

March 2, 2021 Town Rhine Board Meeting Comments

Over the past several months we have continued to seek solutions to the high water conditions on Crystal Lake. The most important of these, of course, is finding a way to discharge excess water from the lake to bring it down to a more normal level. This is a big challenge, involving the removal of millions of gallons of water from the lake. There are no easy answers and we rely on collaborative thinking and input from others to address this issue.

We became hopeful about the possibility of reopening an old outlet ditch from Crystal to the Mullet River, only to find that new DNR restrictions would prohibit this. Another thought was to somehow tie into the lake's Sanitary District operations to discharge excess water -- an option which would likely be very expensive.

If found, it is likely that solutions to the excess lake water problem would take months, if not years, to unfold. Nonetheless, the search continues through the efforts of the ad hoc Crystal Lake High Water Committee with volunteer members Al Feld, Bob Gregorski, John Mooney, Ben Payne and Gary Vanderkin. Plans are currently in the works for this committee to request proposals from select engineering firms to study if and how excess water might reasonably be removed from the lake. Money has been set aside to help fund these studies.

In the meantime, the Ordinance Committee continues to search for other, more immediate ways to deal with high water and related issues.

At a joint meeting late last summer, the ad hoc Crystal Lake High Water Committee suggested the possibility of an ordinance which would restrict artificial enhancement of wakes when the lake level was 6” or more above the ordinary high water mark. After further research and consideration, the Ordinance Committee concluded that because of Crystal Lake’s small size, and the restricted boating patterns created by its two islands, artificially-enhanced wakes would continue to pose safety, property and ecosystem risks, at any water level. Therefore, no action was taken on this suggestion.

At a recent meeting with the ad hoc committee, the Ordinance Committee explored the possibility of establishing speed restriction zones in areas of the lake especially hit hard by enhanced waves. This suggestion came from members of the Crystal Lake Advancement Association. Such zones would be marked by no-wake buoys. After considerable discussion, the consensus of members of the Ordinance Committee and the ad hoc Crystal Lake High Water Committee was that establishment of select no-wake zones would do little to improve high water, big wake issues on the lake. Therefore, no action was taken on this item, and that’s why it has been removed from tonight’s agenda.

Problems resulting from enhanced wakes on Crystal Lake have not gone away. Our initial hope was that, short of the need for any official action by our board, the issue of artificially-enhanced wakes could be addressed by lake residents working together to self regulate and control this problem. Unfortunately, this approach was not successful.

As a result, and because of 1) misunderstandings at our last meeting regarding the proposed ordinance, and 2) mounting evidence, around the state and country, that enhanced wakes cause damage, especially on small lakes, and 3) the continuing need to provide some immediate relief from the detrimental effects of enhanced wakes on Crystal Lake, we felt the need to clarify and reconsider the proposed no-artificially-enhanced-wake ordinance tonight.

Continuing research on this topic by members of the Ordinance Committee has found that other Wisconsin lakes with similar issues have implemented no enhanced wake ordinances.

Long Lake in Manitowoc County, for example, virtually the same size as Crystal Lake, has taken this step to alleviate the detrimental effects of artificially enhanced wakes on their small lake and its property owners.

Concern at our last meeting was expressed over thinking that such an ordinance would eliminate water skiing and tubing on Crystal Lake. This is not true.

In fact, an important part of the proposed no-artificially-enhanced-wake ordinance is to protect and preserve the safe enjoyment of the lake for everyone -- to keep kayaks, canoes and paddle boards from being overturned by unexpected, enhanced wakes; to protect unsuspecting young children from being toppled by enhanced wakes; to eliminate property damage; and to help keep shoreline soil from being eroded and the ecosystem of the lake bottom from being turned upside down.

The proposed ordinance is intended only to restrict the use of artificial means and boating equipment used to produce enhanced wakes. In essence, it would put restrictions on a few, extreme boating operations for the benefit and safety of all lake users and property owners. It would not restrict the use of boats of any size for water skiing, tubing and other lake fun.

Our committee's concern over enhanced wakes is underscored by findings of the SafeWakes organization, noting that the wave energy of enhanced wakes is up to 4 times that of unenhanced wakes; that enhanced wakes can be 4 to 5 feet in height with half of the wake above the waterline and half below the waterline; and, that the thrust from an enhanced wake can go down 16+ feet toward the lake bottom, causing major disruptions below the water.

Safe Wakes findings go on to note that, environmentally, enhanced wakes cause resuspension of sediment which adds nutrients to the water which can lead to increased algae

blooms; cause nearshore turbidity; cause shoreline erosion; pose a threat to aquatic life and waterfowl; and, cause increased probability of aquatic invasive species transmittal through ballast systems.

Economically, enhanced wakes are noted by the SafeWakes organization as causing a threat to tourism; damage to shoreline, rip-rap, trees, and natural buffers; damage to docks, boats and lifts; diminished property values; and, a reduced tax base.

Noted safety concerns include dangerous water conditions for swimmers, fishermen and other watercraft; dangerous conditions on shore and on docks; and, obscured vision forward as ballast weighs down the stern and causes the bow to rise.

A leading advocate of the towed-water-sports industry, the Water Sports Industry Association, known to develop best industry practices and promote safety, lists as number one on their list of how to “wake responsibly”, the need for wake boats to stay at least 200 feet away from shoreline, docks or other structures.

With the assistance of the Sheboygan County Planning Department, the Ordinance Committee looked at what a 200-foot shoreline buffer zone would do to Crystal Lake. In essence, it would reduce the effective size of the lake by more than 50%, to only 56 acres. Under current Wisconsin

law, any lake smaller than 50 acres is automatically designated slow-no-wake for the entire waterbody.

An article in the *Minneapolis Star Tribune* increases the suggested 200-foot setback for wake boats and notes nonpartisan, university-sponsored studies that, in their opinion, scientifically confirm that wake boats must operate at a setback distance of 1,000 feet from shore to avoid damage to lake quality, lakeshore integrity and near-shore wildlife habitat. Obviously, this would be an impossibility on a lake the size of Crystal.

In the opinion of the Town of Rhine Ordinance Committee, Crystal Lake is simply too small to allow for artificial wake enhancement. We have therefore called for tonight's public hearing to reconsider the adoption of a proposed no-artificially-enhanced-wake ordinance for Crystal Lake.