit. Shortly after that law was enacted, DNR convened a committee of stakeholders (including WAL representatives) to develop administrative rules (NR 326) authorizing other piers under general permits and setting standards for piers.

Legislators and landowners reacted to DNR's proposed pier regulations, raising concern that owners of some existing piers would require individual permits to keep them. Proposed NR 326 was suspended by the Legislature.

In 2005, the Assembly then introduced its own pier bill, which proposed to expand the number of "grandfathered" piers, permit greater boat mooring density for multi-family piers and make some other changes in the state laws. After that bill passed the Assembly, WAL and a few other conservation and development groups were included in a legislative working group, which also contained representatives of the DNR, Builders, Realtors, the Governor's office, the Assembly, and the Senate, to develop a "consensus compromise pier regulation package," which they did.

WAL was able to negotiate significant changes within this work group, including:

- Limits on grandfathered piers with a limited window for registration,
- Limits on the boat slip density for multi-family and commercial property,
- Required permits for higher density piers on multi-family and commercial property,
- Maintaining local authority to establish stricter pier regulations.

No-one, including WAL, felt that this compromise bill was the best bill, but for very different reasons.

The Senate passed this compromise bill in March 2006, but the Assembly added an amendment. The Senate then concurred in the Assembly version, and the Governor vetoed the bill that was sent to him.

This session AB 297 was introduced, which was the same bill as last session's initial compromise bill. The DNR and the Governor's office agreed that opposing a bill that they had previously supported would be damaging to their ability to continue the trust and confidence they had with legislators, so they supported it. Legislators also agreed with AB 297, though many were not happy with the compromise.

## **What does AB 297 contain?**

The following is a summary of the major provisions of AB 297:

- Continues the existing pier width of not more than 6 feet.
- Allows the pier to extend to a point where the water is 3 feet deep or to a point where there is adequate depth for mooring a boat or using a boat hoist or boat lift, whichever is farther from the shoreline.
- Allows a loading platform of not more than 8 feet wide provided it extends perpendicular to one or both sides of the pier and is located at the lakeward end of the pier or the end that extends into a stream.
- Grandfathers piers, including boat hoists and boat lifts, that were placed on or before February 6, 2004 that are not more than 8 feet wide;
  - Piers placed on or before February 6, 2004 may have a loading platform at the lakeward end of the pier or end that extends into a stream that is more than 8 feet wide, provided the platform does not have more than 300 square feet of surface area.
  - If such platform has 200 square feet or less, the platform may be of any width;
  - if such platform is more than 200 square feet but not more than 300 square feet, the platform may not be more than 10 feet wide.
  - Any such grandfathered piers cannot interfere with the riparian rights of other riparian owners.
  - In addition, owners of grandfathered piers must register a grandfathered pier with the DNR within 2 years and 11 months of the effective date of AB 297.
- Allows repair, maintenance, relocation and reconfiguring of grandfathered piers provided the pier is not enlarged. Relocated and reconfigured piers must be registered with the DNR.
- Continues the existing allowance of no more than 2 boat slips for the first 50 feet of shoreline and no more than one additional boat slip for each additional 50 feet of shoreline.

- Allows the property owner to apply for an individual permit for a pier that exceeds the above number of boat slips and if such pier was placed on or before February 6, 2004, requires the DNR to issue the individual permit, without charging a permit fee, unless the DNR demonstrates that one or more of certain specified conditions have not been met.
- On lakes of 50 acres or more, allows owners of property on which there are 3 or more dwelling units or on which there are commercial structures to apply for an individual permit to increase the number of boat slips to the smaller of
  - 4 boat slips for the first 50 feet of shoreline and no more than 2 additional boat slips for each additional 50 feet of shoreline, or
  - 1 boat slip for each dwelling unit, plus an additional number of boat slips if these are open to the public and are limited to transient docking for less than 24 hours.

WAL was able to negotiate some amendments to the original AB 297 which:

- Prevent perpetual replacement of grandfathered piers (repair and maintenance of existing piers are allowed), and
- Preserve the DNR's authority to challenge some piers.

A more complete analysis of AB 297 will be provided at a later date after an extensive review has been made of the many provisions contained in the Bill.

AB 297 was sent to the Governor and is signed into law.

# Great Lakes Compact

## [Wisconsinites Want Great Lakes Water Protected](#)

With all the bad news about water last summer – Lake Superior shrinking, inland lakes dwindling, Atlanta’s water crisis – it may not be surprising that Wisconsinites want water protected, especially the Great Lakes.



The results of a recent poll, commissioned by the River Alliance and several other conservation groups, show that Wisconsinites strongly support passage of the Great Lakes Compact. Not only do they support the Compact, they also support certain provisions that will beef up the basic Compact, which will soon be taken up the Wisconsin legislature. Rep. Cory Mason, from Racine, a River Alliance board member, has been the Compact’s principle champion in the Legislature. The Compact legislation will likely be sponsored by Sen. Rob Cowles (R-Green Bay) and Sen. John Lehman (D-Racine).

The Great Lakes Compact is an agreement, signed two years ago by the governors of the eight Great Lakes states that would prevent diversion of Great Lakes water by industries and municipalities, with some limited exceptions. All eight legislatures of the Great Lakes states must approve the Compact, and Congress must ratify it before it takes effect. States can’t change the basic Compact, but they can build strengthening provisions on its platform.

The poll, conducted by the UW Survey Center this fall, Poll showed that 80% percent of those polled indicated they wanted Wisconsin to make the Great Lakes Compact law; about 10% were opposed. Partisan persuasion seems to make no difference when it comes to supporting the Compact. People identifying themselves as Republican, Democrat or Independent support the Compact roughly equally.

The River Alliance and its conservation partners have for months been pushing for certain strengthening provisions for Wisconsin’s Compact – closing a bottled water loophole, enacting tough “return flow” standards for water diverted from the Great Lakes that must be returned to the lakes via rivers, and setting community boundaries at a date certain so that cities that want to divert Great Lakes water can’t keep re-defining themselves simply to qualify for water.

The poll also shows that you don’t need to live near Lake Superior or Lake Michigan to care about protecting them. About 83% of poll respondents from non-Great Lakes shore communities support passage of the Great Lakes Compact, compared to 77% of respondents living in Great Lakes shore communities.

Other findings in the poll suggest that Wisconsin residents favor several specific actions to protect the Great Lakes, some of which may end up in the Compact legislation.

- 86% of those polled said it was important (“very” or “somewhat”) that Great Lakes water should not be bottled and sold without more oversight and regulation
- 86% of those polled said it was important to prevent local communities from changing their boundaries so they could qualify to take water from the Great Lakes

94% of those surveyed said it was important to require local communities to put in place water conservation programs before they could increase their use of Great Lakes water

## **What is the Great Lakes Compact?**

The Compact would prevent diversion of Great Lakes water by industries and municipalities, with some limited exceptions. The Compact must be ratified by the legislatures of each state and by Congress. Wisconsin is the last state to introduce legislation.

## **Why is passing the Great Lakes Compact important to Wisconsin?**

As leaders from thirsty southwest and western portions of the United States express interest in tapping the Great Lakes as a new source of fresh water, there is a growing sense of urgency to protect Great Lakes resources for Great Lakes citizens.



The Great Lakes Compact is Wisconsin's best chance to maintain regional control of Great Lakes water resources and ensure water is available to support Wisconsin's citizens and economy in the future. The Compact puts preventative measures in place before states that are facing serious water supply issues--like California, New Mexico, Kansas and others--muster enough votes in the Congress to send our water elsewhere.

If Congress does not ratify the compact by the 2010 census, redistricting may result in Great Lakes states losing 10 to 15 congressional seats to states in the South and West with water shortages.

## The current bill

With a few minor changes, Wisconsin's 150+ page Great Lakes Compact bill represents the Strong Compact for a Strong Wisconsin that has been a Conservation Community Priority for the past two years. The current bill:

- requires communities seeking a water diversion meet enforceable, demonstrable water conservation standards prior to an application for a diversion.
- requires communities looking to extend or build new water supply pipes/systems as part of a diversion request will comply with current regional water supply quality plans—this will help ensure rational development.
- requires bottled water companies meet the same standards as all other water users (i.e. there is no loophole for bottled water companies to package our water and send it away one bottle at a time).
- ensures adequate citizen participation in a practical and protective manner.
- includes the above points and becomes effective upon enactment of Wisconsin's legislation.

## Two critical improvements are still needed

The bill needs to clearly spell out that water being returned to the Great Lakes is the right temperature and quality, so it won't harm habitat and drinking water. We want to be sure that water being dumped into Wisconsin rivers is clean and cold!

The in-basin standards must be strengthened to include the interim period between the passage of the bill in Wisconsin and the passage of the bill at the federal level. It may take several years for Congress to pass the Compact. In the meantime, we want users of Great Lakes water in Wisconsin to make efforts to conserve and wisely use the water.

### **Contact your Representatives**

As of this writing, legislators need to act quickly to make the needed improvements to the bill and move it through the legislature.

**Unfortunately the Speaker of the Assembly, Rep. Huebsch, and Rep. Gunderson** are choosing to ignore years of negotiations and agreements made by the eight Great Lake states and two Canadian provinces, and work by Wisconsin's own legislature by **vocally opposing any Compact legislation**. What's more, to sabotage this critical multi-state and bi-national agreement they are approaching several members of Ohio's legislature, and bypassing their legislative colleagues in Wisconsin.

Please contact your Senator and Representative and let them know that you support a Strong Great Lakes Compact for a Strong Wisconsin. Make sure to include in your message:

- Your personal reasons for wanting to protect the Great Lakes from diversions and other threats to Great Lakes water supply;
- Your appreciation for the efforts legislators have put in over the last year working on this bill and a special thank you for including the bottled water provisions;
- A request to include water quality and temperature requirements protect habitat and drinking water;
- A request to strengthen in-basin standards such that users of Great Lakes water are following the agreement now, rather than waiting several years for the Federal government to pass the Compact;
- A strong appeal to your legislators not to weaken this bill.

## **Kettle Moraine Land Trust**

Lori Artiomow, General Manager for the Kettle Moraine Land Trust spoke to the Whitewater/Rice Lakes Management District. This group was the Lauderdale Lakes Conservancy and has expanded their focus after receiving requests from landowners on other lakes who were interested in preserving their land.

They have received several inquiries from residents around the Whitewater Lake area who are interested in preserving their land. One of the things they can do for landowners is to hold a Conservation Easement on their property to protect the land in perpetuity. By donating the easement, a landowner can receive income tax benefits.

Because the landscape surrounding a lake can influence lake water quality, preserving natural landscapes in the watershed can help maintain good water quality.

The Kettle Moraine Land trust is interested in working with landowners that have a few acre parcel of land. The trust would have a legal easement to the land, thus preventing any kind of building on it. If you are interested in getting more information about this, contact Lori at [Lori@kmlandtrust.org](mailto:Lori@kmlandtrust.org)

## **Shoreland zoning rule (NR 115) rule revisions set to go to NRB**

After a five year revision process, the DNR anticipates sending proposed revisions of Wisconsin's 40 year old shoreland management rules to the Natural Resources Board (NRB) for final approval this spring. Once the NRB approves the proposal, the rules will move to the legislature for review and approval.

The Wisconsin Association of Lakes (WAL) has been closely involved with this evolving rule package. WAL seeks standards for local shoreland regulations that respect both the property rights of lakefront owners and the habitat and water quality that drew us to lakes in the first place.

Public hearings were held on the most recent NR 115 draft in summer of 2007. This past winter WAL and some other key stakeholders met with DNR staff to resolve differences over the proposed draft. These discussions focused on:

Rule provisions that address existing lots that do not meet area and width standards, restrictions on the coverage of lots with impervious surfaces, limitations on the expansion on existing non-conforming structures, and management of runoff water.

DNR has prepared Frequently Asked Questions about the proposed changes to NR 115 ([www.wisconsinlakes.org/AdvisoryCommittees/PDFs/sp08nr115dnr\\_faq.pdf](http://www.wisconsinlakes.org/AdvisoryCommittees/PDFs/sp08nr115dnr_faq.pdf)) and a press release with discussion of the comments received from the 2007 public hearings ([www.wisconsinlakes.org/AdvisoryCommittees/PDFs/sp08nr115dnr\\_update.pdf](http://www.wisconsinlakes.org/AdvisoryCommittees/PDFs/sp08nr115dnr_update.pdf))

## **Natural Resources Board approves revisions to VHS rules**

Viral hemorrhagic septicemia (VHS) is an infectious viral disease of fish that can cause them to bleed to death. The VHS virus is not a threat to people who handle infected fish or want to eat their catch, but it can kill more than 25 fish species. It was first detected in Wisconsin in May 2007 in the Lake Winnebago system and Lake Michigan system. VHS is considered an invasive species.

In reaction to this potentially serious threat to Wisconsin's fisheries, DNR passed emergency administrative rules (beginning in June 2007) that prohibited anglers, boaters and other recreational users from moving live fish, including bait minnows, and water from affected waters.

In March, the DNR's Natural Resource Board approved revised permanent administrative rules to prevent the spread of VHS. The revised rules allow anglers to take leftover minnows--purchased from a Wisconsin bait dealer or fish farm--home and use them on the same waterbody, or use them on a different one if the minnows hadn't been exposed to any water from the lake or river fished. The revisions also remove a requirement for all people to drain all water from bilges, ballast, live wells, bait buckets and other containers when they leave the bank or shore of any water. People may now take away up to 2 gallons of water in a container holding those live minnows to be transported away from the waterbody.

The revisions were in response to strong bipartisan legislative opposition to provisions of the emergency VHS rules that prohibited anglers from taking leftover minnows home and using them on another fishing trip. The legislatively-requested changes will make the rules more difficult to enforce and in turn provide less protection against the spread of VHS. Bait minnows are the main way in which VHS is spread to new waters.

Wherever in Wisconsin you are enjoying one of our 15,000 lakes, you can help slow the spread of VHS and other invasive species by practicing the following precautions:

Do not move water or live fish (including unused bait minnows) from one water body to another.

Drain all water from bilges, bait buckets, live wells, and other containers at the landing. Dispose of minnows and other bait in the trash, and put your catch on ice before you leave the landing.

Only buy minnows from registered Wisconsin bait dealers, or catch some yourself in the same water you fish.

Clean plants and other debris from your boat before launching boats and leaving landings.

## **Chemical Spraying for weeds**

The Whitewater/Rice Lakes Management District has awarded Lake and Pond Solutions the contract to chemically treat the lake for weeds. This is the same company that provided the service last year. The long snowy, icy winter along with high water levels should prove to be positive for weed control this year. All the proper permits have been filed with the DNR. As of this writing, we are anticipating spraying the first week of May. Please contact Bill Watts at [wmrwatts@gmail.com](mailto:wmrwatts@gmail.com) if you do not want your shoreline sprayed. We will also use the Greater Whitewater Lakes Property Owners Association's listserv to email those members with the specific day of the spraying.

# 2008 Financial Budget

	2007 ACTUAL UNAUDITED	2008 ADOPTED BUDGET	INCREASE (DECREASE)	%
<b>INCOME</b>				
Tax Receipts	\$ 172,200	\$166,400		
Tax Receipts for 2007	NOTE 1	30,000		
Interest Income - Equipment Fund	1,676			
Contributions - General Fund	600			
Miscellaneous - General Fund	<u>9</u>			
Total Income	\$ 174,485	\$196,400	\$ 21,915	13%
<b>OPERATING EXPENSES</b>				
Harvesting Expenses	60,422	86,300	25,878	43%
General & Administration	4,772	5,500	728	15%
Bog Removal Expenses	NOTE 2	35,000	35,000	
Chemical Application & Other	<u>51,197</u>	<u>59,600</u>	<u>8,403</u>	16%
Total Operating Expenses	\$ 116,391	\$186,400	\$ 70,009	60%
<b>EQUIPMENT FUND RESERVE</b>				
Tax Assessments	NOTE 3	10,000		
Interest Income	<u>1,676</u>			
Net Addition	\$ 28,094	\$ 10,000	\$ (18,094)	-64%
Total Expenses & Fund Transfers	\$ 144,485	\$196,400	\$ 51,915	
Net Surplus ( Deficit)	\$ 30,000	\$	\$ (30,000)	

**Note 1**

Due to success of chemical treatment and high water levels, Harvesting Expenses were \$25,178 under budget. Bog Removal deferred to 2008. Motion was made and adopted at the Annual Meeting to apply \$30,000 of the surplus to the 2008 budget with any residual transferred to the Equipment Fund.

**Note 2**

At the Annual meeting it was decided to defer removal activities for 2007 due to high water levels and limited exposed bog in the removal area. The Bog Removal budget was increased from \$14,000 in 2007 to \$35,000 in 2008.

**Note 3**

The Equipment Fund in 2008 was increased by \$28,094. This is comprised of budgeted funding of \$12,000, interest income of \$1,676 and a surplus residual of \$14,418. The Equipment Fund at December 31, 2007 was \$51,641.00.

## Open Board Positions

Two board positions for the Whitewater/Rice lakes Management District will be open for next year. If you are interested in accepting one of these positions, please contact John Dynkowski at 262 215-7430 or [jdynkow@yahoo.com](mailto:jdynkow@yahoo.com). You will need to provide a short bio to be presented prior to the annual Board meeting in August. This is a great chance to get involved with managing the lake that does not require a lot of time. The board always runs better when there is an infusion of new ideas. If you have opinions about how the Lake District can be better served, this is the perfect opportunity for you.

## **Fire numbers on docks and piers**

The Whitewater/Rice Lakes Management District recommends that all riparian owners post their fire numbers on their deck or pier so that they can be visible from the lake. This is very helpful for any service provider that needs to locate your property from the lake. It is also essential in an emergency situation if the Whitewater Fire Rescue would need to access your property from the lake. If you do not have your fire numbers posted on the lake, make it a goal this year to do so.

## **Canadian Goose Nest and Egg Depredation Program**

In 2007 we oiled a total of 228 eggs which impacted only 25 nests. This does not suggest that the eggs per nest averaged 9 eggs. In numerous situations it was evident that a nest was either abandoned or the original oiled eggs were broken and new eggs laid.

The most I saw in one nest was 12 and at "normal" amount was six to eight. The DNR estimates that a mature goose deposits 400 pounds of feces weekly and given perhaps a twenty week season, that's about 4 tons per goose. If we were successful in reducing the goose population (growth) by 228 geese, that's 912 tons of feces that DID NOT go into the lake.

At the annual meeting, 13 homeowners signed up for the depredation program and we recently received the 2008 permit, copy of which will be mailed to those participating in the program.

In 2007 only the far South end of Whitewater Lake (from the island to the County Park) was treated. This year we should be able to extend the coverage.

Gordon Philip

# Board and Committee Members

## Board Members

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## COMMITTEES AND MEMBERS

### **Harvesting**

Don Wickersheimer  
Brian Morris

### **Equipment**

Jim Felland

### **Chemical Treatment**

Bill Watts

### **Budget & Finance**

Gordon Phillip

### **Bog Committee**

Gordon Philip, Chairman  
Tom Ganfield  
Rich Gunter  
Jim Mulcahy  
Rich Schleis

### **Fish Stocking**

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## **Weed Harvesting and Cutting Request for Proposal**

The Whitewater/Rice Lakes Management District board is in the process of developing a Request for Proposal (RFP) to potential bidders for providing the weed harvesting and cutting services for the upcoming year. The RFP spells out the specifics goals and strategies for performing this service as well as identifying the rules and guidelines to comply with DNR regulations, managing day-to-day operations and identifying issues and concerns with the process. The RFP will be published in the Whitewater Register sent to any bidder who has expressed interest in providing this service by mid-April. We anticipate in hearing from these bidders, reviewing their proposals and deciding the bidder for service by the May Board meeting.

## **Weed Pick-up Reminder**

When weed pick-up begins in early summer, please remember to have any floaters from the lake in front of your property on your dock by 8:00am Saturday morning. In the past we have received several calls for weed pick-up after the crew has already made their round. This schedule needs to be in place so it does not interfere with the week-end recreational use of the lake.