



March 18, 2020

RECEIVED

3-23-2020

Town of Doty
Oconto County
DNR ID#: 1056

Andrew Stemp, Chairman
Town of Doty
14899 County Road T
Mountain, WI 54149

Subject: Bass Lake
Boating Ordinance Review

Dear Chairman Stemp:

Thank you for submitting the draft boating ordinance regarding the temporary emergency slow no wake requirements on Bass Lake.

Wisconsin Statute 30.77(3)(d) requires that local regulations pertaining to the equipment, use or operation of boats on inland lakes shall be subject to advisory review and shall be submitted to the Department at least 60 days prior to final action. The purpose of the ordinance advisory review is to evaluate the proposed ordinance and identify any inconsistencies within chapter 30.77. The review also serves to provide consideration for all citizens potentially impacted by the proposed ordinance and to give an opinion or suggest changes to the ordinance to insure the public's right to recreate on Wisconsin's waterways are not significantly or unnecessarily impacted.

The ordinance will restrict boat operators from operating their boat faster than slow no wake when the water level on Bass Lake is above 1313'. Per the draft ordinance this restriction will be in place for 2020 and then re-evaluated by the Town at the end of the 2020 boating season.

Upon review of the attached ordinance, we find it to be consistent with ss. 30.50 to 30.71 of the Wisconsin Statutes and the Department rules adopted to implement those sections. However, we have the following comments which should be updated in your draft ordinance:

As outlined in s. 30.77(4), Wis. Stats., no ordinance is valid until it is prominently posted at all access points within your jurisdiction and until a signed copy is received by this office including proof of publication.

Upon receipt of the final, signed ordinance and an updated waterway marker permit application, if buoys are going to be placed, we will complete our review of the buoy placement. The waterway marker permit needs to clearly state the same distance as approved in the final ordinance, the exact number of buoys being requested, include a description of the cable placement, and a map, photo, or diagram showing the proposed location of the markers.

The posting requirements of NR 5.15, Wis. Adm. Code are below:

Posting requirements. The posting requirements for local authorities under s. 30.77 (4), Stats., shall be a sign with a minimum of 3 inch lettering stating "Local Ordinance" posted at each public landing. The sign shall list, in letters with a minimum height of one inch, a summary, synopsis, or outline of those regulations more restrictive than state law, or shall contain a map made of a durable material showing those areas with local restrictions, or both, including but not limited to speed limits, water ski hours and personal watercraft restrictions, if any.

The proposed ordinance does meet the requirements of State Statute Chapter 30, however, I think it should be noted that since the submittal of the draft ordinance, I have received a number of comments from Bass Lake landowners who have serious concerns about how this draft ordinance was created. The concerns include the ice is going to create more damage to the shoreline than wakes are going to create, property values are going to drop if the ordinance is passed, the difficulty in obtaining shoreline permits is a false argument since no permits have been applied for and that the Town Board isn't listening to the majority of the constituents. These are all local issues to be dealt with at the local level, but I felt it was important for you to be aware of prior to finalizing this proposed ordinance.

Please contact me at 920-615-6075, should you have any questions regarding this review.

Sincerely,

Darren Kuhn

Darren Kuhn, Warden
Bureau of Law Enforcement

The ordinance will restrict boat operators from operating their boat faster than slow no wake when the water level on Bass Lake is above 1313'. Per the draft ordinance this restriction will be in place for 2020 and then re-evaluated by the Town at the end of the 2020 boating season.

State and the Department rates adopted to implement those sections. However, we have the following comments which should be updated in your final ordinance:

As outlined in s. 30.77(4), Wis. Stats., no ordinance is valid until it is prominently posted at all access points within your jurisdiction and until a signed copy is received by this office including proof of publication.

Upon receipt of the final, signed ordinance and an undated waterway marker permit application, if any, are going to be placed, we will complete our review of the buoy placement. The waterway marker permit needs to clearly state the same distance as approved in the final ordinance, the exact number of buoys being requested, include a description of the buoy placement, and a map, photo, or diagram showing the proposed location of the markers.