



ON THE WATERFRONT

The newsletter of the
WASHBURN COUNTY LAKES & RIVERS ASSOCIATION, INC.
**PROMOTING THE ENVIRONMENTAL PROTECTION AND RESPONSIBLE USE OF
WASHBURN COUNTY WATERS, SHORELAND AND WILDLIFE RESOURCES.**

FALL 2009

WCLRA #22

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WCLRA provides copies of its *On The Waterfront* newsletter to individual members and to the officers of member associations. If your association has recently had elections, please make us aware of the address changes. Contact Fred Blake at 715-469-3228 or by email at blakelake@centurytel.net

President's Comments

What's next for the Totogatic? That's a question the WCLRA Board has been contemplating for a couple years. With the official designation of undeveloped segments of the Totogatic River as a Wisconsin Wild River, is there more that we can and should do to preserve this gem for future generations?

During the time between Washburn County's resolution advocating the Totogatic's Wild River designation and Senator Jauch's introduction of the Wild River legislation, we became aware of proposals to develop land along the river. The WCLRA Board became concerned about the impact that development would have on the wild river. We know that what happens on the land impacts water quality and we want to preserve the scenic beauty and natural wildness of the Totogatic for public enjoyment.

WCLRA was subsequently approached from a couple different directions about the possibility of protecting some of the land along the Totogatic. Property owners with large tracts of land let us know that they would like to see some of it preserved for public use. Working with West Wisconsin Land Trust, we began to explore how grants, land donations, and conservation easements could reduce the impact of future development. Secondly, Mike Peterson, from Washburn County Forestry, asked us to support his grant application to purchase 20 land-locked acres along the Totogatic. We did, and Washburn County has received that grant! Most recently, we met with local WDNR staff to discuss how the DNR might help us protect the Totogatic shoreland areas.

As we deliberate this question, it's important to note some significant differences between Wisconsin's Wild River law and the federal Wild and Scenic River program covering the Namekagon and the St. Croix. Wisconsin's law places limits on grading and setbacks along the Totogatic, but it does not include the condemnation or forced acquisition of land along the river as the federal program did years ago. What we're looking at is acquiring land rights along the Totogatic from willing sellers to prevent shoreland areas from being developed and to keep this near-pristine river open for public use.

Another difference from the federal program is that we do not anticipate developing parks or campgrounds for recreational uses, and if Wisconsin Stewardship Funds are used, the river area will remain open for public hunting, fishing, trapping and other compatible forms of public recreation. Our vision does not include use with motorized vehicles. We want to retain the natural scenery and allow canoeists to pull up on shore to eat a bag lunch.

Stay tuned – we'll be able to provide more specifics as the possibilities unfold in the next few months. We'd also welcome your comments and ideas. Contact me or any of the other officers and directors and let us know what you think. Our phone numbers and email addresses are listed on page 3.

Cathie Erickson

YOUTH ECOLOGY STEWARDSHIP PROJECT Y.E.S.

By Craig Walkey and Storm Nelson*

After two years of planning, our Youth Ecology Stewardship (Y.E.S.) project began this fall with three Washburn County elementary schools attending one day field trips to Hunt Hill Audubon Sanctuary to learn lakes and rivers ecology and stewardship. In the spring of 2010, we have three more schools scheduled to attend. We hope to continue the Y.E.S. program annually.



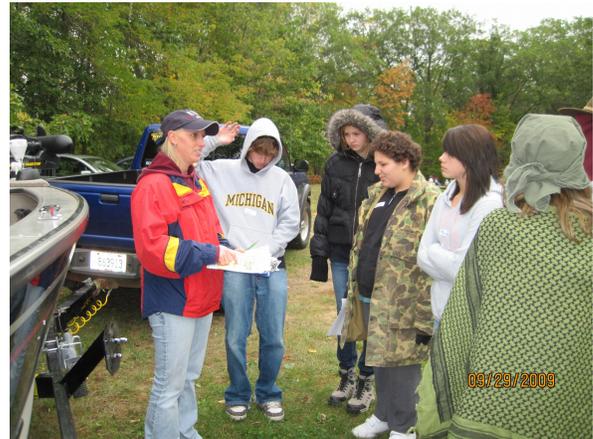
Spooner kids learning how to conduct their water test from Nikki Nelson of Hunt Hill

Washburn County Lakes and Rivers Association (WCLRA), Long Lake Preservation Assoc. LLPA, and the Hunt Hill staff partnered in making this project a reality. Together we applied for and were awarded \$6,000 through the DNR Lake Management Grant Program. WCLRA and LLPA contributed \$1,500 to each the program. It is our goal to keep the program funded by generating \$9,000 annually from school foundations and Washburn County commercial businesses and industries.

These three volunteer organizations are all located in Washburn county, all serve families, all share environmental ideals and concerns, and they each have duplicate members in the others' organizations. They also each have significantly different resources and unique areas of expertise to contribute to the grant partnership and its impact on our kids.

Washburn County is home to 964 lakes and hundreds of miles of rivers providing natural beauty and recreational activities for those who live here or visit. All of these natural resources are threatened by overuse, abuse, human ignorance, and the need for

protection again outside threats like aquatic invasive species. Several of the keys to reducing these threats are found in our young people.



AIS Coordinator, Lisa Gabriel, showing students from Birchwood Middle School how to properly inspect a boat for invasives.

The Y.E.S. project teaches elementary students basic water science with hands-on water sampling and laboratory testing. The children learn the effects of pollution and poor water use practices on our local aquatic flora and fauna. The goal of the program is to cultivate awareness and instill the value of good stewardship in the future generation to protect and preserve our Washburn County lakes and rivers.



Kids from Spooner at waterfront testing water quality

This project will provide new in-school resources as well as hands-on outdoor field experience programs for young people emphasizing the environment, lakes, and rivers of our region. It will promote awareness of the importance of water quality and encourage a deeper connection of our youth with nature.

Craig Walkey is Vice President of WCLRA and Storm Nelson is Executive director of Hunt Hill

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MAKING SAUSAGE

By Earl Cook

Otto von Bismark once said "*Laws are like sausages, it is better not to see them being made.*" NR115, Wisconsin's Shoreland Protection Program is a prime example.

NR115 is an administrative rule, only one of the hundreds and hundreds that govern our daily activities here in Wisconsin. Although it carries the weight of law it is not the actual statute enacted by the legislature. The differences between statutes and administrative rules are something worth a few words.

There are three branches of government: The legislative, the executive, and the judicial. The legislative branch enacts laws, the executive administers those laws, and the judicial sorts out the meanings and applicability of laws and administration of laws when things are unclear or uncertain.

Quite often, laws are structured in very broad terms lacking specific details for their administration. Such is the case for the shoreland protection program: The basic statute requires that shoreland subdivision and zoning shall: "*further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and reserve shore cover and natural beauty.*"

This statutory imperative is very short on details. It is the responsibility of the executive branch to formulate the details for the administration law. Those details are set down in administrative rules; in the case of shoreland protection, formulated by the Department of Natural Resources, a part of the executive. Thus the administrative rule NR115.

Once the administrative rule has been formulated by the executive branch, it is sent back to the legislative branch to see if the proposed rule does, in fact, satisfy the requirement of the law. If so, the rule goes into effect and carries with it the weight of law.

Now back to the current concern of NR115. Originally, NR 115 was written in about 1968 (the details of that sausage making are past history) and it has remained in its original form since. In 2002, the DNR decided it was time to update NR115—let's make some more sausage. An advisory committee was formed representing all the stakeholders—Wisconsin Association of Lakes, Realtors, builders, County Code administrators, riparians, environmentalists. *With this many areas of interest represented, it is not surprising that the process has been difficult.* After several years of serious work and much debate, a draft of the revised NR115 emerged—unacceptable to the citizenry. Back to the table, another draft with similar results. After several additional rounds with the Advisory Committee, the DNR decided to take the process into their own hands behind closed doors and produced yet another draft—again unacceptable. The DNR then turned to the "big 5"- Wisconsin Association of Lakes, Realtors, builders, County Code administrators (they dropped out during the process) and River Alliance of Wisconsin to hammer out a

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Making Sausagecontinued from page 3

compromise again behind closed doors. That product was taken immediately to the Natural Resources Board that quickly approved it and sent it to the Legislature for their review. The legislature decided the proposed revision of NR115 was inadequate. Why? Officially, for unspecified reasons. As of this writing, one assemblyman and one senator with maybe one or two outside “consultants” are behind closed doors trying to agree on what changes would make NR115 acceptable. Wow! Quite a sausage!

On top of all this, the current revision process of NR115 will sunset at the end of 2009 meaning that the whole thing must start over from ground zero if no acceptable compromise is reached by the end of 2009.

What can be said about a revised NR115 should one be accepted? Not much in the way of particulars. But three issues will certainly lead the list of potential changes: Nonconforming structures within the shoreline buffer, impervious surfaces, and mitigation. And what ever the final product, this sausage will be jam packed with compromises and a lot of stuff that's not all that good for lakes and shorelands.

Otto von Bismark also said “*Politics is the art of the next best.*” It looks like Otto was right; politics is indeed going to bring us the “*next best*” in shoreland protection.

LEGISLATIVE UPDATE

Aside from the work on NR 115, there are several other items of interest active in the Wisconsin Legislature.

Aquatic Invasive Species Transport Bill (ABH 162/ SB 123) - This legislation requires that all aquatic plants and animals be removed from boats or other equipment before they are transported on a public road. Earlier language passed as part of the budget bill in May of 2008 proved inadequate and difficult to enforce. This bill provides more effective language and expands enforcement authority. It was passed earlier this year by both the Senate and the Assembly and was signed into law by Governor Doyle on October 28 in Madison.



Aquatic Invasive Species Transport Bill Signing

Ballast Bill (AB 360) - All vessels that take on ballast water outside of Wisconsin waters will require a permit to discharge ballast water or sediment within Wisconsin waters. Treatment will be required to kill or remove AIS or other organisms. A public hearing on this bill took place on September 2, 2009.

Independent DNR Secretary Bill (AB 138/ SB113) - This bill would return the authority to appoint the DNR Secretary from the governor to the DNR Natural Resources Board. The Assembly has passed AB 138 with a very large bipartisan vote. SB 113 has passed the Senate committee and is available for scheduling before the full Senate. Governor Doyle continues to oppose this measure.

Phosphorus in Dishwashing Detergent (AB 281) - Earlier this summer, the full Assembly passed this measure which would reduce one of the most common sources of phosphorus pollution. More recently, the Senate passed the bill and it now awaits only the Governor's signature to become law.

Mercury Products Bill (SB 200, AB 299) - On October 6 this bill was signed by Governor Doyle. It will regulate the sale of non-essential, mercury-containing household items such as fever thermometers, thermostats, switches and relays. This will not, by itself, solve the mercury problem. This will help deal with one controllable source of mercury.

Invasive Species Classification Rule (NR 40) - This rule became effective of September 1, 2009. It classifies invasive species and prohibits or restricts the transportation, possession, transference or introduction of invasive species depending on their classification.

SLOW-NO-WAKE BILL PASSED

Richard Rosen
Warden Supervisor, Spooner Team

On July 10, 2009 Governor Jim Doyle signed in to law Senate Bill 12 establishing restrictions for all motorboats that are not personal watercraft. Called the Slow-No-Wake bill, it restricts operation of all motorboats within 100 feet of any shoreline to a slow-no-wake speed. Prior to this bill motorboats were restricted to slow-no-wake within 100 feet of a dock, pier, or raft.

According to Carla Vigue from the Office of the Governor, "Wisconsin residents will benefit from the slow-no-wake buffer by providing protection for people using the near shore areas of our lakes, including children who swim and play near the shore. This bill also reduces noise pollution in near shore areas".

Besides the safety issue of people using the near shore areas, this bill will also help to protect animals and plants near shore area. Reducing shoreline wave action will also reduce erosion of the shoreline. This bill takes affect in the Spring of 2010. For more information on this bill you can go to the Wisconsin Department of Natural Resources website at dnr.wi.gov.

2009 ANNUAL MEETING

Back by popular demand! WCLRA held its 2009 Annual Meeting at Hunt Hill Audubon Sanctuary August 29, 2009. A free blueberry pancake breakfast was served before the business meeting. This year the business meeting was in the sanctuary's library, a rustic building with a beautiful large stone fireplace.



The guest speaker was Pat Goggin, Lake Specialist from UW Extension Stevens Point, who addressed the issue of low lake water levels. Pat explained how water levels vary naturally and fluctuate from year to year. He also pointed out that human use impacts water levels and described the effects of the declining water levels on wildlife habitats. Northwestern Wisconsin, including Washburn County, is in an area of severe drought. (Note: Local precipitation has averaged 5.26" below normal for the last six years and ground water levels have fallen). Seepage lakes (roughly 75% of our Washburn County lakes fall into this category) are generally the most severely affected by drought as they have no surface water input and depend only on precipitation and ground water to maintain their levels.

Comments during the Round Table included members' concerns about lake levels, invasives and boat landing monitoring. Russ Robinson from the Town of Minong Lakes Committee gave a brief report about the Minong Lakes Fair which was held in June. Earl Cook discussed the role of Wisconsin Association of Lakes (WAL) and recent legislation regarding lake protection.

During the business meeting the minutes of the 2008 meeting were distributed and approved. The proposed budget was reviewed and approved.

This year's Board of Directors was increased to twelve members. Cathie Erickson and Craig Walkey were re-elected as President and Vice President respectively. Ron Brown, Barb Robinson, Charlotte Shover and Tony Tubbs were elected as Directors-at-Large.



Back Row: Ron Brown, Fred Blake, Barb Robinson, Wayne Sabatke, Tony Tubbs, Earl Cook
Front Row: Ed Fischer, Pat Shifferd, Chip Wood, Craig Walkey, Cathie Erickson
Not Pictured: Charlotte Shover

THE CASE FOR BEING PREPARED

By Russ Robinson and Bill Doeden*

Like the Boy Scout motto “Be Prepared”, the Gilmore Lake Association (GLA) has prepared for the eventuality of finding Eurasian Watermilfoil (EWM) in our lake. Gilmore Lake is located in northern Washburn County in close proximity to two other large lakes which have well-established colonies of EWM. Because Gilmore Lake is a popular multi-recreational lake, it attracts a number of boats from local lakes as well as boats from other areas where EWM is a common problem.

Approximately four years ago, the Gilmore Lake Association established a Eurasian Watermilfoil Committee. The purpose of the committee was to prepare a comprehensive program to monitor the lake and prepare an action plan in the event pioneer colonies of EWM were discovered. An initial step was to amend our by-laws, change the Gilmore Lake Property Owners Association to the Gilmore Lake Association (GLA) and become a “qualified” lake association. This enabled the GLA’s EWM Committee to be eligible for grants through the WDNR that would help fund various segments of the EWM Comprehensive Plan. During the last three years the EWM committee has had a program consisting of three segments:

1. We monitored boat traffic at our public boat ramp on extended weekends and holidays. On at least three different occasions, viable EWM was intercepted by our inspectors before it had the chance to be deposited in the lake.
2. The EWM program also included a lake survey component. During the last three summers, rake samples of weeds were collected from the littoral zone of the lake. Typically 30-40 locations were sampled on a monthly basis from May through September.
3. The final component of the program was to establish a Rapid Response Plan that could be implemented in the event that EWM was discovered.

Most lake associations are already familiar with boat inspections and lake surveys. We thought it might be helpful to share the third step in our program namely our Rapid Response Plan. The plan has four major process steps. The steps deal with the following:

1) What do you do when you find a suspicious plant?

This addresses the protocol for handling the plant, the labeling requirements and identification of its location as well as communications that are required.

2) What do you do when the DNR confirms it as EWM?

The emphasis here is on notifying the proper contacts, marking off the area of the infestation and completing the grant and marker permit applications.

3) How will the infestation be managed?

Here we differentiate between management of a pioneer colony and an established population. It presents the steps that need to be taken in each instance. It includes owner notification, consultants and required aquatic plant management plans.

4) How will you determine the treatment’s effectiveness?

Once again we differentiate between pioneer and established populations to assess how well the treatment worked and what ongoing maintenance is needed.

To further facilitate implementation, our plan also includes contact information for potential contractors, town board members, WDNR and our own Board and EWM Committee members. We also include in our plan booklet the necessary grant application and waterway marker forms. It must be noted that these efforts would not be possible without the strong support of the GLA members. By setting up a plan of action and keeping members informed, the members have choices, in donations, volunteer time, or materials.

With our proximity to two EWM infested lakes, this plan is our attempt to “be prepared”.

**Russ Robinson is Secretary/Treasurer and Bill Doeden is President of the Gilmore Lake Association.*

COUNTY AIS UPDATE

By Lisa Gabriel

Washburn County AIS Coordinator

Purple Loosestrife Beetle Program: With the whipping winds and cooler temperatures, I think it is safe to say fall is finally here. But in a way, it didn't really even feel like we had a summer, did it?

The cool summer temperature seemed to play a role in the Purple Loosestrife Beetle production. They like sunny warm weather, which was lacking almost every time we went to collect them out of the cages. This was our 4th year for beetle-raising efforts in the Land and Water Conservation Department. Typically, we like to start the project off with at least 1,000 beetles in each of the 2 rearing cages, but this year we only had roughly 700-900 per cage. Overall, approximately 52,000 beetles were released into loosestrife infestations this summer, many fewer than anticipated. Areas of release included: Tozer Springs Road, Carlton Road, and Beaver Brook Reserve.

With help from Fred Blake and Craig Walkey, the majority of the beetles were released along the Yellow River. The stretch between the Hwy 70 East Bridge to South Front Street was completed by them. They helped release on the same stretch in 2007, and Fred commented "there wasn't nearly as much loosestrife in some of the areas where we released beetles previously." This was good to hear. It is an indication that the beetles may be starting to control the loosestrife in some areas.

Although Mother Nature cannot be controlled, our efforts to control purple loosestrife will continue. Another batch of beetles is planned for next year.

Clean Boats Clean Waters (CBCW) Program: It is a statewide watercraft inspection program. Both paid and volunteer monitors spend some of their summer hours making sure boats and equipment come and leave the boat landing free of aquatic invasive species. After all it is the law!

This summer was the first time a paid monitor was hired through the Workforce Development Act. Jared McQuade of Shell Lake, was 1 of 49 young adults from across the state to conduct watercraft inspections. Jared was supervised by the County AIS Coordinator, Lisa Gabriel. For 8 weeks he conducted inspections at the Minong Flowage,

Nancy, Gilmore, Spooner, and Long Lakes. He said most people he spoke with were very cooperative and were happy to see him working at the landing to help prevent invasive species from entering. Jared worked almost every weekend, which was a plus considering that's when most lakes are the busiest. Not too many young adults want to give up their summer weekends to work. We all thank Jared for his efforts and we hope this program will continue to fund him or another youth next summer.



Barb and Russ Robinson, Jared McQuade and Lisa Gabriel

Although the summertime lake fun has come to a halt, it is still important to remember to take the proper preventive steps to clean your boat and equipment this fall after fishing for those late season walleyes, muskies or other desired species.

As always, if you have questions about Aquatic Invasive Species, feel free to call Lisa Gabriel at 715-468-4654.

MARK YOUR CALENDAR

March 30 – April 1, 2010

Wisconsin Lakes Convention
KI Convention Center, Green Bay, Wisconsin
wal@wisconsinlakes.org or
1-800-542-5253 (in Wisconsin)

June 18, 2010

NW Wisconsin Lakes Conference
Telemark Resort & Convention Center
Cable, Wisconsin
John Haack 1-715-635-7406 or
Mary Jo Gingras 1-715-561-2234

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Photograph Courtesy of Russ Robinson, Sunrise over Gilmore Lake, Washburn County

Contacts to protect lakes and rivers

“We need more than ever to provide what help we can to protect our lakes and rivers from environmentally damaging activities. Keep your eyes open! We are the last line of defense! But **do not trespass** to obtain further information. Let those in authority check it out.”

DNR Water Regulation Violations and Information:

Dan Harrington (Water Management Specialist, Spooner Office).....715-635-4097
Jon Hagen (Conservation Warden for Southern Washburn County).....715-635-4099
Dave Swanson (Conservation Warden for Northern Washburn County).....715-466-5428
If wardens are in the field, messages can be related to them through the Washburn County Sheriff's
Department at 715-468-4720 or at the DNR's toll-free tip line.....1-800-TIP-WDNR (847-9367)

County Shoreland Zoning Questions or Violations:

Web Macomber (Zoning Administrator).....715-468-4690

County Planning, Land/Water Resource Management:

Brad Robole (Director).....715-468-4654