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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Environment and Natural Resources (SC-ENR)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... **HR** ... **bills and resolutions** (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (August 2012)

June-2014

Senate

Record of Committee Proceedings

Committee on Environment and Natural Resources

Senate Bill 385

Relating to: the operation of motorboats, other than personal watercraft, at slow-no-wake speed within a given distance of the shoreline of a lake.

By Senators Jauch, Risser, Cowles and Miller; cosponsored by Representatives Turner, Sherman, Molepske and Black.

January 14, 2008 Referred to Committee on Environment and Natural Resources.

February 7, 2008 **PUBLIC HEARING HELD**

Present: (5) Senators Miller, Jauch, Wirsch, Kedzie and Schultz.

Absent: (0) None.

Appearances For

- Bob Jauch, Poplar — Senator, 25th Senate District
- Ted Griggs, Wascott — Douglas County Association of Lakes & Streams/Whitefish Lakes Cons. Org.
- Jim Brakken, Cable — Bayfield County Lakes Forum & NW Wisconsin Water Resource Consortium
- Roy Zellmer, Madison — DNR
- Tamara Jackson, Madison — Wisconsin Association of Lakes

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Sybil Brakken, Cable — herself
- Kurt Thiede, Madison — Wisconsin Conservation Congress

Registrations Against

- None.

Registrations for Information Only

- None.

March 3, 2008

EXECUTIVE SESSION HELD

Present: (5) Senators Miller, Jauch, Wirch, Kedzie and
Schultz.

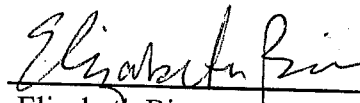
Absent: (0) None.

Moved by Senator Kedzie, seconded by Senator Jauch that **Senate
Bill 385** be recommended for passage.

Ayes: (5) Senators Miller, Jauch, Wirch, Kedzie and
Schultz.

Noes: (0) None.

PASSAGE RECOMMENDED, Ayes 5, Noes 0



Elizabeth Bier
Committee Clerk

Vote Record Committee on Environment and Natural Resources

Date: 3/3/04

Moved by: Kedzie Seconded by: Jauch

AB _____ SB 385 Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

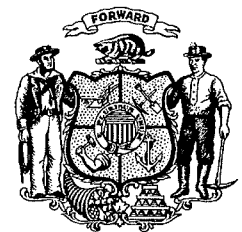
Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Mark Miller, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Jauch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Dale Schultz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>0</u>	_____	_____

Motion Carried Motion Failed



WISCONSIN STATE LEGISLATURE



Wisconsin DNR Testimony on SB-385 Operation of Motorboats, other than personal watercraft, at slow-no-wake speed within 100 ft of the shoreline of a lake.

Senate Environment and Natural Resources Committee

**Thursday February 7, 2008 at 10:00 AM
Room 201-SE**

Mr. Chairman and Committee members, good morning. I am Roy Zellmer and I am the Boating Law Administrator for the DNR. I will provide testimony this morning in support of SB-385.

The current law prohibits motorboats other than personal watercraft from operating faster than slow-no-wake within a buoyed restricted area, swim raft or pier. There are no prohibitions for operating slow-no-wake within 100' of shoreline except for personal watercraft.

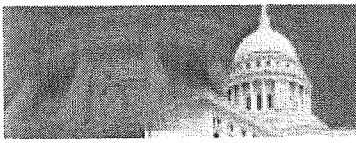
The department has received complaints in the past from the public about excessive speed of motorboats to close proximity of shorelines. These concerns raised were about safety of canoes and kayaks which often paddle along the shore line. Also, about swimmers who would use the lake in front of their lake side homes. More concerns brought up were about damage to personal property and shoreline erosion concerns. There was also an issue raised about damaging spawning beds and certain aquatic vegetation that may be necessary or needed in a good aquatic environment.

With the passage of this bill, we hope that many of these concerns raised by the public would be addressed and either eliminated or minimized with the slow-no-wake restriction for motorboats within 100' of shore.

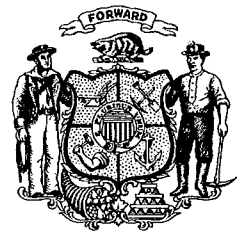
This law could be an inconvenience on smaller lakes and/or lakes with narrow channels. Recreational boaters may restrict to smaller areas of use when operating faster than slow-no-wake on these smaller lakes.

We feel with the provision in the bill to allow local units of government to pass an ordinance exempting their body of water from this law this again allows those local officials and citizens to decide which is in the best interest of their lake.

We would again encourage your passage of this bill for its many benefits to boating public safety and positive environmental impact. Thank you. Do you have any questions of me?



WISCONSIN STATE LEGISLATURE





Jim Brakken
Wisconsin Association of Lakes, Inc
Bayfield County Lakes Forum, Inc
45255 East Cable Lake Road, Cable, WI 54821
715-798-3163 *Jim.Brakken@yahoo.com*



02-07-08

To: Wisconsin Senate Committee on Environment and Natural Resources

Re: SB 385

Wisconsin has many wonderful lakes. We also have many good regulations in place to protect them. A much needed rule that will make lakes safer and healthier may soon be on the books.

Existing law requires a 100-foot slow-no-wake buffer near piers, landings and other man-made structures. While a 200-foot buffer exists for jet skis and similar craft near natural shoreline, the law does not cover motorboats to the detriment of public safety and the health of our lakes.

This proposed legislation would create a 100-foot buffer from natural shoreline for all boats. The measure includes an opt-out provision, allowing local government to have lakes excluded if they feel the law significantly impacts recreational use of the lake. Also, pick-up and drop zones for water skiers would also be excluded.

I have learned from UW Extension that when the original 100 foot from docks and rafts was written, the average outboard motor size was less than ten horsepower. Damage to the near shore area was not seen as a problem back then. Now the average outboard motor size approaches 100 horsepower. The motor size has changed and the regulations now need to catch up. The quality of the resource and the safety of swimmers and boaters is at stake.

Lakes throughout Wisconsin would benefit from the buffer for a number of reasons including:

Protection of plants and animals: Most creatures spend at least part of their life in the near shore area. Nesting birds and other creatures are easily driven out by aggressive boating near shore.¹

Less 'prop wash': Data shows that the stirring effect of prop wash in shallow waters brings up nutrients that had settled out, often resulting in algae blooms and the growth of unwanted aquatic weeds.¹

Protection of spawning areas: This rule will protect many millions of eggs and fry.¹

Protection of people: Children who swim and play near shore and fishermen, kayakers, pets, canoeists and others who use the waters near shore will be protected from fast boaters. *This regulation will save lives.*

Less erosion: This rule will go a long way in protecting shoreline from erosion, a major problem on many lakes. The eroded soil adds unwanted nutrients to the water and greatly reduces clarity.¹

Reduced noise pollution in the near shore area: One of the most desirable quality about lakes is the peace and quiet. Prohibiting fast boating near shore will help maintain the serenity of our lakes.

Boater safety: Boaters have suffered injury and death because they were traveling fast near shore. This rule will protect them as well as those who fish, swim, canoe, kayak or play in the water near shore. *This regulation will save lives.*²

In April, 2000, a 22 year-old woman was knocked out of a boat after striking an overhanging tree limb. It happened on Lake Nepco in Wood County. The driver was *legally* traveling about 25 mph, about 25 feet from shore, according to the Wood County Sheriff. Her body was recovered three days later.²

Wisconsin needs this law. A 100 foot-from-shore no-wake buffer will be healthier for our lakes and safer for those who use them. I urge everyone who values safe and healthy lakes to ask your Wisconsin Senator to support this important legislation. Thank you.

Respectively submitted,

 2/7/08

Jim Brakken, Wisconsin Association of Lakes Past President and Director Emeritus
Bayfield County Lakes Forum President
Delegate to the Wisconsin Conservation Congress
Northwest Wisconsin Water Resource Consortium Executive Officer

Jim Brakken profile

Thank you for the opportunity to share my feelings about SB 385 with you.

My name is Jim Brakken. I live in the Town of Cable in Bayfield County, within an hour's drive of over 2,000 lakes and many miles of streams.

I am a retired public school teacher who now spends most of his time as a volunteer working to protect and preserve our lakes.

I am the founder and past president of the Cable Lake Association and the AIS Coordinator for the Town of Cable.

I am also the President of the Bayfield County Lakes Forum, a citizen's group representing over 20 lake associations in Bayfield County.

I speak also today for the Northwest Wisconsin Water Resource Consortium representing the countywide lake associations from 16 counties in the northwest.

Although I am a Delegate to the Wisconsin Conservation Congress, I am not speaking for the Congress on this issue. I believe the Wisconsin Conservation Congress will deliver its own statement on SB 385.

Finally, I am a Past President and Director Emeritus of the Wisconsin Association of Lakes and sole recipient of the 2003 Wisconsin Lake Stewardship Award.



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Stevens Point Journal

Tuesday, April 18, 2000

www.stevenspointjournal.com

Lawfully traveling @ 25-30 MPH about 25 feet from Shore.

Body of missing woman found

By TROY LAACK and
MELISSA LAKE
for the Journal

PORT EDWARDS — It was a cold, dark and dreary day, but Monday evening brought closure to a tragic weekend for the family of a 22-year-old woman knocked out of a boat into Nepco Lake Friday.

"At least we found her," said Cheryl Vechinski, the mother of Gina Winters, town of Saratoga. "Before we found her, to be honest with you, I thought she was in the woods knocked unconscious ... at least we had hoped. Now, we can put her to rest."

Vechinski, like Winters' other family members and several volunteers, searched and dragged the silt-laden waters for Winters throughout the day Monday. Her body was finally found at about 5:45 p.m. about 125-150 yards from the tree she hit close to the island

home of Charles and JoAnn Lester, 300 Nepco Lake Road, Port Edwards.

"I'd like to thank all the volunteers and everybody who helped," Vechinski said. "There are no words that can express how we feel for the people that helped."

Wood County Sheriff Kurt Heuer, in a somber mood as he stood on the dock at the Lester home, only yards away from where Winters was found, said the body was recovered with a three-pronged hook attached to a nylon line.

"We were able to snag the pants of the young lady and bring her to the surface," Heuer said. "Everybody here had one goal and one mission and that was to find this young lady and to help the family with that part of it. We're very fortunate, very happy that she was found today and my thoughts

See DROWNING, A5



Thomson News photo by Casey Lake
LISA VECHINSKI, sister of drowning victim Gina Winters, holds a rosary and photo of Gina after a search resumed Monday.

From A1

Winters was among six people traveling in a westbound boat driven by her husband, Troy, 27. The boat was traveling about 25-30 mph, close to the southern shore of Alexander Island when Gina Winters hit a tree that extended about 25 feet, almost horizontally, over the water.



Wisconsin's 'SAFE LAKES' law

Where it came from, where it's headed

Jim Brakken, BCLF, WCC &
'Safe Lakes' resolution author

History of SB 385

In 1998, serving as a Wisconsin Association of Lakes Director I was appointed to WAL's Ad Hoc Boating Regulations Committee. We had been asked by the Governor to simplify some of the boating regs. I offered that the existing rule requiring fast moving boats to stay at least 100 feet from docks, rafts, landings and buoyed areas was not adequately protecting the near-shore area nor the many boaters, fishermen and swimmers who use this water. I proposed we apply the 200 foot rule required of personal watercraft (such as Jet Skis) to all fast moving watercraft. Although the proposal was not accepted by the DNR at that time, I continued working with WAL to see this boating safety rule advance.

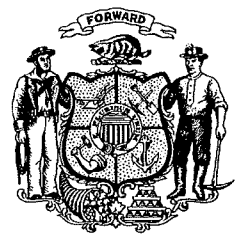
Then, on April 14, 2000, a 22 year-old woman was knocked out of a boat after striking an overhanging tree limb. It happened on Lake Nepco, not far from Wisconsin Rapids. The driver was *legally* traveling about 25 mph, about 25 feet from shore, according to the Wood County Sheriff. Gina Winter's body was recovered three days later. I added the news clipping to my file. I also renewed my pledge to bring my proposal to the attention of our lawmakers, knowing that this regulation could save lives as well as lakes.

During my next 6 years with WAL, I continued pressing for a no-wake buffer between aggressive boaters and undeveloped shore. I drafted a resolution and, with the help of several fellow WAL Directors, pitched it to the Wisconsin Conservation Congress. The proposal appeared in the Spring Hearing booklet and, although it was well received across the state, the WCC rejected it. Pressing back discouragement, we made some adjustments in the resolution. We now included an 'opt out' provision so local units of government could exclude lakes they felt would have recreational opportunities severely reduced. We also insisted that water ski pick-up and drop zones would not be affected. We pitched it to the Conservation Congress again, this time framing it as a boating safety resolution. Three years later all 72 counties approved it at the Spring Hearings. Four out of five voters had approved it, an excellent demonstration of the public's desire to see this rule succeed. WAL listed it on the top tier of their three-tier list of legislative priorities.

There are no good reasons to go fast near shore but many reasons to support the 'Safe Lakes' bill. A 100 foot-from-shore no-wake buffer will be healthier for our lakes and safer for those who use them. Wisconsin's lakes need this law.



WISCONSIN STATE LEGISLATURE





Wisconsin Association of Lakes

A nonprofit group of citizens, organizations, and businesses working for clean, safe, healthy lakes for everyone.

4513 Vernon Boulevard, Suite 101 • Madison, WI 53705-4964
608-661-4313 • 800-542-5253 (in WI) • 608-661-4314 fax
wal@wisconsinlakes.org • www.wisconsinlakes.org

Senate Committee on Environment and Natural Resources
Chair Senator Mark Miller
Room 409 South, State Capitol
P.O. Box 7882
Madison, WI 53707-7882

February 7, 2008

Dear Senator Miller and Committee members:

Thank you for the opportunity to voice our support for SB 385.

Ensuring that recreational boating is safe for lake users, and does not cause unintended declines in lake water quality is an important priority for many of our Lake District and lake association members.

Establishing slow-no-wake zones in local boating ordinances is a common approach that balances different recreational uses with natural resource needs. More than 500 local boating ordinances have been passed across the state on lakes greater than 50 acres.

Currently there is **no** statewide slow-no-wake restriction for motorboats within a given distance of a shoreline. Boating too close to shorelines can negatively impact sensitive shorelines when:

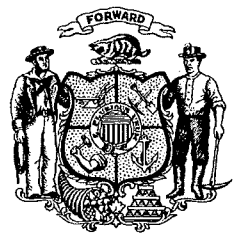
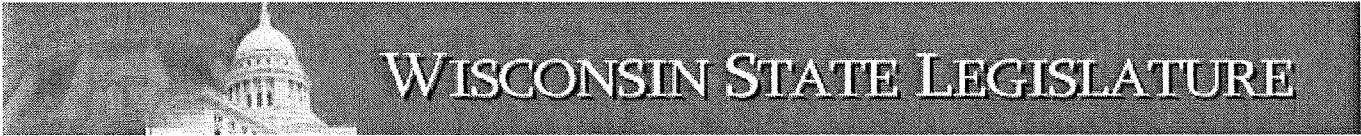
- nearshore wave action contributes to shoreline erosion problems,
- propellers stir up lake bed sediments, reducing water clarity,
- nutrients, like phosphorus, are released from disturbed lake bed sediments, which can cause problems such as algae blooms.
- propellers damage or uproot shoreland plants, which provide fish habitat.

A statewide slow no wake zone *is* required for boats operating within a 100 feet of a man-made structure to reduce the likelihood of damaging that structure. We feel our shorelines are equally important and deserve the same level of protection. State law also requires a no-wake-zone for personal watercraft within 200 feet of the shoreline, and we feel other boats should be subject to comparable regulations. SB 385 also includes an opt-out provision, allowing local government to exclude lakes if the law significantly impacts recreation.

This bill will help reduce the negative impacts on our lakes caused by boating too close to shore and improve safety for citizens who are fishing, swimming, and paddling in nearshore areas.

Thank you for your support on this issue.

Tamara Jackson
Wisconsin Association of Lakes Director of Communications





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Stevens Point Journal

Tuesday, April 18, 2000

www.stevenspointjournal.com

Body of missing woman found

By TROY LAACK and
MELISSA LAKE
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See DROWNING, A5



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Lawfully traveling @ 25-30 MPH about 25 feet from Shore.