

Zoning Matters

By: Web Macomber
Zoning Administrator, Washburn County

Winter greetings to all. I usually write this column, on occasion, in the Washburn County Register as a way of informally communicating with interested readers about certain issues in the Washburn County Zoning Office. You'd be surprised at just how many folks are interested in zoning issues. Of course "land" and use of it, is very important to everyone. Thank you to the Washburn County Lakes and Rivers Association (WCLRA) for asking me to write one of the articles for their newsletter. WCLRA has certainly helped us over the years and I appreciate the working relationship we have with them.

Today's topic is the economy and how it relates to you, the readers, and to our office. The government has just passed an economic stimulus package. I am sure that no two people agree on what it should have contained but I think we all would agree that everyone needs some form of relief. For us, the most obvious indicator is the lack of building activity and associated permits. All of our work does not go away though, in that our telephone rings and e-mail roll in, all asking questions about their homes and/or property. People want to know what can be done with property, how to sell property or divide it, how to obtain permits, what is regulated, what is not, and the list goes on. That tells me that some desire is there, even if the money is temporarily not. It is probably a wise decision to spend income on food, as opposed to a new deck or large addition. Most versions of the stimulus package contain some kind of tax credit for purchase of a home. It may not be noticed right away in this county, but I expect an eventual increase in building and permit activity. Even if it is only based on perception, the coming of spring and hope that the country may be "digging out of this mess" may stimulate building and development in this area even sooner.

As folks find some extra money (whatever that is), pull out their hammers and saws, draw up plans, buy wood and so on, please do not forget us in your excitement. If you are not positively sure that what you are doing is not regulated, by anyone, please contact the Zoning Office. If we don't regulate your project, we can give you information about who does. Please remember the following minimum guidelines as they pertain to the county level:

- *Land-use permits are required for **all structures larger than 64 square feet** (this includes even movable ones!) It is up to the landowner or the builder to get the permit. Do not start until you have the permit and have posted it.*
- *All land-use permits for new dwellings can not be issued until the owner has obtained a sanitary permit. All work on installation and maintenance has to be done by a licensed plumber.*
- *If you want to work on, repair or add to a dwelling that is closer to water than 75', contact us before you do anything. There are certain restrictions that apply to those dwellings.*
- *That strip of natural vegetation along your shoreline is called a buffer and it is a NO DISTURB zone, back to a certain distance (35' for developed lots, 50-100' for undeveloped lots). If this area is undisturbed, great! Leave it alone, especially if you want your lake to stay clear and clean. If you have been disturbing it, stop! If you are "thinking" about disturbing the buffer, that's a big STOP. The enforcement fines on that are pretty high.*

When in doubt ask, and I hope that the stimulus package has a benefit to you and yours. Have a safe and happy Spring.

And the winner is.... continued

Mr. Chicilo then appealed to the Court of Appeals which upheld the previous decisions. The Chicilo's case did not advance to the State Supreme Court, the next step in the litigation process. So Mr. Chicilo was not able to obtain a variance that would allow him to build within the shoreline setback. Thus, his partially-completed dwelling was (and is--its still there) illegal under State and County law. The County is requiring that this illegal structure be removed and that the shore land be restored to its pre-construction state. Under the current agreement, the removal and restoration must be completed by September 2009. State and County shore land rules and regulations are not arbitrary but are carefully crafted to preserve and protect our water resources. Structures and disturbances too close to the water's edge like Mr. Chicilo's significantly disturb the delicate ecosystems and increase polluting runoff that degrades water quality.

Removing the Chicilo structure from the shores of Bean Lake will significantly benefit that beautiful water body.

Our hats off to the civil servants that have stood their ground, insisted on compliance with the shore land rules and regulations, and protected Washburn County's water resources.

And the winner is...
Bean Lake!

Legislative Matters

By: Earl Cook
President, WAL
Director, WCLRA

4

The elections last November certainly brought the promised change: Change in the federal government and change in the state government. Only time will tell whether or not change will cure the national ills that currently plague us.

With the state Assembly changing from a Republican majority to a Democrat majority, change on the state environmental stage is occurring rapidly. Under the new Assembly leadership, Rep. Spencer Black, a recognized and ardent conservationist, assumed the chair of the Natural Resources Committee. And things are on the move! Several significant environmental initiatives that failed to become law under the previous Assembly leadership are back and moving with surprising speed.

2

The current (as of March 1, 2009) bills of environmental interest:

- *AB3--Relating to: restrictions on the use and sale of fertilizer containing phosphorus and other turf fertilizer and providing a penalty.* This bill has passed the Assembly and is now being considered in the Senate where the prospects for passage are encouraging.
- *AB7 and SB6--Relating to: designating a portion of the Brunsweller River as a wild river.* The Brunsweller is a river in Bayfield County. This bill has passed the Assembly and the Senate and is awaiting the Governor's signature.
- *AB43 and SB47--Relating to: designating portions of the Totogatic River as a wild river.*
A bill of particular interest to Washburn County. The Bill is in Assembly committee and awaiting consideration on the floor of the Senate.

continued on page 5

Legislative Matters.... continued

- *AB90 and SB12--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.* This bill has been passed by the Senate and is being considered by the Assembly. No significant opposition is anticipated.

As you can see; the environment is garnering considerable interest and good favor in the short two months the Legislature has been in session. There is reason to expect continued progress in environmental issues before this Legislature completes its work some year and a half from now.

Some issues to watch in the coming months:

- Shore land protection legislation
- Changes in the aquatic transport legislation to add further protection against the spread of invasives via boats and boat trailers.
- Changes in legislation protecting ground water.
- Reconsideration of the appointment of the DNR secretary.
- Consideration of climate change legislation
- Regulation of high capacity wells
- Amendment to pier regulations

To those interested in environmental legislative matters, this Legislature will be an exciting one to watch. To those not so inclined, watching paint dry might be a more interesting alternative.

Washburn County AIS

By: Lisa Gabriel

Washburn County AIS Coordinator

Boat Monitoring a Success

As Aquatic Invasive Species (AIS) have become an increasing threat to water quality, fisheries, recreational and property values across the state, many individuals have stepped forward to protect our lakes by getting involved in the Clean Boats Clean Waters (CBCW) program. More than 1,100 of those individuals are volunteers. Each summer since 2004, paid monitors, volunteers, and County and State staff have worked at boat landings across the state assisting boaters and anglers in checking their equipment for AIS and sharing AIS information with citizens. These inspectors also collect important data about the behaviors and awareness of individuals as they launch and retrieve boats from our waters. They have become the warriors who've chosen to put themselves on the front lines to battle AIS.

Table 1: State Boater Behaviors in 2004 vs 2008

Parameters	2004	2008
# of Boats Inspected	6,204	50,069
# People Contacted	11,446	111,081
Hours Spent Inspecting	1,979	30,247
% boaters who are aware of the "Illegal to Launch" Law	21	90
92% of boaters inspected and removed plants		
36% of boaters heard about AIS through the inspector		

continued on page 8

Washburn County AIS... continued

Table 2: Boater Behaviors in Washburn Co.

Parameters	2004	2008
# of Boats Inspected	1645	1,930
# People Contacted	2,066	4,284
Hours Spent Inspecting	94	1,381
% boaters who are aware of the "Illegal to Launch" Law	20	97

95% of boaters inspected and removed plants		
24% of boaters heard about AIS through the inspector, 33% from signs		

Looking at tables 1 and 2, it is apparent that in the last four years, boaters and anglers have significantly changed their boating behavior. Washburn County efforts are also paying off. These statistics illustrate the importance of having trained inspectors who can effectively approach boaters and anglers and gain their support. Thank you to the monitoring efforts from all the volunteers and paid inspectors!

CBCW Workshop

There will be a Clean Boats Clean Waters workshop on June 6th. Information about the time and location will be available in the next couple of months.

The CBCW watercraft inspection program assists Wisconsin residents in stopping the spread of invasive species. There is no cost to attend the workshop.

Each lake represented at the workshop will receive one free handbook and resource kit.

8

The resource kit aids volunteers in educating boaters about aquatic invasive species, how they travel from lake to lake, and what can be done to prevent their spread. Additionally, these materials help volunteers establish a volunteer watercraft inspection program for their lake. Additional Resource Kits with handbooks are available for \$25.00 each. This program is an opportunity for volunteers to promote a front line defense against aquatic invasive species. If you are interested in attending this workshop, please call 715-468-4654.

County AIS Strategic Plan

Last year, an AIS advisory committee was formed to help generate ideas for a county-wide AIS Strategic Plan. The committee is credited with providing valuable input toward the development of the plan. The strategic plan is a vital step towards a comprehensive approach to managing AIS in Washburn County. The AIS Coordinator's primary focus of the plan is to help educate residents and help manage and control AIS. The plan has been approved by the Land Conservation Committee and will be going to the County Board for their approval in March.

DNR AIS Grants

The following lake associations and groups applied for AIS grants during the February grant cycle. They will know by late March if they will be funded:

- **Minong Flowage:** Eurasian Water Milfoil (EWM) Treatment and CBCW
- **Nancy Lake:** EWM Treatment, CBCW
- **Kimball Lake:** CBCW

5

- **Gilmore Lake:** CBCW
- **Shell Lake:** CBCW
- **WCLRA:** Education, Prevention and Planning
- **Washburn County:** Education, Prevention and Planning

continued on page 9

Washburn County AIS... continued

AIS Prevention

It's hard to believe, but spring fishing opener is approaching quickly. On May 3rd anglers from across the state will be heading out to their desired fishing spot in pursuit of their favorite species. With the many invasive species lurking the waters these days, it is more important than ever to take these proper prevention steps when launching and leaving a boat landing:

- **Inspect and Remove** aquatic plants, animals and mud from boat and equipment.
- **Drain** water from boat, motor, live wells, bilge, bait buckets, and all containers.
- **Ice** your catch and don't leave the landing with live fish or eggs.
- **Rinse** your boat and equipment or dry your boat for at least 5 days.

****Quiz:** Which picture is Eurasian Water-Milfoil?



If you or your lake association is interested in learning more about AIS and their harmful impacts or CBCW, feel free to call Lisa Gabriel at 715-468-4654 to set up a day to meet.

****Answer to the quiz:** The picture on the left shows Eurasian Water-Milfoil. The picture on the right shows native water-milfoil.

9

Northwest Lakes Conference Comes to Cable in June

By: John Haack

Northwestern Wisconsin Lakes Conference

On Friday, June 19, 2009 hundreds of lake enthusiasts will make an annual pilgrimage to Cable, Wisconsin for this year's Northwest Wisconsin Lakes at Telemark Resort and Conference Center. During the past eleven year's this event has earned a reputation as one of the best lake's conferences in the state.

6

This year's will feature great topics and great people, including sessions on Lake Health, Shore land Management and Legislative and Legal updates. Presentations feature state and regional experts as well as regular folks doing extraordinary things to protect lakes. Learn about successful lake conservation efforts and the down and dirty details of how to restore a lake shore. Hear about lake science and how fireworks impact lakes and much, much more.

An excellent presenter as well as the State's chief warden, Randy Stark will present an inspiring multi-media presentation on the history of conservation and the highlighting incredible people and amazing conservation efforts around the state and across the nation.

Come and enjoy networking with fellow lake lovers and spend time talking with non-profit conservation organizations in our exhibit hall. The \$45 registration fee includes the full day event , lunch, lots of coffee and break food. To view the full conference agenda go to <http://basineducation.uwex.edu/stcroix/> For more information or to register, contact the WAL at 800-542-5253 or 608-662-0923 or www.wisconsinlakes.org. or contact John Haack at 715-635-7405 or john.haack@ces.uwex.edu

Pokegama Lake Dam - Where does it stand

By: Fred Blake
WCLRA Director

Pokegama Lake is located in northwest Washburn County just west of Minong. Since the un-permitted Pokegama Lake dam structure first came to our attention several years ago, it has been a controversial issue. The circumstances surrounding its creation were cloudy then and are still somewhat cloudy today.

What we do know is that the dam was installed during the construction of County Highway "I" in the 1970's. The structure is nothing more than a grader blade welded to the bottom of the outlet culvert at the point where Shell Creek goes under the roadway. The fact there was no permit issued when the dam was put in is one of the cloudy points. According to Dan Harrington, DNR Water Management Specialist, why it was put in and why there was no permit are still not completely clear.



10

There is no historical data that could reliably establish a pre-settlement water level or ordinary high water mark for Pokegama Lake before the dam structure was installed. In addition, there is another permitted structure, known as the Fischer Dam, farther downstream that had the capacity to hold water even higher than the structure in question. In short, it is simply not possible, based on existing records, to sort out the

effects of either or both of these structures on the long term water levels in Pokegama Lake

The origin of the structure, however, is not the important issue. The dilemma now is what should be done with it. It cannot continue to exist without a permit. Since it is on Washburn County land (deeded road right-of way), the county is charged with deciding whether it should be removed or reconstructed according to a proper design and with a permit. Washburn County has been wrestling with that issue for a year or more. The discussions have been made more difficult by the fact that the lake residents are not of one mind. A small number would like to see it removed while most want to see it retained and the lake level held where it has been for the last 30+years.

Washburn County appears to have taken the first step toward the placement of a permitted structure at the Pokegama Lake site. In December of 2008, the Washburn County Board of Supervisors passed a resolution "Authorizing the funding of a Major Dam Study and Permit Application on CTH I over Shell Creek (Pokegama Lake outlet)". AECOM has presented a proposal to the Highway Committee for engineering services in the completion of the dam study and the permit application,.

The process necessary to retain a permitted dam in that location will involve two basic steps, according to Harrington. First, easements will have to be obtained for all land which will be flowed by water held artificially high by the structure. Secondly, a satisfactory design will have to be developed and approved. The process will, obviously, take some time.

There are a number of unauthorized small dams like this across the state of Wisconsin, but current DNR staffing is simply not adequate to deal with them all at once. Over time, decisions will be made as questions are raised about these un-permitted structures.

Youth Water Education Potential for Growth

By: Storme Nelson
Executive Director of Hunt Hill

By now you may have heard about the cooperative DNR Lake Management Planning grant applied for in February, 2009 by three equal partners – Hunt Hill, WCLRA, and LLPA - to enhance schools' environmental education through new water resource-based educational programs. It will attempt to more effectively use our area's limited money and volunteer resources with matching funds from this grant.

These three volunteer organizations are all located in Washburn County, all serve families, all share environmental ideals and concerns, and they each have duplicate members in the others' organizations. They also each have significantly different resources and unique areas of expertise to contribute to the grant partnership and its impact on our kids.

Washburn County is home to 964 lakes and hundreds of miles of rivers providing natural beauty and recreational activities for those who live here or visit. All of these

natural resources - the very environment we're blessed and proud to live in - are threatened by overuse, abuse, human ignorance, and the need for protection against outside threats like aquatic invasives. Several of the keys to reducing these threats are found in our young people: educating them, involving their families, winning them over, and encouraging youth stewardship activities.

Yet many of the young families who live in this wild region year round struggle with rural poverty and income levels are among the lowest in the state. The shrinking economy, reduced school budgets,

11

increasing transportation costs, and strained family budgets have all negatively impacted school field trips and outdoor education; or eliminated them entirely.

It has also become recognized that youth are disconnecting from nature*. These same youth will become future decision-makers, sitting on town boards and county boards which will impact land use planning. We will all suffer the consequences of choices affecting the quality of our land and water made by those whom, as youth, never became intimate with nature. There will be severe negative consequences for our lakes and rivers.

This project will provide new in-school resources, as well as hands-on outdoor field experience programs for young people emphasizing the environment, lakes, and rivers of our region. It will promote awareness of the importance of water quality, and encourage a deeper connection of our youth with nature. Watch for the grant approval by May, and for more details to be developed by the three partner organizations as we work together.

*See *Last Child In the Woods*, by Richard Louv

