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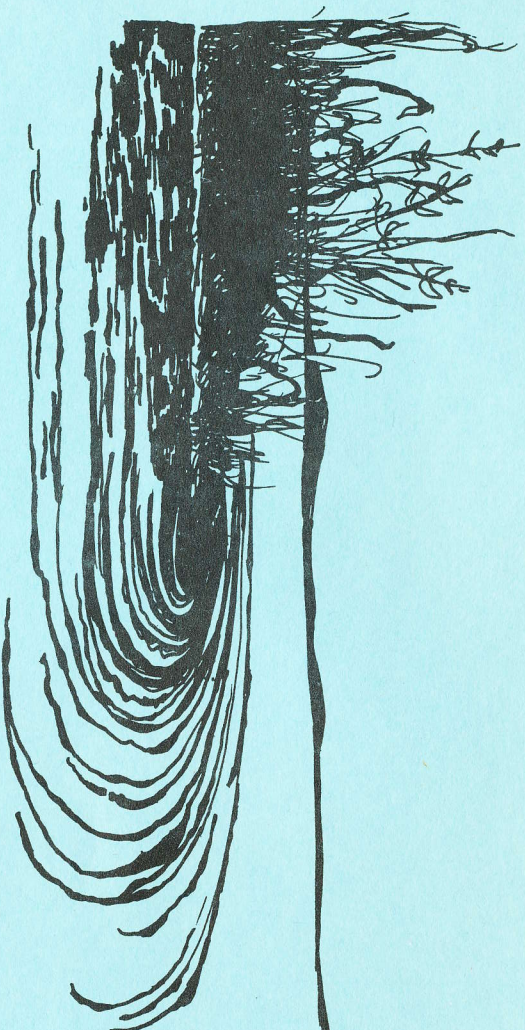
BULK THIRD CLASS

COOPERATIVE EXTENSION PROGRAMS
UNITED STATES DEPARTMENT OF AGRICULTURE
UNIVERSITY OF WISCONSIN-EXTENSION
432 NORTH LAKE STREET
MADISON, WISCONSIN 53706

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COOPERATIVE EXTENSION PROGRAMS
UNIVERSITY OF WISCONSIN-EXTENSION



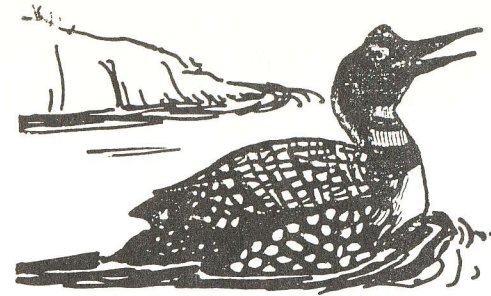
*A Newsletter for People
Interested in Wisconsin's
Inland Lakes*

Lake

Tides

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IN THE WAKE OF A LOON

AN EDITORIAL ON PROPOSED CHANGES TO THE INLAND LAKE PROGRAM

As we write this in early January, no official action has been taken as a result of the audit. Chapter 33 of the Statutes remains unchanged and the Inland Lake program continues to function.

A hearing has been held on the audit report and a summary is presented later in this newsletter. A draft bill is being discussed by the Joint Audit Committee. By the time you receive this newsletter, the bill may have been introduced into the Legislature and hearings scheduled on the bill.

The hearing on the bill differs from the November 6th Waukesha hearing, which was designed to get reactions to the audit report. If passed, the bill now under consideration would alter Chapter 33.

We urge you to keep in touch with your legislators to learn the latest developments and to share your feelings with them.

In the draft form the bill would:

A. Restrict dredging by requiring that:

- 1) Duration of project life must exceed 50 years
- 2) No more than half of a total lake project costs can be spent on dredging
- 3) No reasonable alternative technique to relieve the problem is available
- 4) Long term sedimentation controls must be part of any state-funded projects using dredging
- 5) Dredging would be low on the priority listing.

B. Transfer 3% of aids appropriation to support evaluation of projects.

- C. Allow counties to undertake lake projects but not be eligible for state aid.
- D. Require that lake districts obtain the advice and approval of DNR before entering into a contract for a feasibility study.
- E. Permit planning and designing costs of a project to be eligible for state funds.
- F. Authorize the Secretary of DNR to transfer unused inland lake renewal aid to the nonpoint source grant program at six month intervals.
- G. Prohibits use of tax incremental financing.

Chapter 33 was enacted in 1974. Substantial changes were made in 1976 based on our collective experience in working with the program. After two more years and the operational experience of about 100 lake districts, a few more amendments were enacted in 1978 to further fine tune the statute. Minor changes were made in 1980. Later that year, the voters of Wisconsin endorsed the voting procedures in lake districts by an almost four to one ratio.

The proposed amendments to Chapter 33, drafted in response to the audit report, amount to about eight pages. None of the lake districts represented at the Waukesha hearing supported the audit report. While some of the amendments will undoubtedly be supported by lake districts, we know of no district that would like to see major changes in Chapter 33.

We hope that Chapter 33 will be modified, as necessary, based on the experience of the communities who use it and the intent of the Legislature. In the past, this has happened with strong consensus of the lake districts and almost unanimous approval of the Legislature. We hope that tradition can survive the current deliberations.

Sincerely,


George R. Gibson, Jr.


Lowell L. Klessig

Lake Management Specialists

AUDIT HEARING

On November 6, a hearing was held in Waukesha on the Legislative Audit Bureau report regarding the inland lake renewal program. Senator George chaired the meeting. Three of the other seven Joint Audit Committee members were present.

The hearing was well attended. Many participants traveled a great distance to the hearing. No other hearings in other parts of the state are planned until legislation is prepared for introduction.

After the Audit Bureau explained their report, Carroll Besadny spoke for the Department of Natural Resources, indicating support for inland lake renewal, but also promising reorganization of the Water Management functions in DNR.

Other appearances and registrations are shown below:

Speaking Against the Audit Report

Rep. Calvin Potter,
59th Assembly Dist.

Robert E. Rieck,
Univ. of Wis.-Extension

Brate Bryant,
North Lake Rehabilitation Dist.

Wayne A. Grosklous,
Wolf Lake Prop. Owners Assn.

Mrs. Kathryn Matschnig,
Okauchee Lake Mgmt. Dist.

Jan Schur, Inland Lake
Renewal Advisory Council

Joan Contardi, Pretty Lake Dist.

Pat Lane, Wisconsin Assn.
of Lake Districts

A. Arlene Hoppe, Boelter Lake

Roland L. Merz, Wis. Assn. of
Conservation Districts

C.C. Congdon, Lake Comus Dist.

Al W. Larson, Mayor of
Chilton, Lake Chilton

Lee Dinsmore,
Lower Post Lake Dist.

David A. Thompson,
Thompson Laboratories

Ron Kugel, Lake Altoona

Harold Hendrickson,
Wis. Board of SWCDs

Ray Anderson,
Lake Marinuka Lake Dist.

Donald L. Cowan, Sr.,
Lake Puckaway District

Ken Veselak,
Upper Post Lake District

Marion A. Hoy, Alma Lake-
Moon Lake District

William Zoulek, Patrick Lake Dist.

Clair W. Mueller, Deer Lake Dist.

Tim Elverman, representing
Congressman Les Aspin

Ben Dibble, Lake Comus Dist.

Lois Lessman,
School Section Lake

Ted Frostman, Lake Comus

W.C. Weser,
Easton Lake District

Billie Peters,
Lake Noquebay Lake District

Charles Spooner, Lake Comus

David Taube, Little Muskego
Lisa Conley,
Lac LaBelle
Conrad Rawski,
Fox Lake District
Bill Genthe,
Big Cedar Lake District

Dale Gleffe, Fox Lake
Property Owners Assn.
William L. Walters, Wis. Assn.
of Lake Districts
Don Puchalski, Lilly Lake
Protection District

Speaking in Favor of the Audit Report

Representative Tom Crawford, 33rd Assembly District
Richard and Cynthia Keck, Oconomowoc

Registering Against the Audit Report

Richard H. Hoppe,
Boelter Lake District
Harry Beilfuss, Muskego
John R. Race,
Pleasant Lake District
Thomas Meronek,
Lake Redstone Mgmt. Dist.
Steve Stenholt,
Okauchee Lake Mgmt. Dist.
Paul A. Johnson,
Paul A. Johnson, Inc.
Frances Brugeson, Muskego
Estelle Rawski,
Fox Lake Mgmt. Dist.
Betty Boszhardt,
Little Muskego Lake Dist.
David Lane, Lake Noquebay
R. Todd Rathkamp,
Aquamarine Corporation

Mrs. O. Mangelsdorf,
Lake Redstone Mgmt. Dist.
Art Mangelsdorf,
Lake Redstone Mgmt. Dist.
George V. Barr, Ashippun
Lake Rehabilitation Dist.
Elaine U. Hoy, Alma Lake-
Moon Lake District
Jessie Masterson,
Little Muskego Lake Dist.
Victor Lemke, Muskego
Willard M. Masterson,
Little Muskego Lake Dist.
Elmore Elser, Fox Lake Dist.
Robert Amrhein, School Section
Lake Management District

In sum, 56 people registered or spoke against the audit report which had recommended that state funding for the inland lakes program be eliminated. Three people spoke or registered in favor of the audit report.

APRIL 2-3
COMMISSIONERS CONVENTION

As you requested last year, we have planned another statewide meeting for this spring. The original date of March 26-27 has been moved back to April 2-3. Students will be on spring break and we will have more room and parking on the UW-Stevens Point campus.

The program is still being planned. However, it is safe to predict that the following items will receive attention at the convention:

Aquatic weed and algae control (April 2)
The Legislative Audit
Current legislative deliberations
Clinical sessions to share information
Taxation powers.

The program is being planned with advice from the Wisconsin Association of Lake Districts.

A brochure will be mailed early in March. Please mark your calendar now. A block of rooms is being held at Point Motel, 715/344-8312, and at Road Star Inn, 715/341-9090. Please write or call to make your reservation.

HIGHLIGHT: WEED AND ALGAE CONTROL

This year, the first day of the statewide meeting program (Friday, April 2) will be devoted to a conference on lake weed and algae control efforts.

Our first weed control information program was a small session for southeastern lake districts held last year in Waukesha. It was well-received and the participants felt it would be a good idea to hold another such program for all the districts since weed control is a subject of such statewide concern. We hope to have a national specialist on "integrated aquatic weed management"--the process of combining several control techniques (i.e., biological, chemical, mechanical, and physical--environmental manipulation) in a coordinated manner. University and state agency specialists will also be involved and will be available to discuss particular issues or concerns.

The program will also include presentations by several lake districts, each describing their weed control experiences, i.e., equipment types and performance, work schedules, costs and funding, and recommendations for other districts or communities considering a weed or algae control project. Incidentally, these speakers will all be provided with a list of the topics many of you indicated were of particular interest to you in the questionnaire circulated by Okauchee Lake District. We hope in one way or another to address all of those issues you identified.

Representatives from manufacturing firms and from weed and algae control companies will also be invited to make brief presentations describing their products and services. A large part of the program will be set aside following the presentations for an extensive discussion period, and for individual conversations with the speakers, university and state agency specialists, industry representatives, and fellow lake districts. Space will also be provided for equipment and promotional displays by participating firms.

This, then, is the tentative agenda for the April session. You are all invited to contact George Gibson with requests for additions or alterations to Friday's program--prompt replies will have the greatest chance for accommodation. If you have a particular experience to share or would like a display place, please let us know.

STELLA LAKE DAM

William G. Higgins, Chairman
Board of Commissioners
Stella Lake Protection and
Rehabilitation District

In the early spring of 1976, the beaver dam in the outlet stream from Stella Lake washed out, lowering the lake level about eighteen inches. Stella Lake is a ninety-seven acre lake, with a normal depth of nine feet, in the Town of St. Germain, Vilas County. A drop of eighteen inches is not only a substantial water loss, but promoted weed growth along the shoreline, making swimming, boating, and fishing difficult.

My first step was to contact the DNR station at Woodruff. I was advised by them that the only way we could keep the lake at a constant level would be to install a spillway type dam. If we decided to proceed with this project, they suggested that we contact a retired DNR employee to help us with the lengthy procedures in obtaining a dam permit. We circulated a petition for the construction of a dam to all property owners which was signed by all, and then was presented to the Town Chairman for consideration by the town board.

A meeting of the Stella Lake property owners was held on July 17, 1976. Most of the property owners were there along with the St. Germain Town Chairman, the dam consultant we intended to hire, and the Superintendent of the Northern Highland State Forest. Two thirds of the shoreline of Stella Lake is within the boundaries of the Northern Highland State Forest, and the proposed dam site is on state property.

The Town Chairman told the people in attendance that the petition that the property owners had signed requesting the township to obtain a dam permit and easement from the DNR was approved by the town board. The town board also agreed that the township would own and maintain the dam after its completion (the DNR would not issue a dam permit unless the town agreed to own and maintain the dam). I was elected chairman of the dam project at this meeting.

On October 17, 1978, the dam permit and easement were issued to the town of St. Germain. The property owners were under the impression

when this project started that the simple spillway type dam would cost somewhere in the realm of \$3000 to \$5000. The plans approved by the DNR called for driving twelve foot lengths of interlocking sheet piling across the eighty foot wide stream bed. The cost of the sheet piling alone was close to \$10,000.

It was decided at our next meeting that with only 14 property owners sharing in the cost, it would be necessary to obtain aid from some government agency. I contacted our representative to the State Legislature and advised him of our problem. He suggested having the St. Germain town board send him a formal request for aid. After waiting for over a year, it was finally determined that he couldn't help us. I contacted several other agencies; among them were the Soil Conservation Service in Rhinelander and the Lumberjack Resource Conservation and Development area, but no funds were available.

In early spring of 1981 I went to see Ken Anderson, Vilas County Resource Development Agent in the Vilas County Extension Office, to discuss our problem. He couldn't think of any funding that would be available, but he did suggest forming a lake district. He gave me a booklet entitled "A Guide to Wisconsin's Lake Management Law". After reading the booklet, especially the section on special assessments, I called Ken and asked him to come to our meeting, May 24, 1981, and explain to the property owners the advantages of forming a lake district. It was voted unanimously by those present that we form a lake district.

A petition signed by the property owners was presented to the St. Germain Town Board on July 11, 1981. A special town board meeting was held on August 8, 1981, and our petition to become a lake district was approved.

Soon after, I obtained a copy of Chapter 33 of the State Statutes pertaining to lake districts. After reading 33.32, Special Assessments, where it said assessments shall be made in accordance with Chapter 66.60, I also obtained a copy of Chapter 66 of the Statutes pertaining to Municipal Law. Under 66.64 of this Chapter, Special Assessments for Local Improvements, I read that property of the State can be included in the assessment. Since the state owns two-thirds of the shoreline on Stella Lake, the DNR office in Rhinelander was

notified that they would be assessed two-thirds of the cost of the dam. The funds made available to the DNR by the legislature for Lake District Projects does not include funding for dam restoration or new construction of dams. Our only alternative was to assess state property and go before the Public Lands Commission for approval.

Shortly thereafter, I received a letter from the Director of the North Central District of the DNR saying that they were not opposed to the construction of the dam, but it was their position that there would be no benefit to the state land involved, so the DNR would oppose the assessment at the hearing before the Public Lands Commission.

The Public Lands Commission is made up of the Secretary of State, State Treasurer, and the Attorney General. All such assessments against state property must be reviewed and approved by the Board of Commissioners of Public Lands as being just and legal. The hearing was held at the State Capitol on September 29, 1981. At the hearing, an attorney represented DNR and I represented the Stella Lake District. After questioning and discussing the issue for almost an hour, the commission decided the assessment was just and legal.

DNR was concerned the assessment would establish a precedent, but the Attorney General said that each case should be judged on its own merits. We were told that state property had not previously been assessed for such a project.

I was advised by several people during the course of these events to obtain the services of a lawyer. I contacted a few and found that their services would almost double the cost of the dam, so with the help of University Extension personnel, Ken Anderson, Lowell Klessig, and George Gibson, I represented the lake district myself.

Forming a lake district made it possible for us to raise our share of the funds to build the dam. Now other projects are also possible by sharing the cost more evenly. It has also changed our meetings from beer parties to more formal gatherings, which promotes much more interest and serious involvement by the property owners.

CONDEMNATION POWERS

The Wisconsin Attorney General has recently issued an opinion in which he states that lake districts have condemnation powers.

He based his opinion on a phrase in Section 33.22(1), Wisconsin Statutes, which provides public inland lake protection and rehabilitation districts with the power to "purchase ... or otherwise acquire, hold or dispose of property."

According to Mr. Bronson La Follette, the lake district board of commissioners, as a "public board or commission", may use the powers of condemnation available under Chapter 32, Wisconsin Statutes.