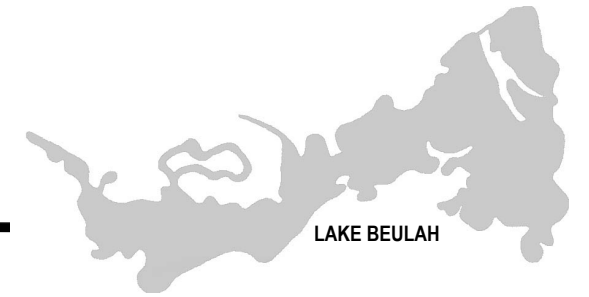




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Lake Views



VOL 18 NO 1

A PUBLICATION OF THE LAKE BEULAH PROTECTIVE & IMPROVEMENT ASSOCIATION

Spring 2010

From the President's Desk

Welcome to the spring edition of the Lake Views Newsletter! We have a wide variety of articles for you in this edition. Of particular interest is Dan Bach's update on the various legal issues impacting our lake. After years of frustrating technicalities barring our every attempt to get the legal system to hear testimony regarding the impact of the well on the lake, this past January the courts finally took some action! Dan gives the details in his article but suffice it to say that your lake association needs your help and support more than ever. If you are not currently a member, please use the tear out section of this newsletter and join now. If your neighbors are not members, please encourage them to join. It is only through the combined efforts of all of us that we can hope to get this

issue resolved in a way that protects our lake for future generations to enjoy!

Please remember to return the proxy ballot included in your membership letter. This ballot is for an amendment to the constitution that sets up successor organizations should the LBPIA ever cease operation. Rest assured that your lake association plans to be around for at least another 116 years, it our insurer that wants the details spelled out in the constitution.

Our spring membership meeting will be held at the Town of East Troy town hall on Saturday May 15th at 9:00 AM. I look forward to seeing all of you then!

Scott Miller, M.D.
LBPIA President

Osprey? From page 6

lakes. Although ospreys typically come back to the same summer lake house, they will not be joined by their offspring the following year. Ospreys are a territorial bird, often with several nesting spots around a particular area. Osprey young will spend their first three years of their lives in South America before they reach sexual maturity and head north. Once their young come to maturity the offspring may come to the same area, but not the same nesting site.

Jody Heimos, Edwards YMCA Camp Executive Director, stated that he is



“excited and hopeful to see a nesting pair take up residence at Lake Beulah. Not only is it a great way to help re-establish a threatened species, but it provides an avenue of education to be delivered to thousands of children and adults that come through our programs each year”.

The WDNR and Edwards YMCA Camp would like to thank WE Energies and their crew, Ken Modrak, Jeff Moen, and Paul Weis for all of their assistance for providing the telephone pole, heavy machinery, equipment and manpower to erect the nesting platform.

LBPIA Spring Members' Meeting

Saturday, May 15, 2010, 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.

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**Lake Beulah Protective & Improvement Association
Membership & Contribution Request**

Member Name(s): _____

Preferred Mailing Address

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ *(Optional – if new member please include so we can contact you regarding your new membership items.)*

Email: _____
Please include your email in order to receive timely updates.

Lake Address (you do not have to be a riparian owner to be a member)

Address: _____

City: _____ State: _____ Zip: _____

Comments: _____

Membership Dues: \$35
Additional Contribution: \$
TOTAL Enclosed \$

Please mail this form and your check to:

**LBPIA
PO Box 153
East Troy, WI 53120**

Thank you for joining the generous group of members who are in support of protecting and improving 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.

Area Chair Network

April 2010

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) |
|---|---|
| A Country Club Lane & Austin Rd..... | Jane Tanis (262-642-9232)
jtanis@wi.rr.com |
| B Beulah Heights Road..... | Richard Stenglein (262-642-3643) |
| C Oakwood Lane & It's A Little Road | Jim Holtermann(262-642-3050) |
| D Lake Road & Windy Way | Penny Clayton(262-642-3083) |
| E County J Road..... | Don Tacke(262-363-4327) |
| E Marsh Road & Millsite Road | Don Tacke (262-363-4327) |
| F Island Drive & Golden Way..... | Jean Maiwald (262-363-0829) |
| G Brynes Lane & Romadka Park Road..... | Roy Gerloff (262-642-5213) |
| H Horseshoe Lane & East Shore Road
(to Beulah Park) | Josie Midman(262-363-8892) |
| I Beulah Park Road..... | Ken and Pat Jarecki (262-642-9729) |
| J East Shore Road & Thistle Lane..... | Bob Wegner (262-684-5556) |
| K South Shore Drive (to Humphrey Lane)..... | VACANT |
| L South Shore Drive & Humphrey Lane | Mary Jo Ward (2-642-5676) |
| M Kings Parkway & Kings Lane..... | John & Bea Sonderegger(262-642-5716)
johnsonderegger@att.net |
| N Pastime Lane & Grandview Drive | Bill & Maya Murphy (262-642-9837)
murphmaya@centurytel.net |
| O Wilmers Grove Road, Wilmers Point Lane
& Wilmers Landing..... | Brian Fons(262-642-9613) |
| P Stringers Bridge Road, New Deal Ave. &
West Bay Road..... | Michol Ford(262-642-5189) |
| Q Beach Road & Deerpath Road..... | Kim & Steve Klaver(414-313-4191) |

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Area Chair – Ann Alger*
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Lake Views (news letter) and Web Site
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Educational Outreaches – Ann Alger*

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Fish Stocking,
Other wildlife management issues

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*Non-Board/Interested volunteer
For more information visit our website at www.lakebeulah.org

Recent Legal Developments

by Dan Bach

Several developments affecting those who own lakeshore property, as well as those who use and enjoy Wisconsin's rivers and lakes, are underway in the legislative and judicial branches of state government. First, as of this writing, both legal challenges to the Village of East Troy's Municipal Well #7 are at the appellate stage. On January 20, 2010, in the case brought by the Lake Beulah Management District and the Lake Beulah Protective and Improvement Association, the attorneys for the Village, the DNR and the Management District argued their respective positions before a panel of three appellate court judges in Waukesha. One of the primary issues the judges asked the parties to address was whether the Wisconsin DNR has the authority to consider environmental factors when evaluating an application for a high capacity well, in circumstances where the legislature has not mandated that it do so. A decision in that appeal is expected later this year. We are also awaiting a decision in the case brought against the Village and DNR by several property owners and two nearby Lake Management Districts (Eagle Springs and Phantom Lakes). The primary issues there are whether the Village properly obtained a new well permit in 2005 after its initial permit expired, and the applicability of certain procedural rules restricting the ability of citizens to challenge a well permit. That case is pending in Madison, a decision also expected later this year.

Another interesting legal challenge, pertaining to the transfer of riparian rights by easement, is now before the Wisconsin Supreme Court. That case, *Konneker v. Romano*, involves a 20 foot wide easement across Green Lake shoreline granted in 1983 to individuals who purchased lots off the lake. There was no pier or boat lift located upon the easement for the next twenty-three years, until a subsequent purchaser of one of the

lots installed a pier. Wisconsin law allows riparian owners the right to install piers, subject to regulation, but in cases decided through the 1980's did not extend that right to the holder of an easement. In 1993, the Legislature expressly prohibited the transfer by easement of the right to install piers and shoreline structures. Curiously, the Supreme Court accepted this case, which the current easement holder had lost on appeal.

Also potentially affecting lakeshore property owners, new shoreland development rules were proposed by the state Natural Resources Board in November 2009. The revisions will not alter current set back requirements (75 feet for homes) or minimum lot sizes. They will impact those who intend to expand the footprint of an existing home located closer than 75 feet to the water and to those who wish to expand the total amount of impervious surfaces on their property such as roofs, pavement and decks. The rules can be found in the Wisconsin Administrative Code at NR 115. County governments will have two years from the date the new rules are officially published (expected to happen early in 2010) to revise their shoreland development rules to meet or exceed those of the state.

Finally, a state legislative committee chaired by Representative Spencer Black and Senator Mark Miller is considering modifications to the state laws regulating the withdrawal of groundwater. The most recent change in the law, passed in 2004 and ballyhooed in some quarters as a marked improvement in efforts to safeguard groundwater, does nothing to protect most rivers and lakes in Wisconsin that are fed by springs, including Lake Beulah. Strong special interests oppose any meaningful changes to the law. Here's hoping that we citizens who use, appreciate and collectively own our public waters get a better shake this time.

New East Troy Resident... Osprey? By Jodi Heimos

The Wisconsin DNR, We Energies, Edwards YMCA Camp and Army Lake Camp have recently partnered to construct and erect an Osprey nesting platform in hopes of attracting this magnificent bird of prey to Lake Beulah.

On February 22nd, WDNR Wildlife Biologist Brian Glenzinski and a crew from WE Energies tracked through the frozen marsh from Edwards YMCA Camp's property to erect a 45 foot Osprey nesting platform in hopes of luring this migratory bird to take up residence on the shores of Lake Beulah for the spring and summer months. Ospreys spend the winters in South America before traveling back north to their summer homes.

Brian Glenzinski stated that the WDNR is aware of two nesting pairs of Osprey on and just east of Big Muskego



Lake and an unconfirmed nesting pair at Vernon Wildlife Area. These fishing birds will provide enjoyment for many bird watchers and enthusiasts and contribute to the biodiversity of the area. Mr. Glenzinski stated that there is no guarantee that they will take up residency, but ospreys have been seen flying around Lake Beulah throughout the spring and summer months. If the fishing is right and a location is amiable, the osprey will add to the partially constructed nest and, with a little luck, a nesting pair could become summer inhabitants of the area.

Ospreys were recently taken off the threatened species list and are doing well in Wisconsin; however they are still relatively rare in the southern part of the state. Like eagles, ospreys mate for life and take an equal share at constructing their nests, caring for their young and making a life around

Continued on last page

Lake Beulah Sailing School Welcomes You

Non-profit offers instruction for children and adults

Did you know that the Lake Beulah Sailing School is a not-for-profit organization serving all area residents? We are housed in the Lake Beulah Yacht Club facilities on East Shore Drive, but you need not be a member of the yacht club to benefit from our programs.

We offer instruction for ages five to adult, at all skill levels. We have excellent instructors that will help you become a competent sailor – for either leisure-time or competitive sailing!

- Optimist dinghy instruction (post-kindergarten to age 15)
 - Taught in safe, easy to sail 8' prams; beginning students need not own boats.
 - Variety of programs from a few days to summer-long.
 - Beginning to advanced levels, including racing.
- X boat instruction (youth through age 16)
 - Taught in 16' junior training boats; skippers need to own or rent a boat.
 - Instruction for skippers and crew.
 - Beginning to advanced levels, including racing.
- Adult learn to sail
 - Taught in 16' MC sailboats loaned by club members.
 - Beginning, intermediate, and introduction to racing levels.
 - This is a popular program and spaces are limited. Contact Al Haeger (al.linda.haeger@sbcglobal.net) for more information.

Registration for 2010 classes will be on May 23, beginning at 6:30 pm at the Lake Beulah Yacht Club, N9220 East Shore Drive, East Troy.

For more information check our website at www.lbssonline.org.

PEERING AT PIERS

In 2008 the Wisconsin Legislature updated laws relating to piers. The DNR estimated that 85% of Wisconsin piers already comply with the law and riparian owners do not have to do anything. Others may have to register their piers or obtain a permit from the DNR.

You do not have to register your pier or obtain a permit for it if your pier meets all of the following requirements:

1. The pier's main stem is no wider than 6 feet.
2. The loading platform is no larger than 8x8 feet.
3. The length is no more than the greater of (a) enough to reach a depth to moor your boat, (B) enough to use a boat lift or (C) where the water becomes 3 feet deep.
4. The pier does not interfere with the rights of other riparian owners.
5. The number of moored boats is limited to 2 for the first 50 feet of shoreline and 1 for each additional full 50 feet.

If your pier does not meet the criteria listed above and was built before February 6, 2004, it will be grandfathered if (1) its stem is no wider than 8 feet and (2) its loading platform does not exceed 200 square feet or is no more than 300 square feet and less than 10 feet wide. In that case, your pier must be registered with the DNR before April 1, 2011. You can maintain or replace that pier but may not enlarge it. To get a form and register for free go to: http://dnr.wi.gov/waterways/permit_apps/pier_registration_form.pdf

If your pier was built after February 6, 2004 and does not meet the five criteria listed in the second paragraph above, or if it existed before February 6, 2004 but does not meet the grandfathered criteria listed in the preceding paragraph, or if it does not have an existing DNR permit, you can either modify your pier to comply with the 2004 criteria or you must apply to the DNR and pay a \$500 fee to obtain a special permit.

The DNR has indicated that it will make every effort to be helpful to the riparian owner, and probably will be involved in serious oversight only if a complaint reaches them. The DNR has a very helpful decision tree on its website at: <http://dnr.wi.gov/waterways/recreation/piers.html>.

Also, you can call the DNR for general pier information at 608-266-2997 and registration at 608-266-0155.

The ordinance of the Town of East Troy states that its purpose is to provide registration in addition to state law. Its pier ordinance (1) requires a permit for every pier, (2) a pier cannot go out further than the lesser of 50 feet or where the water is 3 feet deep, (3) a platform is limited to 12 feet in length and 6 feet in width, (4) has different time periods relating to grandfathering and non-conforming use, and (5) has a limit of 10 boat slips.

This article is for general information only and does not address the law and ordinances for piers for marinas and camps.

Paddle Prattle

by Scott Miller, M.D.

Building a Stitch and Glue Kayak - Part I

Over the years we have discussed the many different types and styles of kayaks and canoes that are available to us. Last year I decided to try something a little different and undertook the task of building a fiberglass touring kayak. The best resource that I found to learn about the process of building a kayak is the book "The New Kayak Shop" by Chris Kulczycki. After reading the book I decided to build my kayak from a kit because the specialized mahogany plywood that was needed for the craft is not available locally and with shipping costs included in the calculations, the cost of building a kayak from scratch verses from a kit was a wash.

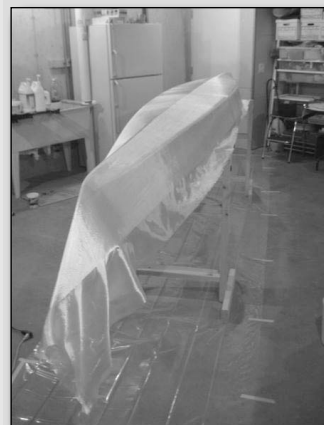
The principle behind the stitch and glue construction technique is that you make a set of plywood panels that are precisely shaped to the plans. These panels are then "stitched" together along their edges using small lengths of copper wire. The hull then magically forms into shape and the hull panels are permanently joined using fiberglass tape with epoxy fillets. The entire hull is then sheathed in fiberglass and can be finished with either spar varnish or paint. The kit that I ordered was a Chesapeake 17 from Chesapeake Lightcraft in Annapolis Maryland. The kit contained just about everything needed to build the kayak including wood for the hull, fiberglass cloth, epoxy, hardware and micropore foam for seats and seals. The kit that I ordered also included a full set of plans, instruction manual and DVD demonstrating the techniques used in building a "stitch and glue" kayak. Here is a photo of all of the supplies minus the hull panels.

The hull panels were scarf jointed together and these full length hull panels were joined using copper wire inserted through holes drilled around their periphery. This is what the kayak looked like after this stage.

Bulkheads were installed to form fore and aft compartments while fiberglass tape and epoxy fillets were used on the inside of the hull to join the sides together. The wires were trimmed flat with the outside of the hull and left buried in the fiberglass fillets on the inside. Cross member arches were installed and the inside the cockpit was fiberglassed for extra strength and durability. Next the entire hull was sheathed in fiberglass cloth and the fabric was wetted with epoxy prior to being trimmed to size

Now that the main hull is finished, we can go to work on the deck!

To be continued in the fall edition of "Lake Views"...



Triangle Sportsmen's Club

by Ray Fisher

Last fall Triangle Sportsmen's Club shared the cost with us of stocking walleyes. The club has a long history of promoting conservation, fishing, and shooting sports. The first meeting of the club was held in 1947 in a paint shop on Church Street. After holding meetings at various locations in town, the club purchased 40 acres on Townline Road for a permanent home in 1954. Another 5.5 acres was purchased in 1993.

In August of 1967 the club was one of the first to offer Wisconsin's hunter safety course, which is today mandatory for obtaining a hunting license. In 1993 the club was honored by the Wisconsin Wildlife Federation as the Conservation Club of the Year. Over the years the club has sponsored tree planting, stocking pheasants, conservation scholarships, and state 4H shooting competitions. Triangle also sponsors an annual ice fishing contest on Lake Beulah. Hunter safety courses are offered yearly.

The club has two trap ranges, a covered 100 yard rifle range, a 50 yard covered range for pistol shooting, and a 16 station bow shooting trail. You must be a member to use the ranges; however, a deer rifle sight in is open to the public in the fall. Dues are \$50 a year. Membership is limited to 300 members so at times there is a waiting list to join. Call Lyle Dingman at 262-903-3530 for membership information.



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
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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:

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