

**Fall/Winter 2015/16
 #37 Newsletter**



INDEX

President's Comments.....1

How Do The Fish Get Here?.....2

WCLRA BOD.....3

2015 Budget Makes Waves.....3-4

2015 Proposed Legislation.....4

Fringe Politics.....4-5

Can Oil and Water Mix?.....5-6

MTLC Update.....6

2015 WCLRA Annual Mtg.....6-7

Totagatic Tribute7

PRESIDENT'S COMMENTS

Please do not take me too seriously, but...

Did you know that at one time in history there was a serious movement for northern Wisconsin to join with Michigan's Upper Peninsula to form a separate and new Union state to be called Superior? This is true. Apparently it was believed that Northern Wisconsin had about as much in common with Madison as the U. P. had with their capital, Lansing, in Lower Michigan.

Over a six year period I worked on projects in the U.P. The residents in the U.P. are a great bunch of people. You get used to their ending sentences with " Eh" or "Hey." And they like beer and brandy just like us. I also had to deal with Michigan's government in Lansing. It was foreign to both my U. P. clients and to me.

So we Cheeseheads love our brats and the Yoopers love their pasties. They like their saunas too. And they taught me when to swim in beautiful Lake Superior without freezing to death. We have a lot more in common with the U. P. than with Madison --- **AND** many Yoopers are Packer fans.

You will read in this newsletter how the current Wisconsin legislature has taken state control over our local governance for shoreland protection. They have absolutely no regard for our northern values for protection and preservation of our lakes, rivers, wetlands, ground water, our property values, and our desire to keep these resources protected for our future generations - Up North.

Maybe the idea of a separate State of Superior wasn't such a bad idea after all.

Craig Walkey, President

WHAT CAN YOU DO?

By Barb Robinson

You will read in this copy of the newsletter about various actions by our state legislators that seem to fly in the face of reasonable care of our precious water resources. **Support Wisconsin Lakes** in their efforts to provide advocacy on the state level. Another important action is to get out and vote. Government won't work unless the will of the people is reflected at the ballot box.

How Do The Fish Get Here?

(Editor's note: This article came from the Spooner Fishery website. When we talk about stocking fish in our lakes, it sounds so simple. In reality there is a lot of effort that goes into providing fingerlings for stocking our lakes. If you want more information on what's happening at our local Ssate fishery, go to: dnr.wi.gov/topic.fishinghatcheries/govthompson.html)

All of the fish hatched and reared at the Gov. Thompson Hatchery come from outlying hatchery ponds. Mature fish are captured in fyke nets during spring spawning runs in northern Wisconsin lakes and rivers. After the adult fish are removed from the nets, their abdomens are gently rubbed to expel eggs or milt (sperm) which are mixed together in a spawning pan. The egg-taking procedure does not harm the adult fish and they are returned to the wild.

After the eggs are collected, they are placed into hatching jars where a specific water temperature is maintained to control their embryonic development. The hatchery can utilize up to 1,146 jars, each capable of holding up to 3.5 quarts of eggs. In the wild, less than 0.1% of the eggs deposited by females hatch, compared to 60 to 95% taken to the hatchery.

Fish need enough food of the right size when transferred to rearing ponds either as fry or fingerlings. Prior to the eggs hatching, ponds are fertilized with organic fertilizers like alfalfa meal to grow phytoplankton (microscopic plants). Zooplankton (microscopic animals) eat the phytoplankton and reproduce rapidly, providing a food base for young fish.

Each year, 4 to 6 million sucker fry nourish the growing musky and northern pike fingerlings. In addition, another 10 to 15 million sucker fry are stocked in their own ponds, reared to a larger size and subsequently fed to larger muskellunge, northern pike and walleye fingerlings. As the supply of suckers is nearly exhausted, the hatchery's production fish are switched to a diet of fathead and shiner minnows. Each rearing season about 50 to 60 tons of 1/2" to 3" minnows are obtained from nearby lakes and ponds and from commercial bait dealers. Once started on minnow diets, the fish will grow about 1" per week throughout the summer. This combination and sequence of plankton, sucker fry and minnows are essential to raise young fish to a larger size so they're ready to be stocked

The outdoor rearing facility consists of six half-acre and 40 one-acre ponds. Muskies are raised in about ten of these ponds from June to October. When 6 to 12 inches long they are stocked in public waters. Walleye, northern pike and forage fish are reared in the remaining ponds. Most of the walleye get stocked in June and July prior to being converted to a forage diet, while a few are kept and continue to be fed minnows until October. In addition, some northern pike are fed minnows and are stocked out in June and July. Approximately eight additional ponds are also leased and managed in outlying areas where white suckers and fathead minnows are raised to supplement the hatchery's production.

When the fish are ready to be stocked out, the rearing ponds are drawn down to concentrate the fingerlings either into deeper areas of the ponds or into "catch-kettles" where they can be netted or dipped out. In either case, the fish are weight-counted and loaded onto tank trucks to transport them to their final destinations. Transport trucks have oxygen cylinders that supply oxygen to the fingerlings during their ride.

While the majority of walleyes produced at this facility are stocked in northern Wisconsin, the muskies and northern pikes are widely distributed from the north to south in the state.

The Waterfront newsletter is sent 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

2015 BUDGET MAKES WAVES

By Fred Blake

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From the outset, Wisconsin's 2015 budget bill raised concerns among conservationists. The initial version proposed to eliminate grant funding which has supported organizations such as Wisconsin Lakes, River Alliance of Wisconsin and Wisconsin Wetlands. Protests were many and the Joint Finance Committee restored most of that funding, only to have it vetoed by the Governor. Those organizations must now rely more heavily on donations and attempt to identify other sources of income.

The final version of the budget bill went even further, attacking shoreland zoning. The most devastating of the shoreland zoning measures deprive county government of the right to enforce ordinances that they feel are necessary to provide additional protection for their aquatic resources. Other measures limit rules for non-conforming structures, vegetative buffer zones and shoreland lighting. One provision that was not changed is the right of incorporated municipalities to enact shoreland zoning ordinances.

Wisconsin's statewide shoreland ordinances, designated as NR 115, have been developed and revised through bipartisan efforts and input from interested stakeholders over more than fifteen years as **minimum** standards. They preserve the resources while providing the freedom for property owner reasonable use of their lands. Throughout this process, state statutes recognized that conditions and circumstances vary around the state and gave counties the right to enact ordinances more stringent than NR115's minimum standards.

By taking away counties' right to enforce ordinances more stringent than NR 115 standards, the budget bill converted what were minimum standards to maximum standards. Act 55 nullifies the lake classification system and the added protections based on that system. Here in Washburn County, the most critical example of more stringent protections is in the protection of Class II and Class III lakes. Larger lot sizes and greater setbacks are required because these lakes are more vulnerable degradation. NR 115's standards were a starting point in the development of more refined standards suited to local area needs.

Many also object to the manner in which these changes were made. The motion was slipped into the budget very late in the process circumventing any opportunity for effective stakeholder or public input. This resulted in its adoption without individual consideration or a separate vote on the measure itself.

WCLRA is greatly concerned with the loss of the local government role in preservation of our aquatic resources and giving of total control to the State. We feel that elected county officials are far better able to assess specific local needs and circumstances than a far-removed state government.

On September 18, 2015, the WCLRA Board adopted a resolution calling for the partial repeal of the Act 55 budget and we are supporting actions in other areas directed at rescinding the ill-advised changes in the shoreland zoning regulations. In October the Washburn County Board of Supervisors adopted a similar resolution.

Continued on page 4

2015 Budget Makes Waves..... continued from page 3

We are not alone in our concern for protection of our lakes. Around the state, and particularly in the north, individuals, lake associations, and county officials have spoken out against the shoreland zoning changes. Legislation to totally repeal the Act 55 shoreland zoning changes has been introduced by Senator Janet Bewley and others but has not received bipartisan support. WCLRA has supported this bill.

The Plum Lake Association in Vilas County led a parallel effort to repeal the new shoreland zoning provisions. They retained Bill O'Connor, a highly respected water-law attorney and Mary Panzer, an experienced lobbyist, to direct their efforts to reverse the usurpation of county authority. WCLRA has also supported the Plum Lake efforts.

At this point the shoreland zoning changes that were slipped into the budget bill are still the law in this state. WCLRA will continue efforts to restore counties' role in shaping shoreland regulations to protect the water resources that are so critical to our economy and way of life.

2016 PROPOSED LEGISLATION

By Cathie Erickson

As we begin 2016, local protection of our waters and shorelands faces even more legislative challenges. **AB 603** was introduced by Rep. Adam Jarchow (R-Balsam Lake). Despite assurances that it is a "compromise" bill designed to mitigate some of the Act 55 changes, its meager gains are outweighed by the negatives. It would:

- Codify several shoreland zoning standards into the statutes, making them more difficult to amend,
- Increase the types of structures close to the shore that can be repaired, replaced, and reconstructed without approval, fee, or mitigation requirement, and
- Force counties to use "setback averaging", reducing their ability to prevent construction within 75' of the waterline if structures exist within the setback on adjacent properties.

AB600 introduced by Sen. Frank Lasee and Rep. Adam Jarchow, would make significant changes to Wisconsin water law. Specifically, the bill would, in part:

- Shorten the list of waters protected by the **PUBLIC TRUST DOCTRINE**.
- Give away state-owned lake bed that has been filled since 1975,
- Allow individuals to remove without an individual permit a certain amount of lake bed each year (up to 3 dump trucks full, per property!),

- Change the rules on when and how citizens can challenge DNR permitting decisions impacting waters, including disputes over pier placement and other actions,
- Increase the amount of development in wetlands,
- Reduce oversight of rip rap, sea walls, and piers,
- Reduce the amount of shoreland areas DNR can designate for special protection as "areas of special natural resource interest".

The above analyses of these bills were provided by Wisconsin Lakes. Of course bills can change significantly as they work their way through the legislature and there may be more to come. We urge you to check www.wisconsinlakes.org or legis.wisconsin.gov for current information.

FRINGE POLITICS

By Larry Damman

When I first heard about Act 55 my blood started to boil. The minimum standards (lowest common denominator) of NR 115 had suddenly become the highest criteria allowed. As a biologist I am most concerned about the riparian fringe or shoreland buffer. The buffer is really what distinguishes lakeshore from run of the mill suburbia. How would it be possible to preserve the special aesthetic and environmental qualities of Washburn County's shorelines if ordinances for urban and rural counties had to be the same?

Back in the 70s and 80s, helping counties administer their brand new shoreland ordinances under NR 115 was part of my DNR job. The concept of a 35-foot shoreline buffer was one of the more controversial items to deal with. Existing development without a buffer was grandfathered. People with lake homes (buffered or not) were in favor of buffers on lots being developed across the lake in their view shed. However, people developing new lots looked at their neighbors and assumed it was ok to use their yard in a way similar to their neighbor's.

The original buffer was only a ban on clear cutting. While buffer concept supporters assumed a broader interpretation, legally, clear cutting was a forestry term. It didn't apply to brush and cutting some or even most of the trees was not clear cutting. Technically, if you left one tree every 29 feet across the lake front and mowed everything else, you were in compliance with NR 115. To make matters worse, there was no mechanism to restore even such minimal buffers on existing development or maintain existing buffers over time. There was no requirement to replant trees destroyed by storms, fire, diseases or old age.

So if you ever wondered how those lots on your lake get away with a substandard or no buffer, now you know.

Over the years counties expanded their ordinances to overcome the limitations of NR 115. Washburn county was one of the first to protect brush from clear cutting if there were no trees overhead. As counties expanded their ordinances, NR 115 standards would occasionally be upgraded to recognize what the counties were already doing. NR115 now recognizes and protects all 3 layers of vegetation, the trees, brush and ground cover from being removed. Also it much more strictly controls filling and grading activities in the buffer zone. With or without Act 55, the days of just going in and abruptly destroying the habitat and water quality value of the buffer without consequence would seem to be over. However, NR 115 does not require landowners to maintain an impenetrable jungle within the buffer. Routine maintenance of vegetation is allowed which, among other things, could allow mowing of the non-brushly ground cover. Cutting brush that leans out of the 35 foot buffer toward the light and cutting diseased or leaning trees are two of the things zoning administrators think they lost in Act 55. I'm not so sure since this is just a tool to maintain the existing standard, not to set a stricter standard. However, the interpretation of Act 55 and how all that will affect the exact wording of NR 115 is still unclear.

In any case Washburn County will be adopting a new (dumbed down?) shoreland ordinance this winter to comply with Act 55. It will be critical to follow hearing and public information meetings to see just how much local control over setbacks, lot sizes and agricultural and commercial uses within shoreland zone will be lost.

CAN OIL AND WATER MIX?

By Fred Blake

More than a year ago, pipelines became a hot topic with the news that Enbridge Energy Company planned to triple the flow of oil through its line 61 through our northwest Wisconsin area.

Our WCLRA Government/Environment Committee decided to focus its attention on our areas of major concern. Four tributaries of the St Croix River flow through our area (the St Croix itself, the Eau Claire River, the Namekagon River and the Totagatic River). The St. Croix is a federally designated Wild and Scenic River and the Totagatic has added importance in that it is one of only five officially designated Wisconsin Wild Rivers because of it pristine character.

Enbridge and WCLRA have a powerful unifying goal. Pipeline failures are potentially devastating for both of us. For WCLRA, the environmental impact of a failure

allowing oil to escape into any of the St Croix tributaries would be severe. In addition, for the Totagatic, a failure could effectively nullify its value as a Wisconsin Wild River. For Enbridge, the extremely high repair and cleanup costs and the difficulty in accessing isolated stretches of the St Croix system would be major. The cost of the Enbridge Kalamazoo River spill of several years ago has now topped 1.2 billion dollars.

With this in mind, WCLRA elected to attempt to work cooperatively with Enbridge to reduce the failure risk to an absolute minimum. We needed to educate ourselves about how pipelines are built, how they work on a day-to-day basis and what safety precautions are taken in both construction and daily operation. We began last December with a presentation by Enbridge personnel to our WCLRA Board of Directors. We have since attended additional public meetings and, indeed, co-sponsored one of these with the St. Croix River Association. In addition, we have had multiple one-on-one meetings with Enbridge technical personnel. Five of our board members visited the Enbridge pumping station facilities in the Stone Lake area. We are fortunate that, on our WCLRA board, we have several members who have technical professional backgrounds that enable us to interface with Enbridge technical people on a more than basic level. Our eventual goal was to make requests and/or to offer suggestions for changes which could help to reduce environmental risk to our critical river systems.

With attention on the critical river crossing areas, we looked at such factors as the location and placement of valves that can be used to close off portions of the pipelines in the event of failures. Also important is the pipe thickness which can be increased in critical areas to reduce the risk of a failure. Rapid detection of leaks, particularly in river crossing areas, is absolutely essential to minimizing the amount of oil escaping into the environment in the event of a failure. Leak detection has been the subject of much discussion within WCLRA. We have specifically requested a meeting with Enbridge technical personnel on this topic. That meeting has not yet taken place.

Pipelines Involved: The pipeline corridor through our area carries four lines designated as 6A(34" diameter), 13 (20" diameter), 14 (24" diameter) and 61 (42" diameter). Line 13 is a return line for light oil used to thin heavier oil for easier pumping.

Valve Placement: The placement and spacing of line valves adjacent to a river crossing is critical to limiting the amount of oil escaping in the event of a failure. In case of a failure, the closest valves to the break are automatically closed as soon as a leak is detected. If

CAN OIL AND WATER MIX?cont. from page 5

those valves are widely spaced, a larger volume of oil will be trapped between them and that oil would likely valves adjacent to a river crossing need to be as closely spaced as possible to limit the amount of oil that can escape in the event of a failure.

Valve placements at the St Croix, Eau Claire and Namekagon Rivers are all less than 100 ft from the river and roughly half of those are less than 25 ft from the river. At the Totagatic River crossing, however, there is cause for concern. Half the line valves are up to 500 ft from the river (an additional 400 feet from the river). That extra 400 ft of pipe holds just a little under 29,000 gallons of additional oil. There seems to be no basis for providing a lesser level of protection for the Totagatic than for the other three St Croix tributaries. The Totagatic is wild, filled with woody debris and, because of limited road access, would be very difficult to reach for any cleanup effort. It would appear to make sense to place additional valves in all four Totagatic crossing lines at less than 100 ft from (and preferably closer to) the river to protect this fragile resource from much greater possible contamination in the event of a failure.

Pipeline Wall Thickness: Pipe thicknesses on the four lines in the pipeline corridor vary from 3/8" to 5/8" with the latter being used in higher risk areas. The two smaller pipes in the corridor (13, 20" and 14, 24") use 3/8" pipe at the river crossings. However, the two larger pipes in the pipeline corridor (6A, 34" and 61, 42") use heavier pipe (1/2" and 5/8" pipe respectively) in the crossing areas...a step in the right direction.

Leak Detection Methods: The primary leak detection method described by Enbridge is a pressure drop in the line. Enbridge indicates that a detected loss in pressure immediately triggers a shut-down of the valves on either side of the break and initiates corrective action by the nearest Enbridge staff, in our case, likely based in Superior, Wisconsin. We have asked for a conference with Enbridge technical staff to clarify how large a failure would be necessary for a pressure drop to be detectable (a detection threshold). WCLRA's concern is that, with a small leak, the pressure change would be expected to be very small and hence difficult to detect. Hopefully, the requested technical discussion will provide some clarification.

We believe our efforts have achieved some success. We have learned enough to understand pipeline construction and operation at more than a basic level and to ask intelligent questions based on sound science. At some time in the near future, we expect to submit a request for consideration of additional valves, particularly at the Totagatic River crossing, and also pressure sensors at all river crossings to maximize the probability that even small leaks will be quickly

detected. In addition, we would request that these types of improvements also be incorporated into the anticipated line 66 if/when it is constructed.

In the meantime, we will continue our efforts to work with Enbridge to provide the best possible protections for our critical and fragile river systems.

MINONG TOWN LAKES COMMITTEE

By Russ Robinson

2015 marked the third year that the Minong Town Lakes committee (MTLC) organized and coordinated the Clean Boats/Clean Water inspections at ten of the town lakes boat landing sites. The Wisconsin Department of Natural Resources (WDNR) provided \$32,000 in grant money that was partially matched by contributions from Minong Town lake associations and volunteer time from the MTLC. The Town of Minong managed the cash flow for the program by providing cash advances until reimbursement by the WDNR was received. Inspections were conducted on Friday afternoons through Sunday afternoons and holidays. This year more than 3600 hours of inspection time was logged. Amy Wandell once again did an excellent job of managing our inspectors.

As we wrap up 2015, we are planning to apply for a grant to conduct aquatic plant surveys on some of the mid-sized lakes in the Town of Minong. Most of the larger lakes, including Gilmore, conduct these surveys as part of their Lake Management Programs. The mid-size lakes that will be surveyed in 2016 were originally surveyed in 2011. These follow-up studies will provide information related to changes in plant diversity, status of fragile species and any changes in Aquatic Invasive Species status.

For more information on the Minong Town Lakes Committee or any of the programs mentioned in this article, please contact Russ Robinson at r.rubarb@gmail.com.

2015 WCLRA ANNUAL MEETING

This year's Annual Meeting was held at the Shell Lake Community Center. The following directors were re-elected to 2 year terms: Craig Walkey, Barb Robinson, Fred Blake, Cathie Erickson, and Charlotte Shover.

After the brief business meeting, guest speakers Adrian Wydeven, wildlife biologist and his wife, Sarah Boles, WDNR naturalist and native plant landscaper, did a presentation entitled "The Shore and Near Shore Area". They noted that even modest shoreland plantings can help prevent erosion as well as provide an environment for wildlife, both in the water and on the shore. Sarah fielded several questions from the floor about what type of plants to use.

2015 WCLRA Annual Meeting...continued from page 6

In followup to the election of directors at the Annual Meeting, the board of directors elected the following officers at their September 18, 2015 meeting: Craig Walkey – President, Barb Robinson – Vice President, Pat Schifferd – Secretary, Cathie Erickson – Treasurer.

THE TOTAGATIC AS WE LOVE IT

By Barb Robinson

Over the years, many of us have experienced the Totagatic River up close from paddling on it, wading in it, fishing and swimming in it or just sitting on its banks and admiring it. It has shown us many sides of its personality, from calm and serene to raging. Even its name has been a challenge to get right. When it was dedicated as a Wild River, then Governor Doyle said he couldn't figure out how to pronounce it. At one time there were two signs put up by the DNR that had two different spellings. I think Governor Doyle determined that there were two spellings and five pronounciations all for the same body of water. Today, her official name is spelled TOTAGATIC but you can pronounce it any way you want. With the signing of the Wild River designation, WCLRA, local conservationists and Wisconsin's legislature made sure that we would be able to enjoy this river's gifts for generations.



Totagatic Flowage



Serenity by canoe



Sen. Jauch, Rep. Milroy, Gov. Doyle at dedication of the Wild River status



Aerial view of the Totagatic



WCLRA at the dedication of the Solar Property along the Totagatic



A few ripples



The Totagatic is not just a stream. It is also a refuge for abundant wildlife on the land, in the water as well as in the air. Its flood plain (as seen in the photo to the left) helps to diffuse some of the heavy rainfalls we've experienced over the past few years. All of these components make up the river we call Totagatic. I urge you to get out and enjoy this wonderful water resource.

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Quiet Waters of Washburn County
By Russ Robinson

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! However, **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

Emergency Spill Hotline.....800-943-0003

Dave Swanson (Conservation Warden for Northern Washburn County).....715-645-0053

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:

Lisa Burns.....715-468-4654