



Agenda
Village of Chenequa Lake Management Committee Meeting
Monday, January 22, 2024 at 2:00 p.m.
31275 W. County Road K, Chenequa, WI 53029

Monday, January 22, 2024

This is official notice that a meeting of the Chenequa Lake Management Committee will be held on Monday, January 22, 2024, at 2:00 p.m. utilizing Zoom Communications. The following matters will be discussed, with possible actions, as well as any other matters that may come before the Committee:

- 1) Call to order
- 2) Approval of December 28, 2023, Minutes.
- 3) Review and consider action of pier regulations including establishment of pierhead line for Pine Lake.
- 4) Review and consider action of wakeboating guidelines for Pine Lake. Update on pending legislation.
- 5) Discussion of aerators; spring / summer issues, winter issue issues.
- 6) Propose next meeting date.
- 7) Adjourn

Respectfully submitted by:
Deanna Braunschweig, Clerk-Treasurer

To participate via Zoom:

<https://us02web.zoom.us/j/89240083319?pwd=bHhHZDBRVmFnTnlFSzhwdUJxRzRmUT09>

Meeting ID is 892 4008 3319 and the Passcode is 627132

Or Dial: 305 224 1968 US

Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Administrator with as much advance notice as possible. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any other governmental body except by the governing body noticed above.

NOTICE OF POSTING TO VILLAGE HALL BULLETIN & WEBSITE

Village Clerk posted this agenda on Thursday, January 18, 2024 by 4:30 PM

www.chenequa.org
Phone 262-367-2239

Minutes of the Lake Management Committee Meeting 12/28/2023

Meeting began at 2:10 p.m.

Attendance: Villavicencio, Manegold, Seidel, Hansen, Lincoln, AGehl, McNear.

Village President Villavicencio gave a short history of the creation of the ad hoc Lake Management Committee in 2010/2011 to address water and well quality concerns in the face of deep water wells in the Town of Delafield to mitigate their water quality matters. Committee has been dormant for some time.

VP Villavicencio asked D. McNear to chair this committee and she accepted.

Purview of the committee was reviewed, the reach of Village of Chenequa to parts of Beaver and North emphasized, though the Committee can limit scope of recommendations to Pine Lake if desired. This Committee is advisory to the Village Board.

Current topics to be addressed: piers including permanent piers, wakeboating guidelines, aerators, metal roofs may be a Plan Commission issue. Lakeside accessory structures will be addressed in future meetings.

Piers: General discussion was had expressing concern re the ecological impact of permanent piers as to the lake bed. There is concern about the length of some new permanent piers and the excess number of slips/frontage. The DNR Pier Planner was shared and reviewed, riparian rights for pier length extend to 3 feet of water unless a municipality has a pierhead line in place. Discussion of the option to create an ordinance establishing a pierhead line was discussed. Pewaukee, Geneva, Delavan, Tichigan, Browns Lake have pierhead line ordinances in place of differing lengths. There has been resident concern about boat lifts with solid boat covers being placed parallel to shoreline as opposed to perpendicular to shoreline which blocks a much greater part of the shoreline view. Concern was expressed for residents with shallower shorelines and how they would be impacted by a pierhead line though they have an option to seek a variance. Language for creation of a pierhead line ordinance will be prepared for next month's meeting using the above lakes as example language. Exact length to be discussed.

Wakeboating: Ecological concerns about these boats on the lake were discussed. Pine Lake wakeboat owners have had discussions since August 2023, the voluntary guidelines they have agreed to were shared. The maps distributed to each wakeboat were shared: a Pine lake depth map and a Pine lake weed bed map. Discussion of other lakes approaches e.g. North lake Management District boating guidelines, Manitowish Waters brochure and QR code was shared. Summary language for a proposal of voluntary wakeboating guidelines on Pine lake will be prepared from above sources for review next meeting. Review of current proposed legislation SB 680/AB 656 and LRB-5069/1 was discussed and their recommendations as to depth and distance to shoreline. Some of this will be included in the proposed guidelines. Introduction of a new amendment to SB 680 includes a wakeboating educational component in boating classes and 1500 hours of enforcement over 2 years. The status of proposed legislation will be discussed next meeting.

Hazard buoys: There is some concern for shallow spots and attendant propeller hits, should hazard buoys be placed? The issue with hazard buoys is then you must identify all hazards with buoys. Some residents are opposed to any more buoys on the lake.

Aerators: Initial discussion of this topic was introduced. We will be reviewing the DNR information sheet in the future. Major concerns are sediment blowing onto neighbors' swim ladders and into lake pump intakes in spring/summer use. Winter concern is loss of ice for neighbors, open ice being dangerous for our skaters, iceboaters, bikers(!), ice fishermen. It is the requirement of the homeowner with the aerator to mark any open water created by the aerator with cones or barricade. There is a personal liability issue here to the homeowner with an aerator.

Meeting was concluded at 4:10 p.m.

Next meeting to be scheduled late January after proposal review.

Respectfully submitted, Debbie McNear

Proposal: Regulating piers on Pine Lake

Establish a pierhead line from the ordinary high water mark (OHWM)

Being proposed as an ordinance:

As municipalities in the State of WI retain the right to establish a pierhead line (Sections 30.13(3) and Section 30.11 WI Statutes) , and in the interest of the preservation and protection of shoreline and of public rights in navigable waters, the Village of Chenequa hereby sets a pierhead line of (100) feet maximum pier length waterward from the annual ordinary high water mark for Pine Lake.

Extension beyond pier head line; exception. A wharf or pier which extends into navigable waters beyond the pier head line established above constitutes an unlawful obstruction of navigable waters unless a valid permit, license or authorization for the wharf or pier is granted or unless it is a permissible preexisting wharf or pier. A wharf or pier is a permissible preexisting wharf or pier if it existed prior to the establishment of the pier head line, if it is not extended or expanded after that date, and if the ownership of the land to which it is attached did not change after that date, except that a wharf or pier continues its status as a permissible preexisting wharf or pier for one year after the date of the change of ownership is recorded. } No pier or wharf may exist more than (100) feet from the ordinary high water mark of the shore, except as hereinafter set forth; provided, however, that in the event that any person desiring to construct a pier or wharf is unable to achieve four foot of depth at the end of the pier during periods that the water is at its ordinary high water mark, then, in such event, the Village Board of Appeals may grant a variance to allow the pier or wharf to exist more than (100) from the ordinary high water mark of the shore. } The seasonal removal of a wharf or pier does not affect its status as a permissible preexisting wharf or pier if it is reestablished in substantially the same form. The owner of a wharf or pier may submit evidence to the City that it is a permissible preexisting wharf or pier at any time after the effective date of the ordinance from which this section is derived. Piers, wharves and similar or related structures or facilities may not, in any case, interfere with public rights on the waterways and the rights of other riparian owners.

(100) = exact length to be discussed

{ } = optional language explaining variance, or we leave this out.

Map does not appear to be required per Statute 30.13 (3) but will check with attorney after VB review and approval.

Examples:

Pewaukee Lake (2,437 acres): Town of Delafield Code establishes 100 foot pierhead line:

19.21 PIERHEAD LINE. Pursuant to §30.11, Wis. Stats., a pierhead line is established within 100' of the shoreline of Pewaukee Lake. The line applies to all lands regardless of zoning classification and is shown on an official map on file in the office of the Town Clerk. For purposes of this section, "shoreline" is defined as the intersection of the land surfaces abutting the lake with the average annual high water elevation. Exceptions to the line shall require the approval of the Town Board and the Department of Natural Resources.

https://www.townofdelafield.org/sites/g/files/vyhlf5546/f/uploads/chapter_19_revized_2023-02-27.pdf

Lake Geneva (4,396 acres) : City of Lake Geneva municipal code establishes a 100 foot pierhead line from their bulkhead line:

Sec. 90-142 Establishment of pier head line.

[Code 1992, § 20.23(2)]

(a)

Pursuant to W.S.A., § 30.31(3), and in the interest of the preservation and protection of the public's rights in the waters of Geneva Lake, the City, within its respective boundaries, does hereby establish a pier head line on Geneva Lake which shall be at a distance of 100 feet waterward from the shoreline. The shoreline, for the purpose of this section, shall be the bulkhead lines described in the documents on file in the Clerk's office.

(b)

The shoreline, for purposes of this subdivision, for areas in the adjoining Geneva Lake and not described in the bulkhead line descriptions shall be at the elevation of the spillway crest on the Geneva Lake Dam, which is at the elevation of 864.3 feet mean sea level datum. The pier head line shall run parallel to the shoreline.

(c)

The map pursuant to W.S.A., § 30.11, approved by the Department of Natural Resources, indicating the existing shore and pier head line established in Subsection **(a)** of this section, is incorporated in this section and made a part of this subdivision.

<https://ecode360.com/14152009#:~:text=Pursuant%20to%20W.S.A.%2C%20%2A7%2030.31,feet%20waterward%20from%20the%20shoreline.>

Browns Lake (549 acres) Town of Burlington Code establishes a 48 foot pierhead line on Browns Lake:

1.20.030 Establishment of pierhead line. There is established, in the town on Browns Lake, a pierhead line. Such pierhead line is established at a distance of forty-eight (48) feet channelward from the ordinary high water mark of the shore, except in areas where wetlands extend twenty-six (26) feet or more channelward from the ordinary high water mark, in which case, the pierhead line is established at a distance of five feet channelward into open water from the channelward edge of the wetland. "Wetland" is defined as an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, has soils indicative of wet conditions, but is not open water. No pier or wharf shall be so placed or so constructed such that it extends a distance greater than the established pierhead line channelward from the ordinary high water mark of the shore from which such pier or wharf is constructed, unless the permit required by Section 30.12 (2) of the Wisconsin Statutes has been obtained or unless the exception set forth in said Section 30.13 applies. No pier or wharf may exist more than forty-eight (48) feet from the ordinary high water mark of the shore, except as hereinafter set forth; provided, however, that in the event that any person desiring to construct a pier or wharf is unable to achieve four foot of depth at the end of the pier during periods that the water is at its ordinary high water mark, then, in such event, the town board may grant an exception to allow the pier or wharf to exist more than forty-eight (48) feet from the ordinary high water mark of the shore. "Ordinary high water mark" is defined as the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distant mark either by erosion, destruction of terrestrial vegetation or other easily recognized characteristics. Where the bank or shore, at any particular place is of such a character that it is impossible or difficult to ascertain where the point of ordinary high water mark is, recourse may be had to other places on the shore of the lake to determine whether a given stage of water is above or below the ordinary high water mark. (Editorially amended during 2001 codification: Ord. dated 9/88: prior code § 20.18(3))

<https://www.townofburlington.com/wp-content/uploads/2019/10/Title-11.-Beaches-and-Lakes.pdf>

Delavan Lake: 1906 acres: Town of Delavan code establishes pierhead line of 80 feet for Delavan Lake:

2) ESTABLISHMENT OF PIERHEAD LINE (a) Pursuant to Sections 30.13(3) and 30.11, Wisconsin Statutes, and in the interest of the preservation and protection of the public's rights in the waters of Delavan Lake, the Town of Delavan, within its respective boundaries, does hereby establish a pierhead line on Delavan Lake, which shall be at a distance of eighty (80') feet navigable water from the shoreline, except in areas where wetland extend 45 feet or more navigable water from the shoreline, in which case, the pierhead line is established at a distance of thirty-five (35') feet navigable water into open water from the navigable water edge of the wetland. The shoreline, for the purpose of this subsection, shall be at the elevation of ninety-four and three-quarters (94.75) (feet) WDNR datum (or 927.91 MSL), commonly referred to as the "summer level," which is thirty-six (36") inches below the brass bench mark (elevation 97.79 (feet) WDNR datum (or 930.95 MSL), located on the cement bank on the north side of the dam. The pierhead line shall run parallel to the shoreline. "Wetland" is defined as an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydro-phytic vegetation, has soils indicative of wet conditions, but is not open water. 18 (b) INCORPORATION OF MAP i. Pursuant to Section 30.11, Wisconsin Statutes, the map approved by the Wisconsin Department of Natural Resources, indicating the existing shore and pierhead line established in paragraph (2) (a) above, is incorporated here in and made a part of this section

<https://townofdelavan.com/wp-content/uploads/2021/02/20.-Chapter-19-Mutual-and-Identical-Regulations-for-Boating-on-Delavan-Lake-and-Lake-Comus-for-the-City-and-Town-of-Delavan.pdf>

Tichigan Lake: 279 acres: Town of Waterford Code establishes pierhead line of 1 boat length or to 3 feet of water depth.

III. ESTABLISHMENT OF PIER HEAD LINE. Until such time that the Town of Waterford establishes, and the DNR approves, a pier head line on Tichigan Lake and the Fox River within the Township of Waterford which meets the requirements of Section 30.11 of the Wisconsin Statutes and this Ordinance can be amended accordingly, no pier, wharf or similar or related structure or facility may exist beyond the greater of: 1. Boat length; or, 2. A three-foot (3) water depth contour; or, 3. A greater depth contour if required for the watercraft berthed. Piers, wharves and similar or related structures or facilities may not, in any case, interfere with public rights on the waterways and the rights of other riparian owners.

https://www.tn.waterford.wi.gov/sites/default/files/fileattachments/administration/page/2271/pier_ordinance.pdf

January questions:

- Is 100 feet the correct length for our lake? I will try to get an over head depth map to think about # neighbors in shallow waters and their ability to get a boat in.
- To Cody's question, have added additional language covering existing piers.
- Should we have informational section on piers on the Village website which links to DNR pier planner and emphasizes distances from lot lines, max square footage, number of slips/shoreline footage. But if no enforcement...
- Example of a neighborly non-ordinance pier guide: Lake Beulah/East Troy:
<https://protectlakebeulah.org/property-piers>
It basically reiterates DNR Pier Planner language, but we can add more: "The smallest pier to meet your family's needs will have less impact on Pine Lake's shores." "Boat slips perpendicular to the shoreline are preferred due to obstruction of shoreline view with parallel placement. Solid boat covers are discouraged for the same reason.
- Is 2 slips/first 50 feet, then 1 slip for every 50 feet of frontage okay density?
- Do we want to regulate new piers/pier additions more than this? Other ordinances or a permitted process from the Village of Chenequa? This is a lot of work, manpower etc if we want greater control over piers as a Village. If DNR is not enforcing it's pier planner guidelines, should we? Here are Tichigan Lake's requirements:
https://www.tn.waterford.wi.gov/sites/default/files/fileattachments/administration/page/2271/pier_ordinance.pdf
- Interesting to Fritz's point they require permanent piers to have reflectors on the end corners. They limit One pier to each 100 feet of frontage and maximum numbers of moored boats is 4., in a slip or not.

WI legislature:

30.13 Regulation of wharves, piers and swimming rafts; establishment of pierhead lines.

- (1) CONSTRUCTION ALLOWED WITHOUT PERMIT UNDER CERTAIN CIRCUMSTANCES. A riparian proprietor may construct a wharf or pier in a navigable waterway extending beyond the ordinary high-water mark or an established bulkhead line in aid of navigation without obtaining a permit under s. 30.12 if all of the following conditions are met:
- (a) The wharf or pier does not interfere with public rights in navigable waters.
 - (b) The wharf or pier does not interfere with rights of other riparian proprietors.
 - (c) The wharf or pier does not extend beyond any pierhead line which is established under sub. (3).
 - (d) The wharf or pier does not violate any ordinances enacted under sub. (2).
 - (e) The wharf or pier is constructed to allow the free movement of water underneath and in a manner which will not cause the formation of land upon the bed of the waterway.
- (1m) SWIMMING RAFTS ALLOWED WITHOUT PERMIT UNDER CERTAIN CIRCUMSTANCES. A riparian proprietor may place a swimming raft in a navigable waterway for swimming and diving purposes without obtaining a permit under s. 30.12 if all of the following conditions are met:
- (a) The swimming raft does not interfere with public rights in navigable waters.
 - (b) The swimming raft does not interfere with rights of other riparian proprietors.
 - (c) The swimming raft is placed within 200 feet of shore.
- (2) WHARVES, PIERS AND SWIMMING RAFTS REGULATED. A municipality may enact ordinances not inconsistent with this section regulating the construction and location of wharves, piers and swimming rafts located within or attached to land within that municipality.
- (3) ESTABLISHMENT OF PIERHEAD LINES.
- (a) Any municipality authorized by s. 30.11 to establish a bulkhead line may also establish a pierhead line in the same manner as it is authorized to establish a bulkhead line, except that a metes and bounds legal description is not required nor is the map required to be prepared by a registered land surveyor and except that if the municipality has created a board of harbor commissioners the municipality must obtain the approval of the board concerning the establishment of the pierhead line in addition to obtaining the approval of the department.
 - (b) Any pierhead line established by a municipality shall be established in the interest of the preservation and protection of its harbor or of public rights in navigable waters.
- (4) UNLAWFUL OBSTRUCTION.
- (a) *Interferes with public rights.* A wharf or pier which interferes with public rights in navigable waters constitutes an unlawful obstruction of navigable waters unless a permit is issued for the wharf or pier under s. 30.12 or unless authorization for the wharf or pier is expressly provided.
 - (b) *Interferes with riparian rights.* A wharf or pier which interferes with rights of other riparian proprietors constitutes an unlawful obstruction of navigable waters unless a permit is issued for the wharf or pier under s. 30.12 or unless authorization for the wharf or pier is expressly provided.
 - (c) *Extends beyond pierhead line; exception.* A wharf or pier which extends into navigable waters beyond any pierhead line established under sub. (3) constitutes an unlawful obstruction of navigable waters unless a valid permit, license or authorization for the wharf or pier is granted or unless it is a permissible preexisting wharf or pier. A wharf or pier is a permissible preexisting wharf or pier if it existed prior to the establishment of the pierhead line, if it is not extended or expanded after that date and if the ownership of the land to which it is attached did not change after that date except that a wharf or pier continues its status as a permissible preexisting wharf or pier for one year after the date the change of ownership is recorded. The seasonal removal of a wharf or pier does not affect its status as a permissible preexisting wharf or pier if it is reestablished in substantially the same form. Status as a permissible preexisting wharf or pier does not imply that authorization for the wharf or pier is provided for the purposes of par. (a) or (b). The owner of a wharf or pier may submit evidence to the municipality that it is a permissible preexisting wharf or pier at any time after the municipality establishes the pierhead line.
 - (d) *Violates regulations.* A wharf or pier which violates the regulations contained in sub. (2) or in any ordinance enacted under sub. (2) constitutes an unlawful obstruction of navigable waters.
- (5) REMOVAL OF WHARVES AND PIERS EXTENDING BEYOND PIERHEAD LINE. The governing body of a city, village or town may remove a wharf or pier which constitutes an unlawful obstruction of navigable waters under sub. (4) as provided under s. 66.0495.
- (6) DOCK LINE NOT INVALIDATED. A dock line lawfully established before January 1, 1960, is a lawfully established pierhead line.

Proposal: Wakeboating guidelines for Pine Lake:

Being proposed as voluntary guidelines not an ordinance. To be distributed via the Village of Chenequa Newsletter, PLYC if willing, Windword if willing, Village website if possible and posted at the landing.

- 1) Deep water runs only in greater than 20 feet of water. Stay out of shallow bays.
Surf, board and empty your ballast in the deepest parts of the lake so as to not disturb sediment.
- 2) You must be 200 feet from shore, pier or moored boat.
- 3) When passing between shore and the island stay in the middle on either side.
- 4) Stay as far away from piers as you can and turn your wake away from piers.
- 5) Stay out of all weed beds. Slow no wake if you must land through a weed bed.
- 6) Maintain full visibility ahead re swimmers, kayakers and SUPs.
- 7) When the lake is busy, wait your turn. Spaced sequential runs are better than parallel runs to avoid wave addition or amplification impacting our shoreline. Common boating courtesy should prevail.
- 8) Respect our sailors: avoid all sailboats, sailing classes, sailboat races and regattas in session.
Sailboats have right of way.
- 9) All WI DNR boating regulations apply to you and will be enforced.

Additional recommendations:

Post Pine Lake depth map at landing.

Post Pine Lake weed map at landing.

QR code at landing linking to map of Pine Lake with “No wake zones” = 200 feet from shore and all shallow bays, anywhere less than 20 feet in depth + weed map. c.f. Manitowish Waters: QR code links to wake safe website with lake maps with “safe wake” zones and advice re busy times/per lake.

<https://wakesafemw.com/>

Boat log at landing re the type of boats coming on, date and time of day to gauge off-lake wakeboat pressure.

January Questions:

- Refine above proposal for presentation to Village Board
- How to incorporate safe wakeboating instruction into boating safety classes offered by Village of Chenequa
- Any updates on proposed state legislation regulating wakeboating (Senate Bill 680/Assembly Bill 656, or LRB- 5069/1 (waiting for co-sponsor for a bill number)

North Lake Management District: Has been addressing wakeboats for 5 years. Here are May 2023 Boating Guidelines: revised annually:

<https://nlmddotorg.files.wordpress.com/2023/05/230530-revised-lake-stewardship-boating-guidelines.pdf>

Using Aerators and Aeration Systems

Knowing your options

Heaving ice and ice buildup can dislocate pilings, footings and other waterway structures during the winter months. When boating season is over, many landowners avoid such potential impacts by choosing to remove piers, docks and other structures from the water prior to ice up.

Aerators can be a helpful tool to lengthen the structural life of permanent waterway structures. Proper installation, size of waterbody, ice force, and other factors can influence the overall success of this practice. Many landowners choose to attach an aerator or circulator to a pier to maintain open water in the vicinity. As a general rule of thumb, installing these devices to existing authorized structures such as piers does not require permitting; however, additional DNR permitting may be required if you are placing a free-standing structure on the lake bed or actions result in lake bed or river bottom disturbance. Visit <https://dnr.wi.gov/topic/Waterways/construction/avoidIceDamage.html> for more information.



Knowing the rules can help keep people safe and help protect structures from ice damage

State Regulations:

DNR permitting is not required provided:

1. The aeration system is attached to a legal structure (pier, retaining wall, etc.). This can be a previously permitted structure or a structure that is exempt from permitting.
2. The mixing action from the aerator does not disturb the lake bottom. Pointing the aerator flow perpendicular to the lakbed or towards the water surface will help ensure that the lake bottom is not significantly disturbed.

If these standards cannot be met, please visit dnr.wi.gov, keyword, "water permit"

Other Regulations:

In order to protect public safety, ice holes formed from an aerator must be marked with one of the following methods. Please contact the local sheriff's department to report a violation of this requirement (s. 167.26, Wis. Stats.):

- Erect and maintain a barricade around the holes consisting of uprights that are spaced at adequate intervals to maintain the barricade and that are connected by a continuous rope, cord, or similar material placed at least 2.5 feet and not more than 4.5 feet off the surface. The connecting rope, cord, or similar material shall have reflectorized, fluorescent, or lighted ribbon or tape or other reflectorized devices attached to it, so as to be highly visible, and shall be of sufficient strength to allow for the retrieval of the barricade following melting of the ice.
- Erect and maintain a visual warning mechanism that is highly visible and that is reflectorized, fluorescent, or lighted.

Other Best Practices:

Please be aware you may be liable for any accidents that occur due to improperly marked ice holes. Disputes between neighboring landowners may be handled through a civil action. To avoid accidents or injuries, here are some additional best practices that should be followed:

- Limit the open water in the pier vicinity by orienting the circulator to create an upflow of water;
- Operate the aerator or circulator on a timer to limit run time to the duration necessary to keep the pier ice free;
- Install the aerator in a manner that avoids impacting the ice on your neighbor's property or creates unsafe ice conditions in recreational areas known to be used by for ice skaters, fishermen, snowmobilers, etc.