

Lake Beulah

PROTECTIVE &  
IMPROVEMENT  
ASSOCIATION

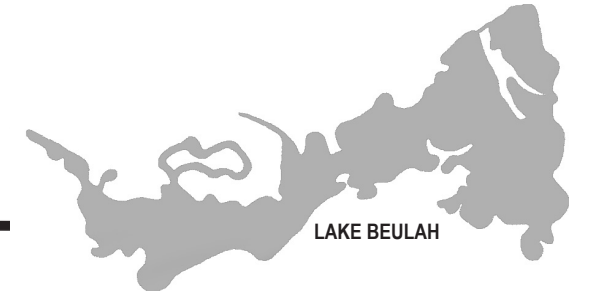


Established 1894  
Member, Wisconsin Association of Lakes

P.O. Box 153  
East Troy, WI 53120

Prsrt Std  
U.S. Postage  
Paid  
Rockford IL  
Permit No 579

# Lake Views



VOL 25 NO 1

A PUBLICATION OF THE LAKE BEULAH PROTECTIVE & IMPROVEMENT ASSOCIATION

Fall 2013

## From the President's Desk

"We all share this bathtub and we want you to be able to pee in it too." That coming from a Michigan Senator during the Midwest Legislative Conference on natural resources, in regard to his proposal that other states join his quest for weaker ballast water standards for ocean going ships entering the Great Lakes. As we know, ballast water is the primary source of invasive species, such as zebra mussels and Eurasian milfoil, which have altered the ecosystems of inland waterways like Lake Beulah. Ballast water regulations vary among the states, and the new federal rule enacted by the EPA is the subject of a lawsuit alleging that it lacks sufficient enforcement capability. Meanwhile we're told that the economic harm caused by invasive species vastly outweighs the economic benefit generated by the ocean going freighters traveling the Great Lakes. In sum, a problem in desperate need of a comprehensive, regional solution. But perhaps the good Senator has stumbled upon an answer to our local conundrum: if we add more urine to the Beulah bathtub, we just might kill off a few invasives and, at the same time, dampen the Village of East Troy's desire to drink from it.

Invasive species are but one of the challenges facing those committed to protecting the quality of our inland water resources. As related in another article in this newsletter, Wisconsin has a new law taking effect next year that will prohibit any challenge to a high capacity well permit on the grounds that the DNR

did not consider the potential environmental impact of the well. Laws governing matters such as shoreline development, piers, boating, water withdrawal, Stewardship funds, land use planning and more, have a considerable impact on the quality of our waterways and, accordingly, our enjoyment of those resources. That is why the LBPIA board, in conjunction with our members and aligned organizations, must continue to monitor and respond to legislative proposals which, in some measure, are the functional equivalent of peeing in our bathtub.

Enough of the scatological similes. As I write, summer is about half done; the rains have replenished what last year's drought took from the lake; we are working with the Lake Beulah Management District and the Town to implement a plan to dissipate the impact of wakeboarding; and we await construction of the new spillway on Highway J, the final design characteristics of which yours truly is unaware at this juncture. We hope to share details on these and more issues at our fall meeting, at 9:00 a.m. on September 21, 2013 at the Town Hall. Please join us there and, if you haven't done so already, send in your membership form. We need your voice, your opinions, and your \$40. Thank you----

Daniel Bach  
LBPIA President

## LBPIA Fall Membership Meeting

**Saturday, September 21, 2013 at 9:00 AM**  
**Town of East Troy Town Hall**  
**N9220 Stewart School Road, East Troy, WI**

*The usual coffee, donuts,  
and good fellowship will be available.*

### In This Issue...

Well Issue .....	2
Fall Lawn Care Tips for the Riparian Landowner .....	3
Paddle Prattle Fall 2013 .....	4
Paddle Prattle Fall 2013 continued .....	5
More Dam Issues .....	6

**Well Issue**

This past May the LBPIA sent out an alert to members via email warning of a provision concerning high capacity wells inserted into the State budget bill by the Legislature’s Joint Finance Committee. The proposed language would change state law by precluding anyone from challenging an application or permit for a high capacity well on the grounds that the cumulative environmental impacts of the proposed well had not been considered. That is precisely the type of challenge the LBPIA and the Lake Beulah Management District made in regard to the well installed by the Village of East Troy near the shores of Lake Beulah.

We asked our members to contact their elected representatives to express opposition to this aspect of the budget bill. The LBPIA joined other lake associations and organizations in filing a joint letter to the Governor and Legislature opposing this provision. Lobbyists were employed on both sides of the issue, and I was informed that the dairy industry in particular fought to include this language in the budget. One of the few publicly available comments about the purpose served by the well provision, coming from its sponsor, Rep. Daniel LeMahieu, was that it “protects the DNR by taking the judicial branch out of the permitting process.” Not coincidentally, there is a pending legal challenge to a high cap well permit granted to a large dairy operation in the central sands area of the state, where lakes and streams are drying up due to excessive tapping of the aquifers which feed them.

Once the Legislature passed the budget bill and presented it to Governor Walker, he used his veto power to modify the high capacity well provision slightly. Instead of taking affect immediately and applying to well approvals already being challenged, the new law will not take effect until July 1, 2014, and will apply only to well applications submitted on or after that date. So our collective efforts bought another year under the current law. After that, nobody in this State will be able to challenge an application to install a high capacity well on the grounds that the well’s potential impact on the environment---on water quality, on water temperature, on water levels, on spawning grounds and wetlands---had not been considered by anyone.

An argument may be made that the DNR hasn’t the staff to conduct an environmental assessment in regard to each well application. Fair enough. In deciding our case, the Wisconsin Supreme Court ruled that the DNR didn’t have to consider the environmental impact of a proposed well unless opponents presented scientific evidence showing that the well could be detrimental to a navigable body of water, or have some other environmental consequence. Apparently, that safeguard against specious challenges to well applications wasn’t good enough for certain powerful interests.

In my opinion, it would have been prudent to live with the Supreme Court’s unanimous decision for at least a few years and assess its feasibility. At present, it costs \$500 to file an application for a high capacity well permit, an amount that falls considerably short of paying for any level of environmental analysis by DNR staff. Such fees, known in state government as program revenue, are used to pay for government services for which tax dollars are not allocated. It might have been advisable to raise the application fee on a sliding scale, based on the volume of water sought to be pumped under a given permit, in order to pay for environmental analyses when required under the Supreme Court’s standard. But that didn’t happen either.

We will continue to monitor the impact this legislation has in the future, particularly in regard to navigable waters. Unfortunately, unless the law is changed again, our association and others will be left in the position of reacting to the damage done by the lack of any scientific review of well proposals, rather than taking measures to avert the long term effects of ill-considered projects. Apparently, the old “ounce of prevention” adage doesn’t carry much sway in Madison these days.

**Area Chair Network**

Fall 2013

Area Chairpersons are committed Lake Beulah residents who serve as the primary contacts for the Association. Should you have an interest or concern about anything regarding the Lake, please be sure to contact your area chair.

<b>Lake Beulah Area</b>	<b>Chairperson(s)</b>
<b>A</b> Country Club Lane & Austin Rd.....	Jane Tanis (262-642-9232) jtanis@wi.rr.com
<b>B</b> Beulah Heights Road.....	Richard Stenglein (262-642-3643)
<b>C</b> Oakwood Lane & It’s A Little Road.....	Jim Holtermann(262-642-3050)
<b>D</b> Lake Road & Windy Way.....	Penny Clayton(262-642-3083)
<b>E</b> County J Road.....	Don Tacke(262-363-4327)
<b>E</b> Marsh Road & Millsite Road .....	Don Tacke (262-363-4327)
<b>F</b> Island Drive & Golden Way.....	Jean Maiwald (262-363-0829)
<b>G</b> Brynes Lane & Romadka Park Road.....	Roy Gerloff (262-642-5213)
<b>H</b> Horseshoe Lane & East Shore Road (to Beulah Park) .....	Josie Midman(262-363-8892)
<b>I</b> Beulah Park Road.....	Ken and Pat Jarecki (262-642-9729)
<b>J</b> East Shore Road & Thistle Lane.....	Vacant
<b>K</b> South Shore Drive (to Humphrey Lane).....	Mary Jo Ward (262-642-5676)
<b>L</b> South Shore Drive & Humphrey Lane.....	Kathleen Tauger ptaug@milpc.com
<b>M</b> Kings Parkway & Kings Lane.....	John & Bea Sonderegger(262-642-5716) johnsonderegger@att.net
<b>N</b> Pastime Lane & Grandview Drive.....	Bill & Maya Murphy (262-642-9837) murphmaya@centurytel.net
<b>O</b> Wilmers Grove Road, Wilmers Point Lane & Wilmers Landing.....	Brian Fons(262-642-9613)
<b>P</b> Stringers Bridge Road, New Deal Ave. & West Bay Road.....	Michol Ford(262-642-5189)
<b>Q</b> Beach Road & Deerpath Road.....	Amy Kagabitang (231-622-3093)

**2013 LBPIA Board of Directors**

**Dan Bach, President**  
608-260-0000  
bach@bauer-bach.com

**Joan Huening  
Website and Marketing**  
874.894.6594  
jshuening@gmail.com

**Ray Fisher, Vice President**  
414-421-5425  
rafisher4641@att.net

**Alyssa Klopatek  
Chair Membership and  
Area Chair Network**  
414-587-4480  
lbmembership@gmail.com

**Neil Seeger, Treasurer**  
847.917.1912  
neilseeger@yahoo.com

**John Sonderegger  
State and Local Affairs**  
847-259-2787 – 262-642-5716 (Lake)  
johnsonderegger@att.net

**Carol Stein, Secretary**  
262.642.7721  
dcstein@wi.rr.com

**Jody Allen Heimos  
LakeViews Newsletter  
and Education**  
262-215-3990- 262-642-7466 ext 206 (Lake)  
jheimos@campedwards.org

**Keith Beren  
Water Quality**  
kaberen@hotmail.com

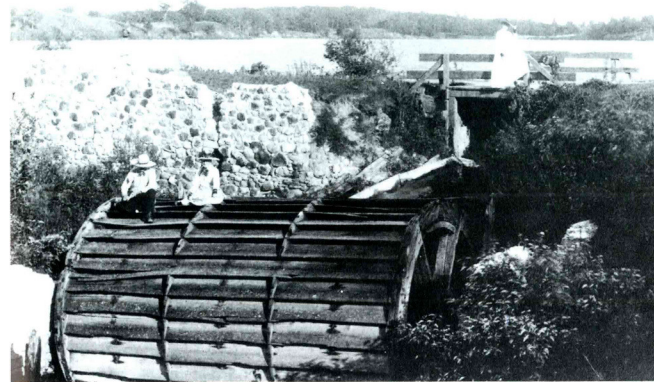
**More Dam News...**

by Daniel Bach

We have some competition in terms of longstanding battles with governmental agencies over water issues. The water level of Lake Koshkonong, Wisconsin's sixth largest inland lake, has been the subject of litigation since the DNR's denial of a petition filed in 2003 by the Rock-Koshkonong Lake District and other associations to raise the DNR-designated level of the lake. By way of background, Lake Koshkonong is a widening of the Rock River currently having an average depth of five feet. The lake level is controlled by a downstream dam which, until it was repaired in 2002, allowed the lake to exceed its targeted depth. Once the wicket gates controlling the water flow were fixed and the accumulated debris that had backed up the water was flushed from the dam's collector racks, the lake level dropped to its current depth and Illinois inherited a bunch more trash.

At the same time, riparian owners found themselves with bigger front yards, and the need to install much longer docks. Navigational obstacles also emerged. But the lower water levels also rejuvenated wetlands that are critical to filtering pollutants. The lake also was restored a tad closer to its natural state, which was essentially a marshy field of wild rice before the first dam was built by the Stoughton brothers.

Why is any of this of significance to those who are concerned about protecting Lake Beulah? First, we have a spillway that's about to be replaced. Second, as reported previously, the DNR wants to include as part of the new spillway a mechanism to control the water level of Lake Beulah. Third, while I favor wild



dam circa late 1800's

rice, I really don't want it to comprise our new front yard, nor did the Koshkonong residents.

So they took their battle all the way to the Wisconsin Supreme Court. Sound familiar? In July the court ruled that the DNR erroneously failed to consider evidence of the economic impact of lower water levels on residents, businesses, and tax bases adjacent to and near Lake Koshkonong. In reaching that decision, the court relied in part on *Smith v. Youmans*, the 1897 decision holding that the owners of property adjacent to Lake Beulah had an economic stake in the water level established over time by the construction of a dam at the north end of Mill Lake.

It is now clear that despite DNR's authority to regulate dams and establish water levels, it cannot disregard the impact of its decisions on riparian owners and others with an economic interest in the matter. We shall see how this decision affects construction of the new spillway on Lake Beulah.

---

*Lake Views is published periodically by the Lake Beulah Protective & Improvement Association. Every effort has been made to provide correct and accurate information. There is, however, no guarantee as to the total accuracy of information included. The opinions expressed are not necessarily those of the LBPIA Board of Directors. Individuals who wish to submit articles, artwork, poetry, calendar items or photography may send contributions to Lake Views Editor, LBPIA, P.O. Box 153, East Troy, WI 53120. Articles in Lake Views may be reprinted or reproduced for further distribution, with acknowledgment to the Editor.*

**Fall Lawn Care Tips for the Riparian Landowner**

A riparian is a person who owns a parcel of land which borders a natural body of water within the State of Wisconsin.

Riparian areas serve many important functions, including purifying water by removing sediments and other contaminants; reducing streambank and stream channel erosion; and supporting a diversity of plant and wildlife species. Riparian landowners have a great responsibility to preventing polluting pollutants from entering the waterways. Here are some tips to maintaining a healthy lawn in the fall and throughout the rest of the year:

- Keep your grass 2 ½ to 3 inches high throughout the fall. Cutting the grass shorter than 2 inches will limit its ability to store food in the spring.
- Avoid stockpiling or burning grass clippings, leaves and other debris along streambanks, which can lead to erosion and vegetation loss. Yard waste deposited in the waterways can cause significant changes in nutrient levels, leading to poor water quality.
- Compost or recycle fallen leaves instead of bagging them. The leaves can either be chopped up into smaller pieces with your mower and left

on the lawn to provide nutrients for the winter, or can be added to your compost pile. Leaves can also serve as mulching material for flower beds or other areas around your home.

- Fall is generally the best time to apply fertilizers, pesticides or herbicides to your lawn. Disease and weed problems are usually less severe when fall fertilization is practiced. Heat and drought tolerance are generally better, thus enhancing summer lawn quality.
- Do not use weed or pest control products near streambanks or lake shores.
- Remember to maintain a buffer strip of 25-foot or greater of dense vegetation, preferably native plants that establish deep roots, which are less susceptible to soil erosion.
- Speak with your lawn care professional regarding slow release fertilizers, which have far less environmental impacts. There are many non-toxic alternatives to try.

Riparian responsibility is important all year long. This fall, challenge yourself to learn more about reducing the use of chemicals to control pests and weeds in your yard, finding alternatives and creating a healthier lawn and landscape.

**Additional Contacts For Lake Residents**

**Town Chief of Police:**

Jim Surges  
N9220 Stewart School Road  
East Troy, WI 53120  
Phone: 262-642-3700

**Town Hall:**

(Sandy – receptionist)  
N9220 Stewart School Road  
East Troy, WI 53120  
Phone: 262-642-5386

**Lake Management District Attorney:**

Dean P. Laing  
O'Neil, Cannon, Hollman, DeJong S.C.  
111 E. Wisconsin Avenue, Suite 1400  
Milwaukee, WI 53202  
Phone: 414-276-5000  
Fax: 414-275-6581  
E-mail: dean.laing@wilaw.com

**Chairman, Lake Beulah Management District:**

Dave Bitter  
N9467 East Shore Road

Mukwonago, WI 53149-1909  
E-mail: dbits@wi.rr.com

**Chairman, Town Board:**

Joe Klarkowski  
East Troy Town Hall

**County Supervisor (Dist. 1 – Town of East Troy)Walworth County:**

Rick Stacey  
Phone: 262-642-9689

**LBPIA Attorney:**

William Stuart  
Meissner Tierney Fisher & Nichols S.C.  
The Milwaukee Center  
111 East Kilbourn Ave.  
Milwaukee, WI 53202-6622  
Phone: 414-273-1300  
Fax: 414-273-5840  
E-mail: DLF@MTFN.com

**LBPIA Web Site:**

www.lakebeulah.org

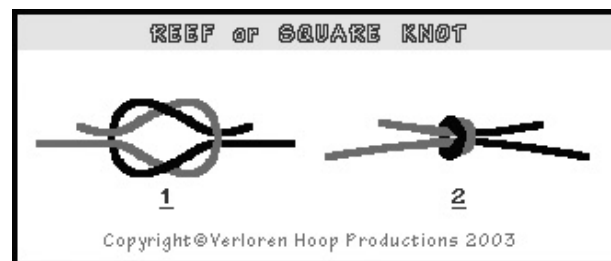
Effective as of April 1, 2010

## Paddle Prattle Fall 2013

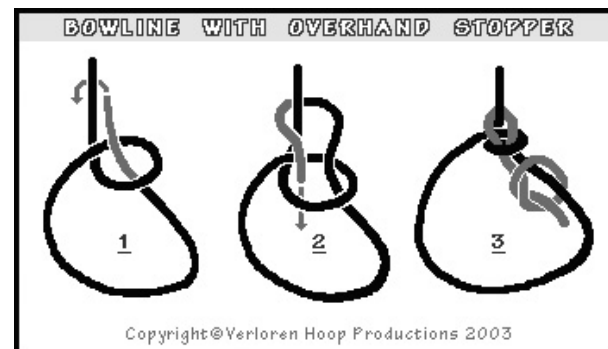
by Dr. Scott Miller

**1** All boaters need to have some working knowledge of knots and how to tie them. Those sailors among us probably have the greatest knowledge in the use of knots but they are important to paddlers also. Today we are going to take a quick look at some of the most common knots and tie-down techniques that are used in paddle sports.

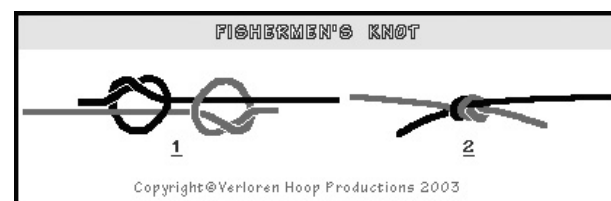
The “square knot” or “reef knot” is one of the simplest and most useful knots out there. I teach my Boy Scouts to remember “left over right and right over left” to keep them from making the same throw twice and ending up with a “thief’s knot.” This type of knot will have little to no holding power. One way to know if you’ve tied the knot correctly is to look and see if the two lines form two interlocking loops like in diagram “1” below.



**2** Another common knot that is good for making a standing loop in the end of a line that won't move when under tension is the “bowline” knot. Climbers use this knot quite a bit because of this property. I tell the boys to make a loop near the end the rope and pretend that it is a “rabbit hole” with the tail end of the line being the “rabbit” and the standing part of the line a “tree”. The end of the line (“rabbit”) is brought up through the “rabbit hole”, goes around the “tree” and back down the “rabbit hole.” You don't have to tie the “overhand stopper” (3) as in the diagram below to have a really secure knot.

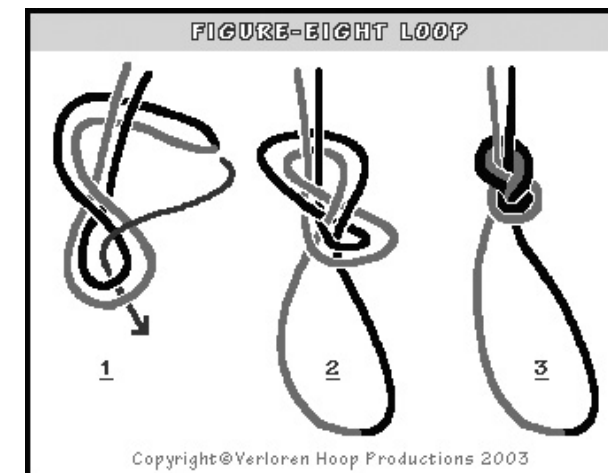


**3** Another useful knot for tying together then ends of the bungee cords on the deck of your kayak is the “fisherman’s knot”. It is simply two half hitches that are tied into the ends of each rope or bungee.

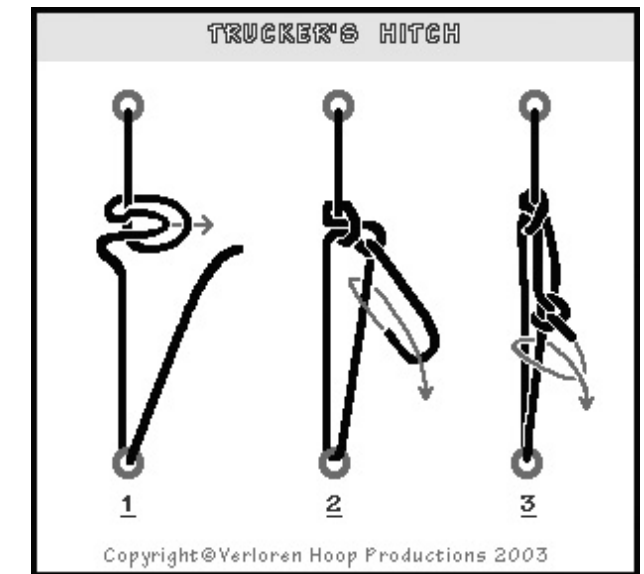


## Paddle Prattle Fall 2013 continued

**4** One last technique that I use to tightly cinch down a canoe or kayak onto a car is to tie a standing loop (figure eight knot) into a line and use that loop as a “pulley” that gives a mechanical advantage to cinching the line tight. To tie a standing loop, make a “loop” and leave enough line so that you can double the line back around the tie down point on the car and double back through the “figure eight knot” and still have enough room tie some half hitches. In the figure below, imagine that the dark line is the line from the boat and the lighter end is going to go through the tie down point.



**5** Once you have this knot tied. Pull the light colored line through the tie down point and double it back through the loop like in “2” below and pull “down” on the line through the loop. This will double the power you have for cinching an opposed to just putting the line through the tie down point. Secure the line by tying a few half hitches as in “3” to secure the line.



There are many other knots out there to learn but these are the few that I use most commonly. Sometimes it is easier to see how a knot goes together with an animation rather than drawings. To learn more you can look at one of the many “animated knot” sites on the internet.

continued on page 5