

DNR ID#0839

DATE: June 1, 2007

TO: Bill Yearman

JUN 10 2009

FROM: Buzz Sorge

SUBJECT: Lake Tomah Boating Ordinance Condition Report

The boating ordinance provided for review for Lake Tomah by the City of Tomah will provide habitat, aquatic plant, shoreline and water quality protection to the lake. Many studies have documented that boating above slow no wake speeds in shallow water and near shorelines results in increased shoreline erosion, resuspension of bottom sediments, degraded water quality, and cause detrimental impacts to aquatic plant communities. Boat propellers create a turbulence which can resuspend sediments and cause water clarity problems and contribute to eutrophication. The physical force of boating induced wave action has been shown to increase shoreline erosion. Boating in aquatic plants will harm plants by physically cutting the plants apart and disturbing the lake sediments preventing aquatic plant growth.

Department staff conducted a field assessment evaluating the islands in the south end of Lake Tomah on February 28, 2007. Severe shoreline erosion was found to occur along all island shorelines. Department staff recommended that the ordinance should place a buoy line to protect waters shallower than 6 feet and place the buoy line to create a slow no wake area within a minimum distance of 200 feet from shorelines sensitive to erosion.

JUN 10 2009

Lake Tomah Condition Report

Lake Tomah has been a valued recreational resource for the community of Tomah since the lake was created in 1938 and 1939. The lake and surrounding shoreline is used by community residents for fishing, boating, hunting, picnicking, and many other outdoor recreational activities. The lake is 251 acres and used by many area residents. Over 80 percent of the city residents completing a lake assessment survey in October 2007 indicated they visit or use the lake one or more times per year. The majority of the residents value the lake as a recreational resource.

The most recent effort to improve Lake Tomah was in 1992 and 1993 when the lake was dredged, a new dam was built with the cooperation of the Department of Natural Resources and Ducks Unlimited several island were created. Those islands have now eroded significantly, creating shallow water areas that didn't previously exist. Carp have become abundant in the lake. Excessive runoff of nutrients from agricultural lands and urban areas which drain to Lake Tomah have contributed significantly to poor water quality, degrading the fishery and limiting recreational use. A survey of Tomah residents found that people felt the lake will worsen or remain the same if improvement actions are not taken to rehabilitate the lake

A Lake Tomah Management Plan 2008 was developed by citizens appointed to the Lake Tomah Committee working in partnership with community residents, the Monroe County Land Conservation Department staff and staff from the Wisconsin Department of Natural Resources. It was unanimously supported by the Tomah City Council in August 2008 and outlines a framework of lake stewardship activities which will provide improved motorized and non-motorized recreational opportunities, fish and aquatic life habitats, and water clarity. This lake plan includes clearly defined goals and activities that will be the road map to improve the attributes of Lake Tomah that are valued by the residents of the community including development of a new lake map, lake drawdown and carp eradication, sport fishery restoration, refined fishing regulations, stormwater and runoff management, and sediment trap maintenance.

Protecting and restoring a healthy and stable lake and shore land habitats is a key to successful lake rehabilitation and is critical to restoring the fishery and enhancing the fishery and aquatic life of Lake Tomah. To accomplish this it is necessary to restore aquatic plant growth to a depth of 3 feet, restore the islands in the south end of the lake, install 10 or more shore land buffers at private residences, and to restore eroding shorelines. Recreational uses of the lake will continue to increase as population increases and lake improvements are achieved. It is intended that lake access points will be improved and added and will be managed to provide safe, enjoyable and accessible outdoor experiences for all who come to enjoy the lake.

To further these objectives, the Lake Tomah Committee began a lengthy debate beginning in 2007 to modify the City's slow-no-wake boating ordinance. The ordinance will be the tool which will help protect island shorelands, shallow water habitat and a no wake boating area on the south end of the lake encompassing 97-acres.

The Lake Tomah Management Plan 2008 Goal III is "Protect and restore healthy stable lake and shoreland habitats". Currently the four islands in the south end of the lake have approximately 2000 feet of severely eroding shoreline. These eroding shorelines will be restored while the lake is drawn down in 2009 and early 2010. The slow no wake area defined in the ordinance will provide a separation from motorized boating. Current research has shown that a separation greater than 200 feet is needed to protect shorelines from wave action generated by power boating (Asplund 2008 personal communication). The slow no wake area is need to protect critical shallow water fish and aquatic life habitat in the south end of the lake. Several studies (Asplund 2000) have been reviewed and have found that power boating has a significant detrimental impact on aquatic plants growing in shallow waters. Boating physically cuts aquatic plants and scours lake bottoms preventing the growth of aquatic

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plants. The south end of Lake Tomah is critical shallow water habitat for aquatic plants. Aquatic plant growth will be stimulated in the south end of the lake once the carp have been eliminated in fall 2009 and the drawdown completed in 2010.

This new ordinance would roughly increase the size of the existing slow-no-wake area by a third. While this new ordinance would limit some skiing/tubing in the area the effect would be minimal. Most of this area is shallow water with the exception of a bay where deep water exists. A boat pulling a skier into this bay would have difficulty negotiating a turn without creating a hazardous situation or operating faster than slow-no-wake within 100-feet of a pier. After hearing arguments on both sides of this issue, the Tomah City Council voted in favor of modifying the current ordinance to the proposed ordinance in 2007 pending Department approval.

Asplund, T.A. 2000. The effects of motorized watercraft on aquatic ecosystems. WDNR PUBL-SS-948-00. 21 p.

JUN 10 2009



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711

March 12, 2007

Ken Patterson, Director
City of Tomah Public Works & Utilities
819 Superior Ave
Tomah WI 54660

DNR Ordinance ID#0839
Monroe County

SUBJECT: Boating Ordinance Review – City of Tomah – Lake Tomah

Dear Mr. Patterson;

This letter acknowledges receipt by the Wisconsin DNR, of a cover letter from you, a copy of page 2 of the meeting minutes of a meeting held in the City Hall on January 9, 2007, a proposed ordinance amendment to the City of Tomah Ordinance 19.07 No Wake Zone On Lake Tomah, and two 'virtually indiscernible' photocopied maps of Lake Tomah. I have assigned the program identification number 0839 to this proposed ordinance revision and the department's review.

The original adopted ordinance on file with this department was received in October 1994. This final adopted ordinance created a 'Slow-No-Wake' restriction for boating activity in two portions or areas of Lake Tomah as indicated by a map that is somewhat difficult to evaluate.

The Ordinance as adopted by the City of Tomah, and the proposed revision to this ordinance 19.07, is found to be consistent with ss.30.50 to 30.71, Wisconsin Statutes. But the use of a map as part of the ordinance as an appendix, for depiction of the designated Slow-No-Wake zone or areas, does not meet the DNR standards per the department rules adopted to implement those sections of the Wisconsin Statutes. This proposed revised ordinance and documents are being sent to Recreation Safety Warden Bill Yearman (in Eau Claire) for his review. I am confident that Warden Yearman will be in contact with you soon, in relaying his review and recommendations. Please note, that an updated Condition Report will likely also be necessary to support the revisions to the currently adopted ordinance since the original one was prepared over twelve years ago.

Following the department's review and the completion and adoption of the proposed revision to the City of Tomah ordinance, a new Waterway Marker Permit Application will need to be submitted to RSW Yearman to replace the previously issued waterway marker permit ID#2545, which was issued in 1994.

If you have questions regarding the requirements expressed in this letter, please contact Recreational Safety Warden Bill Yearman at 715-839-3717 or you can reach me at 608-266-2203.

Sincerely,

Wayne Riggquist
Recreation Enforcement & Safety Section
Bureau of Law Enforcement

Enclosures

Cc: RSW Bill Yearman – WCR – Eau Claire

Warden Mark Little – 310 N Superior Ave, Tomah

PUBLIC WORKS & UTILITIES

819 SUPERIOR AVENUE
TOMAH, WI 54660
OFFICE (608) 374-7431 FAX (608) 374-7444

March 7, 2007

Roy Zellmer – LE/5
Boating Law Administrator
Department of Natural Resources
Box 7921
Madison, WI 53707



Re: "No Wake Zone" Revision

Dear Mr. Zellmer,

The City of Tomah is requesting permission to change its "No Wake Zone" ordinance for Lake Tomah. The first reading of the revised ordinance was approved by our City Council. We are asking the Department of Natural Resources to approve the proposed revision so that the Council may hold a second reading and adopt the new ordinance.

There will not be any changes in the wording of the ordinance however, we are deleting the current map and replacing it with the map referred to as exhibit A1. Enclosed is a copy of the existing ordinance and map, the revised map, the ordinance amendment, and the City Council minutes verifying that the first reading was approved.

We are requesting that you review the enclosed materials and approve the revision. If possible, we would like the new ordinance to be in effect for the upcoming boating season. Feel free to contact me if you have any questions or concerns.

Yours truly,

City of Tomah
Public Works and Utilities

Ken Patterson
Director

Copies to: Conservation Warden Mark Little, City Administrator John Rusch, Mayor Chuck Ludeking

Enclosures

Recreation Commission is considering a long-term contract with the Monroe County Ag Society for the annual national tractor pull. Negotiations are underway for the replacement of overhead lighting in the arena. **Swimming Pool.** All eight of the concrete pours for the vessel floor have been completed. Crews are currently forming the walls of the vessel and excavating for the installation of the slide foundations. Work appears to be on schedule.

City Clerk Report. City Clerk Cram advised a primary election will be held on February 20, 2007 for 3 Supreme Court Judge candidates. The recodification process of the municipal code of ordinances will be starting shortly.

Public Works Director – Water/Sewer/Public Works. Ken Patterson provided summaries of the various departments.

Library Report. Ms. Peterson was not present. No report given.

Chamber of Commerce. Pete Peterson, acting Director of the Chamber advised that the Annual Chamber Banquet will be held on January 20th at the Cranberry Country Lodge. The Chamber will begin hosting the Business-After-Five events starting in February. The 2007 monthly planners have been distributed to members. Kelly Murray will be off on medical leave for 4 weeks.

Safety Building Recommendation. Motion by Schleicher, second by Wright to send the safety building recommendation back to the Public Works & Utilities Commission for further study and recommend that \$5,500 be transferred from the contingency fund for the alternate design. Motion passed without negative vote. City Administrator Rusch provided a summary of space studies and their respective projected costs.

Bartender Licenses. Motion by Buchda, second by Koeck to approve the bartender licenses as listed. Motion passed without negative vote. Bartender licenses issued as follows: Chris M. Ewald, Cynthia A. Gerke, Tonya M. Pollock, Richele E. Tralmer and Tamara L. Zellmer.

“Class A” Liquor and Class “A” Fermented Malt Beverage License for Brar Gurm Inc. at 124 W. McCoy Blvd. (Tomah Quick Mart). This property was formerly known as Shell Travel Mart.

Motion by Buchda, second by Wright for to approve the “Class A” Liquor and Class “A” Fermented Malt Beverage License for Brar Gurm Inc. at 124 W. McCoy Blvd. (Tomah Quick Mart) contingent on the closing/sale of the property. Motion passed without negative vote.

“Class B” Fermented Malt Beverage License and “Class C” Wine License for Crystal Blihovde. The Superior Restaurant is requesting a license to serve beer and wine.

Motion by Olsen second by Wright to approve the “Class B” Fermented Malt Beverage License and “Class C” Wine License for Crystal Blihovde of The Superior Restaurant. Motion passed without negative vote. (Thompson abstained).

Ordinance Amending Section 19.07(3)(c) Regarding No Wake Zone. The Public Works and Utilities Commission met on December 20th and voted to amend the ordinance. The wording in the ordinance is not being changed, but the map establishing the no wake zone is being amended.

Motion by Wright, second by Olson to waive the first verbatim reading of the ordinance amending Section 19.07 regarding the no wake zone. Motion passed without negative vote.

Special Beer Permit – Tomah-Warrens Sportsman Alliance – February 10, 2007 for an Archery Tournament at the Exhibit Building at Recreation Park.

Motion by Buchda, second by Wright to approve the special beer permit for the Tomah Warrens Sportsman Alliance for February 10, 2007 for an archery tournament at the Exhibit Building at Recreation Park. Motion passed without negative vote.

Special Beer Permit – St. Mary’s Parish – February 17, 2007 – Mardi Gras. The Knights of Columbus have applied for a special beer permit for St. Mary’s Mardi Gras.

Motion by Thompson, second by Koeck to approve a special beer permit for St. Mary’s Parish for Feb. 17th for a Mardi Gras in St. Mary’s School Gymnasium. Motion passed without negative vote.

Special Beer Permit – Tomah Warrens Sportsman Alliance – March 24, 2007 for Turkey Federation Banquet at the Recreation Building at Recreation Park.



Ordinance No. _____

ORDINANCE AMENDING SECTION 19.07(3)(c) OF THE MUNICIPAL CODE
OF THE CITY OF TOMAH

The Common Council of the City of Tomah do ordain as follows:

SECTION ONE: Section 19.07(3)(c) of the Municipal Code is hereby amended to read as follows:

19.07 (3)(c) The "No Wake Zone" on Lake Tomah shall consist of that area more specifically defined on the map attached hereto as Exhibit "A1" and incorporated herein as if fully set forth.

SECTION TWO: All ordinances in conflict with the foregoing are hereby repealed.

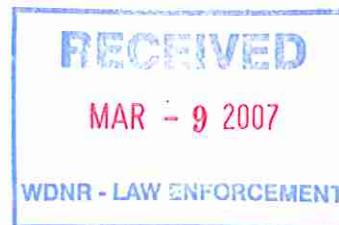
SECTION THREE: This ordinance shall take effect upon passage and publication.

Charles Ludeking, Mayor

ATTEST:

JoAnn Cram, Clerk

READ:
PASSED:
PUBLISHED:



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PARKS AND RECREATION 19.06(5)

(5) INSPECTION. All docks shall be subject to periodic inspection by the Public Works & Utilities Commission or the Lake District Commissioners or their designee to ensure that the docks are maintained in a safe condition and in conformance with this Ordinance.

19.07 NO WAKE ZONE ON LAKE TOMAH. (1) TITLE OF ORDINANCE. This Ordinance shall be known, cited and referred to as the "No Wake Zone Ordinance" (hereinafter referred to as "Ordinance").

(2) PURPOSE, AUTHORITY AND APPLICATION. (a) The purpose of this Ordinance is to institute use regulations and restrictions on Lake Tomah to protect the fisheries of Lake Tomah and to promote the health, safety and general welfare of the residents of the City of Tomah.

(b) These regulations are established pursuant to the statutory authorization for municipal planning and zoning in order to protect the public health, safety and welfare.

(c) The regulations specified in this Ordinance shall apply within the City's corporate limits.

(3) NO WAKE ZONE. (a) The Public Works & Utilities Commission or Lake District Commissioners or their designee shall cooperate in placing markers or buoys to delineate the "No Wake Zone" on Lake Tomah.

(b) Definition. "Slow-No-Wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

(c) The "No Wake Zone" on Lake Tomah shall consist of that area more specifically defined on the map attached hereto as Exhibit "A" and incorporated herein as is fully set forth. AL

(d) Violations. It shall be unlawful for any person to operate or use any boat or other motorized watercraft on Lake Tomah in violation of this Ordinance.

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PARKS AND RECREATION 19.07 (3) (e)

(e) Penalties. Wisconsin state boating penalties as found in s. 30.80, Wisconsin Statutes, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference with all references to fines amended to forfeitures and all references to imprisonment deleted.

19.08 PUMPING WATER FROM LAKE TOMAH PROHIBITED.

(1) No individual shall pump water from Lake Tomah for the purpose of irrigating lawns or gardens.

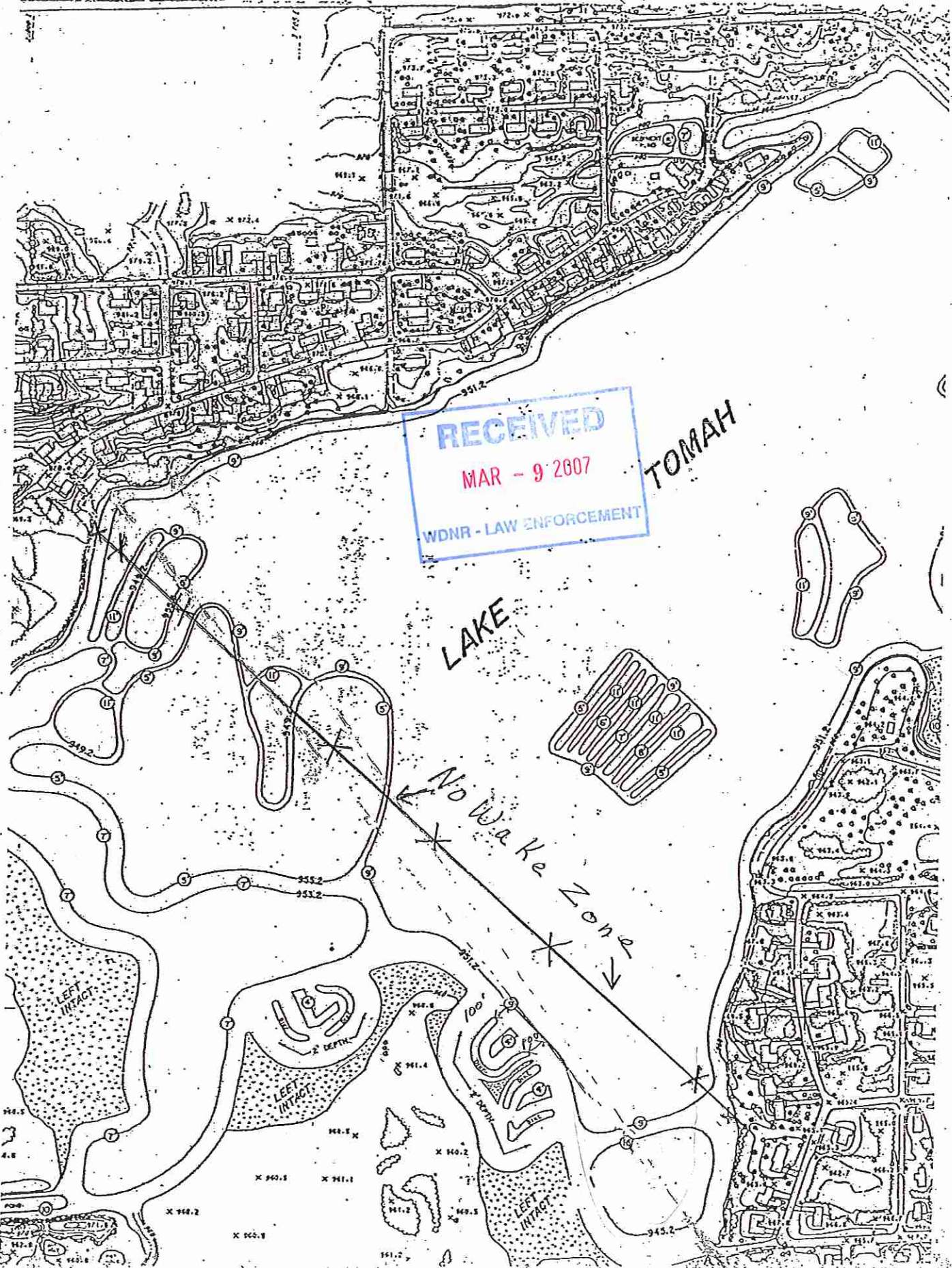
(2) No individual shall pump water from Lake Tomah for any other purpose without the prior written consent of the Director of Public Works and Utilities of the City of Tomah.

19.09 RULES AND REGULATIONS OF CITY-WIDE RECREATIONAL TRAIL. The following special rules and regulations in addition to all other applicable regulations in this chapter and in addition to any special rules promulgated by the Parks and Recreation Commission shall govern conduct on the City-wide Recreational Trail:

(1) Motorized Vehicles Prohibited. With the exception of motorized wheelchairs (or other similar transportation devices for the disabled), motorized vehicles or other modes or instrumentalities of transportation, including equipment, boats, campers, recreational vehicles, scooters, or any other machinery powered by a motor or battery shall not be permitted to be operated on the City-wide Recreational Trail. This section shall not apply to City-owned or operated maintenance vehicles.

(2) Roller Blades, Bicycles and Skate Boards Prohibited in Designated Areas. With the exception of wheelchairs (or other similar transportation devices for the disabled) and baby strollers, the use of roller blades, skate boards, bicycles or other similar devices shall not be permitted on any portion of the City-wide Recreational Trail which is adjacent to private property bordering Lake Tomah.

December 2006 Exhibit A1



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TOMAH

LAKE

No Wake Zone

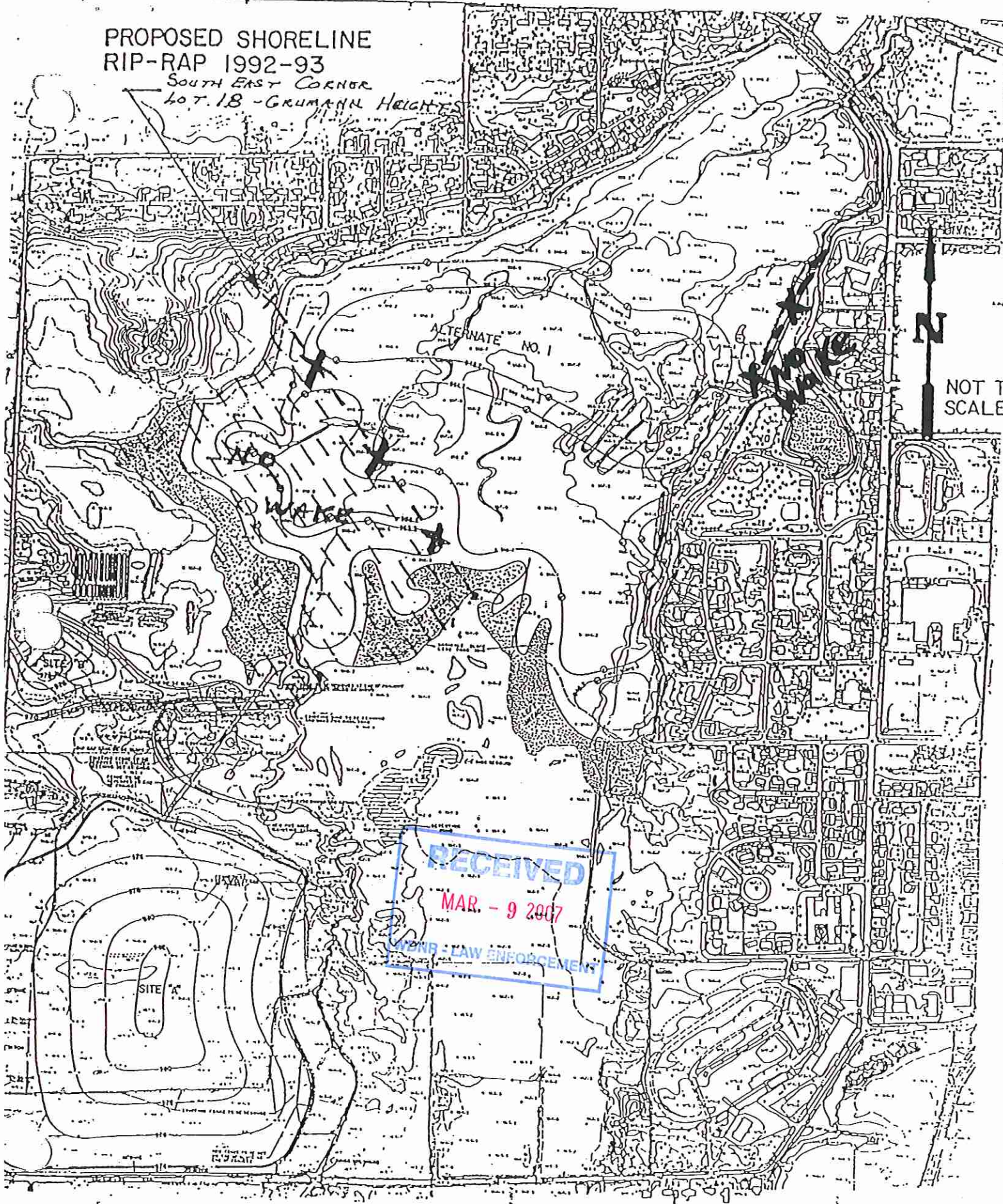
LEFT INTACT

LEE INTACT

LEE INTACT

LEFT INTACT

PROPOSED SHORELINE
RIP-RAP 1992-93
SOUTH EAST CORNER
LOT 18 - GRUMANN HEIGHTS



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Delete

= SHORELINE TO BE RIP-RAPPED EXHIBIT "A"
NO WAKE ZONE