

ROGER ROTH

STATE SENATOR • 19TH SENATE DISTRICT

Senator Cowles and members of the Senate Natural Resources Committee, thank you for taking the time to hear SB 544 today.

Just over a year ago I was approached by Winnebago County Residents expressing concerns over the costs of navigational aid buoy placement and removal along the Winnebago Pool.

Municipalities are generally responsible under WI law for marking and maintaining buoys as desired within their jurisdiction. With Lake Winnebago and the greater Winnebago Pool comprising one of the largest recreational bodies of fresh water in the United States, the costs of doing so can pose a significant strain on a municipality's budget in providing for public safety. Due to the size and type of buoys required on the pool system, and the nature of winter icing, the seasonal placement and removal costs can exceed \$100,000 for Winnebago County alone.

Under current law, municipalities are responsible for marking navigational aids along the Lake Winnebago pool, which poses a significant financial burden to ensure public safety. As municipalities continue to refine their budget each year, these safety measures require additional support to ensure their longevity and viability for boaters year in and year out. Without additional funding eligibility, municipalities will be forced to choose between ensuring the safety of boaters on these waterways and implementing core municipal projects, something Winnebago County has had to address in recent years.

Under current law, the WI DNR administers the recreational boating facilities program which provides financial assistance to governmental units for the construction of boating facilities, the improvements of locks, and a number of other initiatives including limited support for navigational aids. This program however, does not address the crux of the County's concerns, which is related to the costs for placement and removal of navigational aids.

SB 554 was introduced to help ensure the safety of Wisconsin boaters and residents along this system. This bill will provide certainty and viability to the continued marking of the Winnebago Pool by expanding the current eligible reimbursement for navigational aids along the Winnebago Pool for up to 100% reimbursement and provide a modification to the current subprogram list of eligible projects; specifying that the placement and removal of navigational aids are eligible for reimbursement under the recreational boating facilities program.

This legislation does not allocate new GPR or eliminate existing program eligibility. This bill simply expands the existing scope of eligible projects under the RBF program, allowing for the DNR to help support safety initiatives in our states largest waterway.

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RACHAEL A. CABRAL-GUEVARA

STATE REPRESENTATIVE • 55TH ASSEMBLY DISTRICT

Testimony before the Senate Committee on Natural Resources and Energy

Representative Cabral-Guevara

January 31st, 2022

Chairman Cowles and Committee members,

Thank you for holding a Public Hearing on Senate bill 544, relating to grants for navigational buoys in the Lake Winnebago pool system.

Being one of the largest recreational bodies of fresh water in the United States, Lake Winnebago and the greater Winnebago Pool system incurs a heavy financial burden for local municipalities and in turn their respective communities. Under current law, the DNR administers the recreational boating facilities program that provides financial assistance to governmental boating facilities, and other initiatives, including lock improvements and navigational aids.

This bill will ease the financial burden of the respective municipalities by expanding the current eligible reimbursement for navigational aids along the Winnebago Pool for up to a 100% reimbursement. SB544 would also provide a modification to the current subprogram list of eligible projects, specifying that the placement and removal of navigational aids are eligible for reimbursement under the recreational boating facilities program.

This legislation would allow municipalities to continue to budget at an appropriate level of funding for the Winnebago Pool system, without having to decide to postpone community engagement initiatives. Effectively, creating a more welcoming atmosphere for those who reside in the area, as well as local and out-of-state tourists looking to spend a weekend getaway in the area.

I appreciate your consideration of Senate bill 544 and am hopeful you are able to support this great piece of legislation.



Winnebago County

Office of the County Executive

The Wave of the Future

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Senate Public Hearing Testimony on SB 544

January 31, 2022

Chairman Cowles and members of the committee, thank you for the opportunity to testify on SB 544. This bill is the idea of local residents who are looking to optimize financial resources for the betterment of the Lake Winnebago System. The system has about 17% of Wisconsin's inland surface water and within Winnebago County borders is 10% of the state's inland surface water.

For years, Winnebago County and our neighbor counties have been using property tax levy or boat launch fees to fund the buoys. Because the buoys are essential for boater safety, we will continue to do so. This bill would allow the county and our neighboring counties to submit for reimbursement under the recreational boating facilities grant program.

Similar programs and cost sharing grants work quite well for multi-use recreational trails and snowmobile trails.

The Lake Winnebago System is quite shallow in spots requiring navigational buoys to ensure safety by marking the safest path through the upper lakes and river. Spots in Lakes Winneconne and Poygan are a foot or two deep. It is easy for boats to get lost and hit these dangerously shallow spots. In addition, it makes night navigation possible through the river system.

Winnebago County is thankful for all of the resources and partnerships the state provides. Utilizing state resources through a grant program would allow us to make necessary improvements to our boat launches. The county's goal is to provide lake access to as many Wisconsinites as possible. The vast majority of Wisconsin's residents are within two hours of the Lake Winnebago System. There are fifty-eight lake access launch sites in Winnebago County. Permit fees for seven fund the placement of buoys.

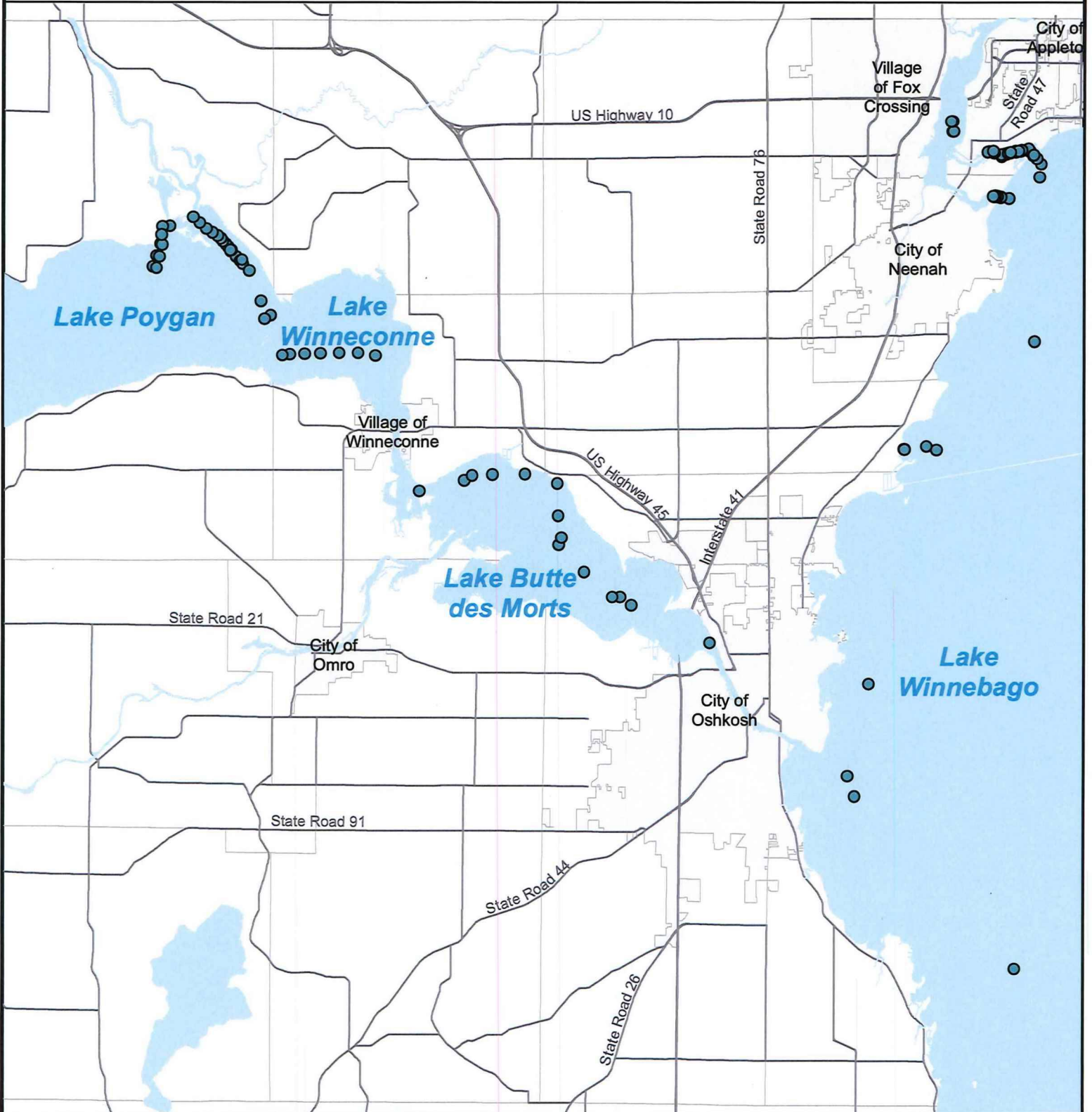
Under current practice, the county spends about \$70,000 per year on buoy placement and maintenance. In 2019, we spent over \$144,000 for capital improvements to the buoys. Because of the Wolf and Fox Rivers, we spend the most in the system. Utilizing a state grant would ensure boaters who use private launches and slips assist in the payment of the buoys.

Again, Winnebago County is committed to placement of the buoys and the legislation does not increase the RBF allocation or earmark money to our efforts.

Winnebago County is proud of our water resources. We are investing millions, with state assistance, to preserve and conserve the resource. We have dozens of community partner organizations who assist in the recreational opportunities of our lakes and rivers. This legislation will provide more partnership for the benefit of millions of Wisconsin residents.

Thank you for your time and consideration.

Winnebago County Buoy Map



Winnebago County,
Wisconsin

- Winnebago County Buoys
98 Navigation and
Navigation Pencil Buoys

W.I.N.G.S. Project Disclaimer
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Summary of the impact of Navigational Buoys on Winnebago County

INTRODUCTION

Myself and a group of local residents have been advocating for improvements and increased parking capacity at the Winnebago County Grundman boat launch since 2019. We began to research for answers, as to why we had recent inadequate parking and only minimal improvements over the last 16 years.

After determining that the cost associated to buoys was the primary cause of our current situation, we began to look for a funding source. The buoy cost should not have been a Winnebago County financial responsibility to begin with. This responsibility was assumed under duress, when the county was forced chose between protecting the safety and property of residents, or showing total disregard for any potential problems.

We then contacted Wisconsin State Senator Roger Roth, to try and find a state solution to fund the buoy program and end this untenable funding issue, that could continue on into perpetuity, at the expense of county residents.

HISTORY

This may not be new information to many county board members in regards to the historical impact of the navigational buoys, on the Park and Recreation Department and the County Boat Launch Parking Fee Program, based on the fact that the county board has had to deal with this issue for the last 34 years. Hopefully these county board members can provide additional insight and answers to some of the outstanding questions. This information was not common knowledge to our group and many other county residents.

According to William Ottow, former chief of the Coast Guards Menasha station, the Coast Guard stopped placing and maintaining buoys in the fall of 1987. Not because the locks were closed, but because the channel was not being dredged. Ottow also stated that the lack of dredging caused grounding of some boats, including the Coast Guards buoy tender. A crew was called in from the Great Lakes District 9 in Cleveland, Ohio to inspect the river, Ottow said. The boat carrying the Cleveland crew ran aground in the middle of the river. It was at that point the the Coast Guard said that was enough. The Coast Guard ended placing and retrieving the buoy's at that time. Ottow also said, that at that time the buoys were then turned over to local units of government. Many of these buoys were in various states of disrepair.

It was at that point that the Winnebago County Board needed to decide, under duress what to do. The choices were to protect the property and lives of residents or show total disregard, which really was never an option.

The responsibilities for the buoys, was then placed on the Winnebago County Park and Recreation department. All related cost for the buoys from 1988 to 2002 were part of the yearly Park and Recreation budget and these cost were assumed by every county resident. During this time frame all county boat launches were free!

On 11/19/2002 the county board passed an ordinance that established the county's Boat Launch Parking Fee Program, which was implemented in 2003. From that point, the majority of buoy related cost were to be paid for, with the boat launch parking fees generate, we assume.

It also appears the 2003 fees were not sufficient. Rob Way the Park and Recreation director indicated that two of the primary reason the county gave away a Winnebago County park and boat launch in Winneconne , was related to cost to maintain the park and insufficient funds to pay for buoy related cost. To make matters worse the Village of Winneconne insisted that the county do numerous repairs at the expense of county tax payers before they would accept the property!

From 2003-present the majority of buoy related cost were paid for, by the fees paid by anyone using Winnebago County boat launches. Anyone who launched their boats from any of the other municipal launches and county tax payers paid nothing!

There has been several launch fee increases which has resulted in the highest fees allowed under state law. Even with these fee increases, the buoy related cost used the majority of fees collected.

In 2019 the buoy related cost peaked at approximately \$104,000. Rob Way indicated that the cost to deploy, retrieve, and maintain these navigational Buoys is approximately \$720 apiece on yearly basis.

SUMMARY

While searching the meeting notes of the Park and Recreation Committee, we found that the lack of parking at the Grundman boat launch was discussed already in 2016.

We also learned from the Wisconsin DNR, that from 2000-2020, there was approximately 6000 additional boats registered in Winnebago County. There is currently is approximately 17,000 boats registered in Winnebago county.

We tried to understand how a county with a wave as a county emblem, a web page advocating water as our greatest asset, and a county that has approximately 17% all fresh water in the state, had invested so little over last two decades to develop these precious resources.

What we found as the main contributing factor, was the financial burden of assuming the cost associated with maintenance, placement, and retrieval of navigational buoys in Winnebago County.

I suspect that county levy limitations may have also been a contributing factor.

Another contributing factor that has led to inadequate Boat Launches was the misconception, that the County Boat Launch Trailer Parking Program once implemented, would generate adequate funds to provide for needed improvements, maintenance, and (to provide for improved and future additional access.) THE FACT IS THIS IS NOT A SELF FUNDING PROGRAM AND HASN'T BEEN SINCE 2003.

The primary reason is the cost associated with the buoys, which accounted for the majority of all income received. A conservative estimate of buoy cost since 2003-2021 is approximately \$1.3 million dollar. The current buoy contract indicates that approximately an additional \$280,000 could be added by the end of the current contract.

Approximately \$1.3 million was used from the Boat Launch Trailer Parking Program Fee Program, at the same time county information provided to the launch users, county residents, and a county code that states, that all funds received were to be used for county boat launches.

How do you rationalize navigational buoys used to mark channels and under water hazards thru out the county waterways, provides for boat launch trailer parking improvements and additional access for future generations?

This total does not include all cost to the county tax payers from 1988-2002 associated with assuming (under duress), the financial responsibility for the navigational buoys needed.

We asked Rob Way to provide a total cost to county residents and boat launch users from 1988 to present Rob stated that he would ask the Finance Department to provide this total. That total has not been provided to this point.

The state should provide for this financial burden and this financial burden should not be the responsibility Winnebago County, given that this waterway is used by all state residents, fishermen from all over the country, participants in one of many fishing tournaments, and tourist. The financial impact is substantial and these folks and county residents deserve a safe waterway to partake in these activities.

It is our hope that this background information will be used by our current elected county officials to provide testimony to the Natural Resources and Energy committee, that has been assigned the responsibility to determine if this legislation should proceed for a vote, to provide state funding.

Final Thoughts

The financial impact of Navigational Buoys to Winnebago County Residents has been substantial and is untenable.

I will continue to ask that the Winnebago county end using its resources, assuming the liability, providing for the administration and cost of Navigational Buoys, at the end of our current contract obligations.

Buoy cost can be calculated and future cost projected. How does one calculate loss of a county park and boat launch?

It is time to end this ongoing problem and understand the significant importance of protecting and providing for lake access not only for this generation, but for future generations, as this area of the state continues grow, in part due to our many water related recreational opportunities.

This information was provided to all Winnebago County board members, the Winnebago County Executive, and other department heads on a preliminary basis, to provide an opportunity for anyone to present additional information, allow for corrections and ensure this information is accurate. There has not been any information in this report disputed to this point and I have done the best I could to ensure all information provided is accurate.

Respectfully, David L Kane

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