

Lake Beulah

PROTECTIVE & IMPROVEMENT ASSOCIATION



Established 1894
Member, Wisconsin Association of Lakes

P.O. Box 153
East Troy, WI 53120

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VOL 14 NO 1 A PUBLICATION OF THE LAKE BEULAH PROTECTIVE & IMPROVEMENT ASSOCIATION Spring 2006

From the President's Desk

And the beat goes on regarding the Village of East Troy high capacity well permitted by DNR at a maximum pumping capacity of 1000 gallons per minute (1,400,000 gallons per day) at a location approximately 1400 feet from the shores of our valued Lake Beulah. Since my last message in the fall, the Village has received on September 6th, 2005 a two year extension from DNR for the well #7 permit. The good news is that as far as I know, the Village has opted not to commence construction of well # 7. I understand alternate well sites outside the Beulah watershed are also still on the table and being investigated that could result in a win, win solution for all parties involved.

At the same time your (LBPIA) has continued in the appeal litigation process by joining the Lake Beulah Management District (LBMD) in a filing on December 5th, 2005 of a combined appeal brief with the State of Wisconsin Court of Appeals appealing the previous decisions of the State's Administrative Law Judge (ALJ) and the Walworth County Circuit Court which denied us the opportunity for a "Contested Case" hearing on the DNR permit for well # 7. The State Appeal Court decision can be expected in four to six months or sometime after June of 2006. It remains my hope that an alternate site for a new well can be found and agreed upon before then thus obviating continued litigation.

On another matter of significant interest to our valued Lake Beulah is reaching resolution on the long standing impasse of the ownership & responsibility for maintaining the Lake Beulah Dam. I believe significant progress has been made over the past six months. Walworth County under the leadership of Michael Cotter has accepted the role of hosting two meetings in an attempt to bring the identified owners, Lake Management District officials and County officials together to try and reach common agreements and potential actions by each of the parties which could lead to resolution of the issues surrounding the dam. Some of the key points that are currently being followed up on from the last meeting held on January 25th 2006 included:

- County to work on adopting flood plain zoning ordinance downstream of Beulah.
- County to follow through on the dam's spillway 1000 year flood capacity analysis.

- The LBMD to review and propose suggested changes to the first draft Easement Agreement proposed by the owner's counsel back in late 2003.
- I agreed to contact Bill Sturtevant the dam safety engineer at DNR for clear delineation of what constitutes the dam and ownership along its full length.
- The next meeting of interested parties has been scheduled for Thursday June 1st at 6:00 P.M. at the Walworth County Public Works Offices conference room.

We have some great articles in this edition of Lakeviews, so please read on and learn and enjoy. Also please mark you calendars for our spring member's meeting scheduled for Saturday, May 13th, 2006 at the East Troy Town Hall starting at 9:00 AM. As always, donuts & coffee will be served coupled with important update reports from the LBMD, your own LBPIA Board and a quality guest speaker. Please plan on joining me & your other fellow lake resident neighbors to share and find out the latest on issues relating to our lake community.

Finally, a special thank you to all our LBPIA members who contributed so generously to our March 1st annual dues and contributions request. It is because of your generosity that we will be able to carry on not only any continued legal work on the Village well but also to carry on many of our regular activities such as our web site www.lakebeulah.org, this news letter, funding youth education, involvement with other lake organizations, etc.

Paul Didier, President, LBPIA

A long walk on the pier (continued from page 4)

individual permits to keep them. Parts of the rule were suspended by the Legislature.

DNR went back to the drawing board and developed a revised rule that was approved by the Natural Resources Board late last year. (<http://dnr.wi.gov/org/water/fhp/waterway/pierrulesupdates.shtml>)

Just days after the Board approved the new pier rules, the Assembly adopted AB-850, which grants waterfront owners additional rights to place piers. Among other provisions, that legislation would have "grandfathered" nearly all existing piers and ensured at least one boat slip for each residential unit on every waterfront parcel in the state. In the final bill approved by the Assembly the last provision was modified to grant "double the density" of boat moorings for commercial and multi-family parcels. The amended Assembly bill and the DNR pier rules are now being reviewed in the Senate.

Senator Neal Kedzie (R-Elkhorn) and Rep. Scott Gunderson (R-Waterford), who chair

the Senate and Assembly Natural Resources Committees are now working to resolve the pier regulation debate. They have convened a group (including WAL and other conservation and development interests) to assist in that effort. As of this writing, there is reason to hope that a final package (including an amended bill and revised DNR rules) will be reached before the Legislative Session ends this spring.

Meanwhile, pier cases are pending before the Wisconsin Supreme Court and the Court of Appeals. WAL has participated in two of these cases, State v. Hilton and Baer v. DNR. In both cases, riparian owners claim their rights have been violated by state pier regulation under the old pier laws.

Originally printed in the Wisconsin Association of Lakes quarterly newsletter, *The Lake Connection*.

Editor's note: Police Chief, Jim Surgess, stated this debate puts the town's pier in mooring ordinance, adopted in June 2005, in a state of flux.

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Boating Season is Here—Boating Laws Updated for 2006

by Town of East Troy Police Chief Jim Surges

Instead of being educated about our boating laws through an encounter with our patrol boat, a review of our boating laws may prove less painful.

Slow-No-Wake-A speed no greater than is necessary to steer your boat. This speed must be observed during the following circumstances:

1. 150' from shore.
2. 100 feet from any pier, raft, moored boat, skin diver's flag, or a swimmer.
3. While traversing any channel on Lake Beulah.
4. Between shore and any slow-no-wake buoy located along the shoreline.

Although it is often difficult to determine distance with certainty, please err on the side of safety.

Age Restrictions

1. No one under the age of 10 may operate a motorboat.
2. No one under the age of 12 may operate a personal water-craft (generic term - jet ski or PWC).
3. Persons between 10 and 12 may operate a motorboat (except PWC) if accompanied by a parent or guardian, or a person at least 18 years of age designated by a parent or guardian.
4. Persons 12 thru 16 may operate a motorboat under the requirements of number 3 above, or if they have successfully completed a DNR Boating Safety Course and possess a certificate. To operate a PWC, persons at least 12 but under 16 years of age **must** be in possession of a valid, state approved boating safety certificate. (Parental supervision is not a substitute for a safety certificate.)

Speed Restrictions

1. On Saturdays, Sundays and Holidays, a boat may go no faster than 10 MPH from 6 PM to 10 AM. This includes Saturday morning. If your boat's speedometer does not work at low speeds, or you have no speedometer, if you are on plane, you're going too fast.
2. A boater must travel no faster than is reasonable and prudent under the existing conditions. Sorry this is so vague. There is no real speed limit on lake Beulah. If the speed of your boat is placing you or someone else in danger, based on what the officer sees, you may be cited. Therefore, open water with no traffic is the place to enjoy your boats' speed. Once other traffic enters the scene or you approach areas with limited sight distance, you must reduce your speed accordingly.

Water-skiing

1. Skiing is allowed only from 10:00 AM until sunset, Monday through Friday, and between 10:00 AM until 6:00 PM on Saturdays, Sundays and Holidays. **(The weekday 10:00 AM start rule is frequently violated – please advise new-comers to our lake)**
2. Use of a Personal Flotation Device is strongly recommended while water-skiing on Lake Beulah.
3. During weekends and holidays on Lake Beulah, you may only use one tow-rope behind your boat at a time, therefore only single skiing is allowed. **If you tow a device that can carry several people, you may do so as long as only one tow-rope is used.**
4. The boat and skier are a complete package. The skier as well as the boat must stay clear of areas requiring slow-no-wake. Therefore, pulling skiers from shore or dropping them off is prohibited. If you have someone who cannot deep-water start, there are several places on the lake with shallow areas which are not in slow-no-wake zones.
5. Each boat towing a skier must have one competent observer in the boat in addition to the driver.

Personal Water Craft (jet skis, wave runners, et al)

1. All persons riding a PWC must wear a PFD (life vest).
2. It is illegal to operate a PWC while facing backwards.
3. **If a PWC is within 100' of any other craft, including other PWC's, the PWC must not exceed a speed of slow-no-wake.**
5. Remember that PWC's are motorboats. All additional boating laws apply to them as well, such as registration, etc.
6. If you use your PWC to tow a skier, you must use a PWC designed for at least three people. You must have a competent observer aboard as well. One place on the PWC must remain vacant in case your skier needs transport.

Miscellaneous

1. You must have one PFD for each person on board.
2. You must have your front and rear light operating if you are out after sunset. Check these lights before you leave your residence if you know you are going to stay out late.
3. Operating a boat while under the influence of alcohol or other drugs is illegal. Any accident on the water is considered serious due to the environment where it occurs. Therefore, please be sensible about alcohol consumption while you are around the water.
4. Sailboats 12 feet and larger must be registered and display their registration numbers.

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.

Area Chair Network

April 2006

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.

Lake Beulah Area	Chairperson(s)
Country Club Lane & Austin Rd.	Jane Tanis (642-9232)
Beulah Heights Road.....	Jehri & Kelle Robinson (642-5989)
Oakwood Lane & It's A Little Road	Jim Holtermann (642-3050)
Lake Road & Windy Way	Penny Clayton (642-3083)
Highway J & Millsite Road	looking for volunteer
Island Dr & Golden Way.....	Jean Maiwald (363-0829)
Brynes Lane & Romadka Park Road.....	Roy Gerloff (642-5213)
Horseshoe Lane & East Shore Road (to Beulah Park)	Josie Midman (363-8892)
Beulah Park Road	Marge Harvey (642-5436)
East Shore Road & Thistle Lane	Joe & Marge Kelly (642-9026)
South Shore Dr. (to Humphrey Lane)	Arlene Gull (642-7272)
South Shore Dr. & Humphrey Lane	Kathleen Taugher (642-3835)
Kings Parkway & Kings Lane	John & Bea Sonderegger (642-5716)
Pastime Lane & Grandview	Dr.-Bill & Maya Murphy (642-9837)
Wilmers Grove Rd, Wilmers Point Lane & Wilmers Landing	Brian Fons (642-9613)
Stringers Bridge Road, New Deal Ave. & West Bay Road	Michol Ford (642-5189)
Beach Road & Deerpath Road	looking for volunteer

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Dr. Scott Miller
Water Quality Committee
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LBPIA Spring Member's Meeting

Saturday, May 13, 2006 beginning @ 9:00 AM

Town of East Troy Town Hall

N 9220 Stewart School Road, East Troy, WI

Invited Speaker: Jodi Habush Sinykin
of Council Midwest Environmental Advocates

who currently serves on the Legislature's Gound water Advisory Council dealing in part with high capacity well legislation.

LAKE BEULAH PROTECTIVE & IMPROVEMENT ASSOCIATION 2006 ACTION PLAN

- 1) Continue to inform & educate the membership on land and lake use laws and regulations and support the Town, County and State in their enforcement with emphasis on lake weeds, shore lands management and landscaping. **Note: We implement a twice annual news letter and maintain a regularly updated Web Site www.lakebeulah.org as two primary initiatives coupled with other educational outreaches with local schools, Camps and lake property owners to accomplish this goal. We will advertise our scheduled member meetings.**
- 2) Continue working with the Wisconsin DNR, our members, volunteers and other experts to monitor and improve the overall health of Lake Beulah's fish, wildlife and aquatic ecosystem. We will continue to pursue the latest state of the art water quality monitoring & reporting techniques; obtain available training to carry out these tasks; and summarize results in reports for meaningful interpretation and follow up.
- 3) Continue support of the efforts that will result in the Lake Beulah Management District (LBMD) assuming responsibility for the regular monitoring, maintenance, and long term care of the County Highway "J" dam . t
- 4) Support the LBMD's initiative to update its boundaries.
- 5) Monitor, comment & take actions representing the mission, views and interests of the Association regarding proposed developments on the Grafenauer & Thomas property as well as any other developments that may affect the Lake and its surrounding environs including but not limited to the proposed Village well on that property. More specifically we will try to propose alternatives to such developments where appropriate; ask the Village if there's some kind of monetary settlement that might allow altering the subdivision plan and relocate or resize the proposed well; seek support from other organizations like WAL, Citizen Advocate Groups and SEWRPC.
- 6) Continue to support local area educational outreaches of our youth such as the annual "Water Education Days" for students by Edwards YMCA Camp.
- 7) Continue to monitor, review and comment on boating laws & water safety issues.

Water Education Days 2006

On May 1st and 2nd, 150 5th grade students from the East Troy area will be participating in Water Education Days at Camp Edwards YMCA. This annual event is being sponsored by the Lake Beulah Management District. Due to this generous education grant, Water Education Days is free for the local schools. The students will learn about the importance of water in our everyday lives, especially the waters of Lake Beulah. The classes offered this year are Water Quality, Lake Study, The Fish of Lake Beulah, Wetlands, and Amazing Amphibians. This is a wonderful learning opportunity for the students that attend. Camp Edwards gives a huge thank you to the Lake Beulah Protective and Improvement Association and the Lake Beulah Management District for their continued support in Water Education Days.

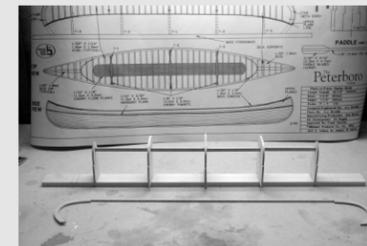


Paddle Prattle

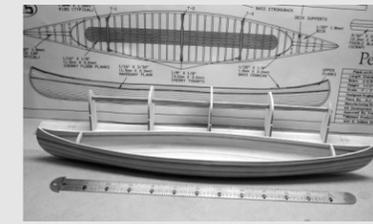
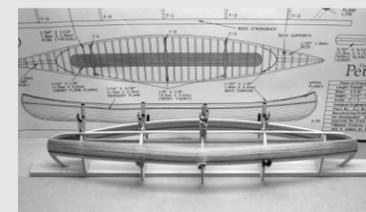
by Scott Miller, M.D.

Another spring is upon us and soon the paddling season will start up! The big question over the winter is what do you do while the ice is still on the lake? One of my hobbies is building wooden model sailing ships so I decided to try my hand at building a model wooden canoe this winter. Strip built canoes have been around since the late 1800's. One of the oldest and most famous styles of these canoes is the Peterboro canoe. These canoes are constructed out of strips of cedar or other soft wood. The process starts out with the erection of a "strongback" which is a solid wooden frame onto which forms are placed that correspond to the shape of the canoe's hull. The model that I built follows this same traditional construction process and is detailed in the photos below.

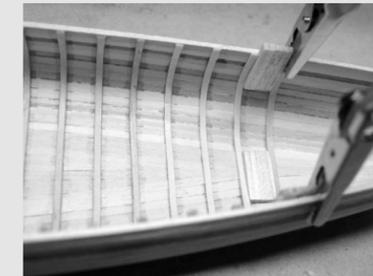
The strongback and bow, stern and keel assemblies are shown in the following photo.



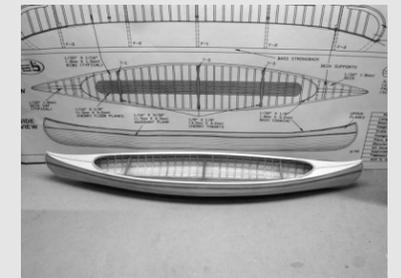
Next the individual planks are shaped, attached to one another as well as to the bow and stern as is illustrated in the next photo.



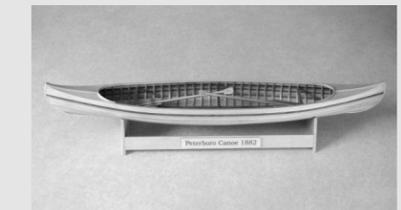
Once all of the planks are in place the shell of the canoe is removed from the strongback as shown below.



On a modern strip built canoe a layer of fiberglass would be placed over the entire canoe on both the inside and outside. On an old-fashioned canoe internal support frames are bent and placed to reinforce the hull as shown in the following photo.



Lastly, thwarts are fixed across the top of the canoe as stiffeners, floorboards were installed and the decks and gunwales are placed on the top of the hull to finish off the canoe as shown below.



What canoe would be complete without paddles? A pair of these was made along with a display cradle to complete the model.

Now to some day build one at full scale instead of in miniature...

Water Quality

The spring warm up means another season of water quality monitoring is upon us! Each year Ron Anders fires up his pontoon boat and ventures out onto the lake and to make measurements of water clarity and chemistry. The data that he collects is entered into the DNR's water quality monitoring web site. The DNR pools our data with those from other lakes to get a picture of the overall health of Wisconsin's waterways. An individual report for Lake Beulah is available online for anyone interested in viewing it. The web address of our report is: <http://www.dnr.state.wi.us/org/water/fhp/lakes/selfhelp/Reports/reportsbylake.asp?storet=653121&wbic=766600>. We'll give a summary of the 2006 data in the fall edition of Lake Views.

Lake Beulah Management District Report

Highway J Dam: Michael Cotter, an attorney for Walworth County, held a meeting in January of dam (Highway J) property owners representatives from LBPIA and LBMD. The purpose of the meeting was to establish who will undertake the overall administrative function for meeting the DNR mandates due December of this year. A follow-up meeting is being planned.

Village Well: At this time the proposed Village Well #7 is tied up in the courts. We are still hoping the Village is investigating an alternate site which could provide them with

their water needs, and while not having an adverse impact on Lake Beulah.

Weed Harvesting Permit:

Commissioner Nahrwold has applied for our weed harvesting permit for this season. He will be monitoring the growth of milfoil and a decision will be made for the possible application of 24D.

Meetings: Our meetings are posted in the East Troy Times with an agenda. They are held on Monday evenings starting at 7:00 P.M. at the East Troy Town Hall. Your attendance and comments are welcome. Just to

give you an idea of what is on our agenda, here is the agenda from our February 27th meeting: 1) approve minutes from 12/12 meeting 2) treasurers report 3) co-op study regarding Mukwonago River Basin 4) water budget/model update 5) Camp Edwards education program 6) Highway J Dam update

7) commissioners/public comments 8) next meeting date 9) adjourn to closed session 10) reconvene to open session 11) adjourn

Hope to see you at our meetings.

Dave Skotarzak, Chairman

A long walk on the pier

by Attorney William P. O'Connor, Legislative Counsel

The subject of piers has recently emerged from decades of quiet to a storm of controversy. During my quarter century of involvement with the Wisconsin Association of Lakes, the subject rarely came up. State law broadly recognized the rights of riparian owners to place piers that did not obstruct navigation or interfere with their neighbors or with public rights in water.

The standards established by the Legislature were general, using phrases more like the Ten Commandments than a municipal building code. It was possible for reasonable people to interpret the standards differently. But then, the entire system was premised on the expectation that lakefront owners would act responsibly to their neighbors and the adjacent waterway.

Most did and most lakefront owners went through the annual rituals of pier placement and removal in watery peace, with nary a thought of property rights or state regulation. A few waterfront owners did push the envelope too far (extending a pier half way across a lake, installing a pier end wet bar or bathroom). The law included a complaint-based system to resolve problem piers. DNR staff reviewed the complaints and (in most cases) informal action was taken to resolve the problem. Rarely did a conflict over a pier lead to an administrative hearing or court challenge. Actual pier permits were required for a handful of marinas and other exceptional piers.

This quaint system was not perfect. But it worked remarkably well for several decades at a rock bottom cost to taxpayers and riparian owners. That time has passed. Right now the Legislature, the DNR, the Governor and the Courts are all involved in the once quiet backwater of pier regulation.

The great pier debate

The Wisconsin Association of Lakes is actively engaged in the great pier debate. The Board has approved two key policy goals to help guide our involvement. First, to ensure that pier placement does not damage habitat, obstruct navigation or interfere with the rights of other riparian owners or the public. Second, to maintain current law, which generally recognizes that the right to place piers should be proportional to shoreline frontage rather than the density of shoreland development. Here is some background.

In 2003, the Legislature decided to reform pier law by defining piers (by length, width and boat mooring capacity) that may be placed without any state permit. Shortly after that law was enacted, DNR convened a committee of stakeholders (including WAL representatives) to develop administrative rules authorizing other piers under general permits and setting standards for piers. Legislators and landowners reacted to DNR's proposed pier regulations, raising concern that owners of some existing piers would require

(continued on back page)

Does Algae Pose A Risk To Lake Swimmers?

Lake Beulah has always been known for its clear, clean water. Nonetheless, some of us wonder during the summer when the algae blooms and the waters cloud up. An article in the November 23, 2005 issue of *The Milwaukee Journal-Sentinel*, "Blue-green algae danger grows", set me to ponder if the lake somehow posed a heretofore little-known threat to our health.

The article described several dogs being sickened or even killed as a result of swimming in Wisconsin lakes with high concentrations of blue-green algae. Similar threats to people were suggested, with the death in 2002 of a teenager attributed to swallowing blue-green algae toxins. A state toxicologist emphasized that harm to humans would likely result from ingesting contaminated water through the mouth or nose while swimming.

The LBPIA's own Dr. Scott Miller, an anesthesiologist, with specific training in the area of toxins noted the following in an Email to me.

The toxins that are produced by the blue-green algae (Anatoxin) is very similar to nerve agent. It binds to specific receptors and causes a variety of neurological symptoms ranging from nausea and vomiting to paralysis and seizures (from lack of oxygen) which will result ultimately in death. The vet's in the article were pretty sharp to pick up on this and treated appropriately with atropine to reverse some of the anatoxin effects on the receptors and valium for the seizures (just like the military with nerve agent).

Apparently, blooms of blue-green algae are on the rise across the state, with a particular culprit being runoff from fertilizers. Two years of very limited testing by the Wisconsin DNR has turned up more than 50 lakes and ponds with toxins released by common blue-green algae. As a result, warning signs have been posted in several lakes with high concentrations, including lakes Mendota and Kegonsa in Dane County. Further, the DNR tests showed that release of toxins is not as rare as once thought. Half the 18 beach closings at Mendota last summer were the result of thick concentrations of blue-green algae.

The *Journal-Sentinel* article provoked me to ask, is Lake Beulah safe for swimming during our summer algae blooms? For the answer, the LBPIA turned to Timothy R. Asplund, DNR Aquatic Ecologist/Limnologist. Here is Mr. Asplund's Email response.

You certainly raise a number of excellent concerns, and it suggests to me that we need to be prepared to provide some guidance, as others will likely have similar questions. First of all, the association between bluegreen algal abundance and toxin production is not very straightforward. The

DNR's recent study demonstrated that blue green algae concentrations alone are not a very good predictor of toxin production. And even if there are toxins present, they may or may not be a threat to humans or animals. This makes monitoring or regular testing for blue green algal toxins very difficult from a design standpoint, not to mention cost. (\$200 to \$600 per sample).

Second, the survey was designed to identify "hot spots" - in other words, samples were collected from locations where toxins may most be expected. Most of the samples where toxins were found in high numbers were from very green, scum layers in small stagnant ponds or shallow, nearshore waters. Common sense would dictate that most people would avoid those situations. "If it looks bad, don't swim in it." I have only been to Lake Beulah a handful of times, but I would suspect that the blooms that you may experience are not as extreme as the ones that were included in the study.

To put this into context, one of the conclusions of the study was that "very high concentrations of chlorophyll-a (>1000 ug/L) may indicate presence of microcystin". This number is well above the values typically seen in Lake Beulah in the middle of the lake (less than 10 ug/L according to our database).

Are there possible places on the lake that could, at times, harbor enough blue-green algae to cause problems? One area that comes to mind is the backwater of the canal around Goat Island in late summer. But according to the LBPIA member Dr. Bob Burmeister,

What we have ... in the channel around Goat Island is green algae or chlorophyceae, and this should not be confused with the blue-green algae or cyanophytes (cyanobacteria). The latter contain toxins and are much smaller, these were the subject of the JS article.

So in conclusion, though Lake Beulah does contain low concentrations of blue-green algae, apparently there is little cause for concern at this point.

Fortunately, we have a vital, dedicated and effective organization, our Lake Beulah Protective & Improvement Association, with its Water Quality Committee, to keep an eye out for us.

All that said, it is prudent to follow the advice of the experts. As Scott Miller says,

I like the DNR policy of common sense, if it looks bad to swim in, it probably is! I would hope that no one would be dumb enough to intentionally swim in that muck.

Submitted by Tom Bernhardt