

LAKE TIDES

A newsletter for people interested in Wisconsin Lakes

Volume 16 No. 5

Winter 1991-92

DOT Project, ID# 9304001-00: Keyes Lake

In the summer of 1991, Highway 101 and its junction with Highway 70 near Keyes Lake in Florence County underwent major reconstruction. The return of summer rains and lack of proper erosion abatement devices caused the lake to turn a muddy brown. This is a journal of a project run amuck.

8/29/85, 3/13/86, 6/29/87, and 12/7/88. Informational meetings are held by the Department of Transportation (DOT). Agency letters on procedure are exchanged...

March 9, 1989: DOT PROPOSED ACTION (quote): "The purpose of the proposed action is to bypass the Keyes Lake residential and recreational area for a more direct connection to Hwy 70, thus eliminating right-of-way acquisition in the environmentally-sensitive lake area and the potential disruption of the local community facilities. Logging truck use of Hwy 101 will be better served by the bypass for more direct access to mill areas east of Hwy 101 on Hwy 70. An unnamed stream is considered to be a crossing encroachment by the fill required to construct the roadway. Work will be very minimal and involve no alteration to the substream..."

Some Keyes Lake businesses were concerned over the loss of traffic and other property owners didn't see a need for a totally new road. The DOT addressed these concerns in a October 7, 1988 letter:

Loggers and representatives of the trucking industry have enthusiastically requested and supported the reconstruction of Hwy 101. Both groups strongly emphasize that spring load limits place financial hardships on their industries. Both the Florence County Board and the Town of Commonwealth have passed resolutions supporting the relocation of 101. While we recognize that Hwy 101 is neither a high-traffic volume or a high-accident-rate highway, we must also consider that this road is important to the economy of the area...

Memorial Day Weekend 1991: The roar of bulldozers, the trees pushed into large piles, the burning and smell of destruction...

June 1, 1991: After three years of drought the rains came--four to six inches fell in a few days--people watched the mud running in the unnamed inlet. The Keyes Lake Association was concerned over loss of water quality caused by construction.

The DOT speaks to these apprehensions in a letter dated July 26, 1991 (quote): "I assure you that all possible care and diligence is, in fact, being used to prevent runoff and silt from entering Keyes Lake. The Department of Transportation is committed to both the spirit and the letter of the National Environmental Policy Act of 1969 and the Wisconsin Environmental Policy Act of 1972. Construction erosion control is specifically mentioned in the DOT/DNR agreement of 1987, and those procedures have been and are being followed. As you know, it takes more than regulations and good intentions to accomplish any worthwhile

goal, and the contract for construction of this project has over \$10,000 earmarked for temporary erosion control. Erosion control measures are inspected daily by the project engineer and less frequently by DNR representatives who are generally satisfied with the project's runoff control measures."

The truth of the matter was much different than the DOT's letter: DNR officials were highly dissatisfied. The unnamed inlet had significant channel changes. Erosion abatement was either not in place or poorly done. Silt and runoff continued to pour into Keyes for over a month despite persistent warnings from the DNR.

Frustration levels were high. The rain continued. The Keyes Lake Association members pointed out areas where mud and silt overflowed plastic barriers.

August 1991: Tempers flared, fingers were pointed, meetings were held. The lake association called politicians and officials, letters were written and copied to everyone. It took direct communication between the DNR Lake Michigan District director and the director of DOT District 8 to eventually get compliance.

The events that took place at Keyes Lake are not all unfortunate. A combination of neglect, suspicion, and irritability--some very human qualities--led to mistakes. But there is a hopeful side to this tale. In the long run, moving Hwy 101 away from the lake was a good idea and should have a positive effect. The orange-brown color of the runoff was caused by naturally-occurring iron bacteria from groundwater discharges. The sediment is settling. As time passes, the construction scars will heal and memories will fade. The incident will be little more than a thin stratum in 10,000 years of sediment that chronicles the history of this clear northern lake.

This article was compiled by Brian and Lynn Vassar, Betty Kanz, Mr. and Mrs. Wallace Grossman, Gerald and Arla Piatti, Allen Stranz, and the people of the Keyes Lake Association. Thank you!



Photo by Mrs. Wallace Grossman

A Lesson to be Learned

There are some lessons to be learned from the incidents at Keyes Lake: If what's happening to the lakes and the land makes you exasperated, do something about it.

Do your homework: Familiarize yourself with your lake and its watershed. Get to know local officials and major players and let them know your views. Large landowners, lake organizations, business people, and government officials are good to know.

Try to picture the problem: Examine all your facts and try to understand everyone's position. Find out if your information is complete and correct. Attend meetings and public hearings.

Seek the advice of experts. Look to state agencies, universities, or environmental organizations. They can provide technical help and verify your data.

Alert your friends and neighbors: Strength comes from commitment, numbers, and diversity. Join or work with your lake organization both locally and statewide. Don't wait to speak up; take action as soon as possible.

Get out and spread the word: Winning in the court of public opinion can often be more effective than winning in a court of law.

Find ways to get involved: Participate in your local government. Get copies of environmental impact statements and documents pertaining to proposed activities. Observe the construction site. Document the goings on with photographs and videos. Take the time to sit down and write your public officials.

\$3 Million for Dam Repairs

from DNR Dam Safety News Sept. 1991

Good News! This year's State budget added \$3 million to the municipal dam repair/removal grant program. The 50-50% cost sharing, up to \$200,000 in state grant funds per dam, is available to municipalities for maintenance, repair, modification, or abandonment of their dams. To be eligible for the grants, the dam must be owned by a municipality (County, City Village, Town, or public inland lake protection and rehabilitation district), and the dam must have been inspected by DNR and be under directives to be repaired.

Grant applications will be accepted until April 1, 1992. If a municipality intends to apply, it should start the application process now. To get your application, write:

Richard Knitter - WZ/6
Department of Natural Resources
PO Box 7921
Madison WI 53707.



C APITOL REPORT



There is an escalating and irresistible demand for access to waters by people who do not own waterfront property. The general public that uses Wisconsin's waters far outnumbers waterfront property owners and by sheer magnitude has more political influence. If waterfront owners want to play a role in the future of this state's public access policies, they should take this opportunity to participate in the process. Wisconsinites need to recognize that our waters are public resources to be protected and shared by all.

The Price of Admission

Public Access

by Tom Thoresen

Public access to our Wisconsin Waterways. Just what does that mean to each of us? For some, it means taking out the boat with our family or friends and going fishing. For others, it means waterskiing, swimming, or enjoying tranquility. To some people, access brings to mind the safety and user conflicts associated with different types of use. Others see being able to get out on a trout stream as an important access issue.

From a historical perspective, ensuring adequate public access to Wisconsin waters has been an issue for more than two centuries. The growing lumber industry relied on the "forever free" concept of navigable streams to dam streams and flush millions of board feet of timber down public rivers. Much has changed since those days--no one would consider that right to still exist. Today, more and more Wisconsin residents and nonresidents are seeking public access to lakes and streams for water-based recreational activities.

The Department of Natural Resources has been working to improve legislation and administrative codes on the question of public access. Public hearings were held throughout the state

in 1989. Following the hearings, a report was distributed to over 250 interested parties and presented to the Natural Resources Board in March 1991. In reaction to the report, Secretary Besadny and the DNR Board set three main goals. The first involved working with an ad hoc committee called the Boating Opportunities and Access Team (BOAT) to revise administrative rules concerning standards for public access to waters. The second goal was to help to develop legislation related to boating access and user conflicts. A third charge to this committee was to consider ways to carry out this access policy.

To supplement the public hearings held in 1989, workshops were held. Concerned groups were involved in the decision making process. Approximately 25 people holding diverse views were invited, including representatives from the Wisconsin Association of Lake Districts (WALD) and Wisconsin Federation of Lakes (WFL). The first workshop was held at Stevens Point in August. It afforded an opportunity to help refine the access policy. The main themes and components of an access policy were developed and distributed for further review. These "themes" encompassed the following:

- defining reasonable access
- reducing user conflicts
- education and safety
- managing waterfront development
- protecting natural resources
- fee options and the role of private access
- setting priorities.

A second workshop was held in Wisconsin Rapids in September to assemble the components from the first meeting into a more workable policy. Some of the concepts solidified included how to encompass private access in the equation for public access and the restriction of access on "unique waters." A plain-English draft was developed for a final workshop in November. At that time, the main concepts of this policy were developed and transmitted into administrative rule format. The results of the November meeting will be distributed to a wider audience for comments before taking them back to the Natural Resources Board early next year.

Another major area that the DNR is working on is the implementation of the access policy

once it is in place. The DNR will look at its own policy and how it fits the needs of Wisconsin. It will also consider public access policies in our surrounding states.

A county zoning official at the first workshop said, "It's too bad people didn't have the foresight to address future user conflicts and access problems in the 1930s or earlier." We believe that now is the time to tackle this issue and address it in the most comprehensive, balanced approach possible. As time goes on, problems will become more severe than they are today.

The spiraling use of Wisconsin's waters is resulting in overcrowding, confrontations, and frustration for everyone. Just how do we go about providing public access to our waters without jeopardizing the very things that draw us to our lakes and rivers? How much population pressure can these liquid lands take before they no longer resemble a natural system? How do we manage the conflicts that occur between swelling numbers of boaters and varieties of watercraft that we hadn't even envisioned just a few years ago?

Tom Thoresen is Chair of the Boating Opportunities and Access Team.

Public Access and Protection of Waterways (AB 298)

"Past attempts to develop a policy to provide public access to Wisconsin's waters have failed in the face of controversy because they did not deal with the problems that accompany public access site development..." State Representative Peter Bock (D-Milw.) has introduced legislation to deal with the issue of public access. Bock's bill (AB 298) is general and will rely on rule making and public review to flesh out and implement a number of the principles proposed in the legislation. The following highlights the predominant concepts of the bill.

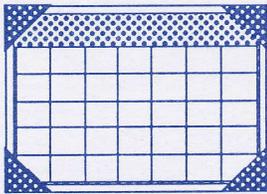
1. **Increase public access to navigable waters, including trout streams as well as large lakes.** Numerous large lakes and trout streams have limited public access. The bill will call for more state-owned sites that

border the water. The sites will have little or no development and minimal effect on adjacent properties.

2. **Evolve procedures to overturn local regulations or launch fees that discriminate against public access.** In the past, the burden and cost of challenging local regulations that may have discriminated against public access or use of waters was, as a practical matter, left to individual citizens. The bill would allow for final decisions to be made by an independent hearing examiner from the Department of Administration.
3. **Provide model boating ordinances.** Local governments have asked for assistance in developing boating ordinances. DNR will provide a model boating ordinance that furnishes a full range of suggested regulations. The local governments would be able to choose those which best resolve their unique boating safety problems.
4. **Design methods for citizens and DNR to petition for local regulations to protect boaters and aquatic resources.** Lake organizations have complained about the lack of response from local government in controlling recreational use conflicts. Local governments will be required to adopt restrictions on watercraft and their use if necessary to provide safe boating or protect resources. The rules would apply equally to the public and to waterfront property owners.
5. **Consider construction guidelines for docks and moorings.** Development of narrow backlot access sites which allows for dozens of piers and slips can overburden resources and cause conflicts with neighbors. These guidelines will weigh the logic of limiting public access sites while ignoring intensive private development. Piers and other mooring structures will be limited according to the amount of available water frontage. Legal existing docks and moorings will be grandfathered.
6. **Expand access dedication for new subdivisions.** Current law requires subdividers to dedicate land as access to waters. Citizens are critical of the 60-foot-wide corridor presently required. They say it is much too narrow to provide reasonable boat access

and avoid conflicts with neighboring properties. They complain that there is no requirement that the land be suitable for development of an access site. As a result, many dedicated sites are undevelopable wetlands or steep slopes which can never provide public access. These guidelines will require expanded access.

DNR Secretary Besadny, in a letter to Representative Bock supporting his bill, states: "We feel a responsibility to help provide access to our waters for the public but not at the expense of resource protection or safety for boaters. We must balance the interests of waterfront residents and public waterway users and address the cumulative effects of continued shoreline development if we are to protect the quality of our water resources and the recreational opportunities that they provide."



Calendar

Wisconsin Lakes Convention, Stevens Point, March 13-14, 1992.

Ohio Lake Management Symposium. Columbus, Ohio, March 21, 1992.

Enhancing the State's Lake Management Program. Chicago, Illinois, May 6-8, 1992.

American Wetlands Conference. Columbus, Ohio, September 13-17, 1992.

North American Lake Management Society Annual Symposium. Cincinnati, Ohio, November 3-7, 1992.

Boat Dockage Restrictions in Michigan

from Watershed Council Informer Fall 1991

In June, the Michigan Supreme Court ruled that townships have the authority to pass ordinances regulating boat docking and launching on inland lakes to protect the public health, safety, and welfare of persons and property within a township. In Square Lakes Hills Condominium Association v. Bloomfield Township, decided June 11, 1991, the Court ruled that it is within the township's police power under the township ordinance act to require a minimal amount of lake frontage for boat dockage to relieve the congestion of boats docked and launched around a lake.

Aircraft Over Lakes

Federal rules require planes to maintain a minimum altitude of 500 feet over rural areas and 1000 feet if the area has numerous homes or boats. Complaints about low-flying aircraft can be addressed to the FAA in Milwaukee (414/747-5531). Ask for a pilot inspector and be prepared to provide as much of the following information as possible: registration number of the plane, time, place, activity of pilot. Photographs or videos are useful. Seaplane landings and takeoffs are not included in those minimums, but can be regulated with local ordinances.



For Algae, It's the Last Straw!

from Organic Gardening Sept/Oct. 1991

Rotting straw produces a chemical that can rid ponds of troublesome green slime, say researchers at the Aquatic Weeds Research Unit in Great Britain.

Algae, which flourishes in water that is high in phosphates (usually from detergent runoff), can block drainages, lower oxygen levels in water, and kill fish. Pip Barrett and fellow researchers decided to follow up on the observations of a farmer who told them that algae disappeared from a lake after rotten bales of straw fell in.

They found that rotting straw produces a natural chemical that stops algae growth, and that barley straw is the most potent. Wheat straw also works, though not as well, Barrett says.

Barrett, quoted in New Scientist, recommends applying straw to a lake or pond twice a year: once in the autumn, and once again in spring before algae growth starts, at about one-third ounce of straw per 1-1/3 cubic yards of water. (A 3-foot-deep pond that is 20 feet by 50 feet would need about 2 pounds of straw; more if the water in the pond changes quickly.)

Be sure to see your local DNR before adding any materials to your lake.

Toxins from Freshwater Algae

from UW Ag Press Service's Science Report 9/25/91

Just when you thought it was safe to go back in the water. Algae with toxins more lethal than strychnine.

Scientists at the University of Wisconsin Madison have developed a sensitive new method to detect toxins some freshwater algae produce.

At least five common species of bloom-forming blue-green algae found in lakes and ponds around the world produce toxins, called microcystins, that can cause liver damage, stomach and intestinal disorders, and skin rashes in people.

At times during summer, blue-green algae populations can explode, causing surface blooms or scum that winds concentrate along shorelines, where toxin levels are likely to be greatest. The toxins have been linked to intermittent poisonings of wild and domestic animals, notably livestock and dogs. Although there have been no confirmed cases of human deaths or illnesses from these natural toxins, they shouldn't be taken lightly. To kill a mouse, one need only inject into it about three times as much microcystin as cobra toxin and one-tenth as much microcystin as strychnine. Algal toxins may also act as cancer promoters when consumed over long periods.

The toxins were first identified in the early 1980s. Now, researchers led by Fun Sun Chu of the UW-Madison's College of Agricultural and Life Sciences have developed a very sensitive yet relatively simple test for detecting microcystins in water, algae and animal tissues.

The test could be used to monitor trace amounts of the toxins in drinking water that comes from lakes or reservoirs.

A Long Flight for Limnology

Eutrophication of lakes and reservoirs ranks as one of the most pervasive water quality problems world wide. To help counter the effects and develop solutions, a UNESCO-sponsored team presented a week-long regional short course in Jakarta, Indonesia in early November. Over 100 individuals from the Indo-Pacific region attended. Representatives from Thailand, China, Vietnam and the Philippines received technical guidance. Dr. Jeffrey Thornton, Extension Lake Management Specialist from UWSP, was one of the primary lecturers.

ON THE WATERS



Lake Protection Grants

by Jeff Bode

Are you satisfied with the quality of your lake? In general, most people are. But even if you are not, we would probably agree that none of us would want to see our lakes get any worse. This is the premise for Wisconsin's newest financial assistance program for lake communities.

When Governor Thompson signed the biennial budget, another chapter in managing Wisconsin's lakes began. Language developed by Rep. Stower and submitted by Rep. Holperin will make \$1.5 million available for projects that will improve and protect the water quality and natural ecosystems of Wisconsin lakes.

The Department of Natural Resources will write rules for administering the grant funds that will target lake protection projects. Our goal is to hold the line on lake degradation by funding projects such as:

- purchase of land or of conservation easement,
- restoration of a wetland, or
- development of local regulations and ordinances that will protect and improve a lake.

While we aspire to a future lake restoration financial assistance program, we feel lake protection is the next logical step in a stronger partnership with lake communities. We began our partnership by working with interested individuals as volunteer lake monitors and by providing organizational and technical assistance to lake communities.

Our second major step, the Lake Planning Grant program, offers state financial assistance for long range planning by lake groups. Through these grants, we are not only learning about lakes and planning for the future, we are also learning how to work together to successfully manage grant funds and lake projects.

Now it's time for us to take the next step together. As those lake groups that are completing lake planning projects know, good lake management begins with lake protection. To undertake a large-scale lake rehabilitation project without first preventing further lake pollution is like a youngster who digs a hole in a sandy beach and tries to fill it with lake water. The results are not very long lasting.

Cutting our teeth on lake protection will help us keep from biting off more than we can chew when we begin lake restoration. Restoration projects are oftentimes more costly and controversial, requiring many more state and local permits and approvals. Protecting a lake's wetlands and other natural landscape features from improper development can strengthen community support and clear the way for needed lake restoration work.

The DNR met with the leadership of WALD and WFL, who agree with the concept of lake protection, and these groups are now drafting a lakes protection grant rule together. Our aim is to hold a public informational meeting at our 1992 Lakes Convention in March and present the rule to the Natural Resources Board in late spring or early summer. If all goes well, assistance will be available for financing lake community protection projects in the fall of 1992.

I encourage you to contact your local DNR Lake Manager or UW-Extension Agent to find out more about this new program and how your lake community can qualify.

Jeff Bode is DNR Lake Management Section Chief.

Wetlands Video

A new 23-minute videotape from Soil Conservation Service shows farmers advantages of wetlands on a farm. Wetland restoration techniques and sources of assistance are discussed. Copies may be borrowed from your local SCS (usually in the Courthouse) or may be purchased for \$10 or borrowed for \$5 from NACD, PO Box 855, League City TX 77574-0855, 800/825-5547.

Make Someone Happy! Nominate!

Wisconsin enjoys a reputation as a leader and innovator when it comes to strong environmental protection of its magnificent waters. This reputation is underpinned by many unsung individuals who receive little for their volunteer energy and efforts to protect and preserve our lakes. You can bring recognition to a few of these richly-deserving folks.

The 1992 Lake Stewardship Awards for group and individual will be presented at the Lakes Convention in March. Most nominees receive a certificate signed by the Governor.

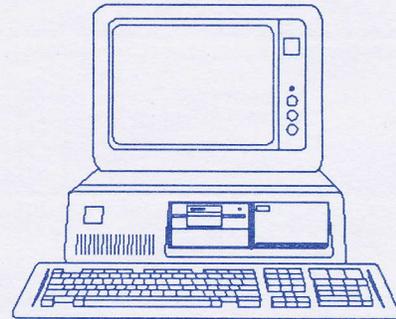
This is a wonderful and economical way to recognize a person or group that has done something special this year or has been a steady contributor to the lake community for years. The process is easy. Just send a letter and any newspaper articles or other supporting documents by January 15 to Diane Lueck, College of Natural Resources, University of Wisconsin, Stevens Point WI 54481.

Wisconsin Lakes Convention March 13-14, 1992

Here it comes again. Last year's 80 degree temperatures in April encouraged us to move back the date of the Annual Convention to one more likely to produce blizzards.

- Mark your calendar for March 13-14, 1992 in Stevens Point.
- Make reservations at the Holiday Inn early. Call 715/341-1340 and ask for the Lakes Convention Block. Other motels within two blocks of the Inn: Comfort Suites: 800/228-5150; Road Star: 715/341-9090; Super 8: 715/341-8888.
- Watch for the registration brochure in January. We look forward to seeing you soon!

*Nature persists on operating as a unit.
Humans persist in treating nature like a
collection of spare parts.*



BBS Step-By-Step

The Wisconsin Lakes Bulletin Board System (WI-Lakes-BBS) has been on line for over a year. Extension lake management specialists and Diane Lueck have been working (laboriously) to put together a booklet to help you (more easily) use this great network. Call Diane at 715/346-3783 to be put on a list to get the brochure, available around the end of the year. Call Jim Vennie at 608/266-2212 for immediate help with the system.

More Convention Ventures

You may want to be involved in the poster session, or bring literature for the information table, or make a donation to the Friday night raffle and silent auction. We hope so! Please call Betsy Schulte at 608/846-9311 or Lisa Conley at 414/567-5947 for more information.

R E F L E C T I O N S



I have always felt that I was given a special gift: her name was Keyes Lake. Keyes is my special place in the world. When everything is going upside down in my life, I always return to Keyes. The time I spend looking upon her calms me and allows me to ponder over what is happening and which way I should go. With the peace and serenity of Keyes, the answers have always been so much easier.

This year was much different; I didn't have Keyes' strength but I saw her weaknesses. I realized that as I need her, she also needs me. We are very dependent on each other for our survival.

Lynn Vassar



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Lake Tides

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