

# A Plan for Managing Pewaukee Lake

The increasing pressures on all of our natural resources require that we look closely at how they are used and the impact humans have on them. Natural resources must be proactively managed to protect them for the public good and future generations. Pewaukee Lake is no exception.

The Pewaukee Lake Management Committee (PLMC) reviewed and approved a management plan for Pewaukee Lake prepared this winter by the City of Pewaukee. Three PLIA board members participate on the PLMC and assisted in preparing the document. *A Plan for the Environmental Enhancement of Lake Pewaukee and the Lake Watershed* builds on the recommendations contained in the lake management plan prepared by the Southeast Wisconsin Regional Planning Commission issued in May 2004.

Copies of the management plan will be distributed at our annual PLIA meeting on April 18, 2005. The plan identifies important issues critical to preserving Pewaukee Lake and makes a number of specific recommendations for us to focus on moving toward the future. The plan recommendations are very briefly summarized below:

## Watershed Issues

1. **Administration:** Create an ecosystem-based communication structure with authority for managing the resource through either a Pewaukee Lake Management Committee (PLMC) or a lake management district. Currently,

the Village of Pewaukee and the Town of Delafield do not participate on the PLMC.

2. **Education:** Develop programs and materials to educate the public on lake preservation issues.
3. **Land Use and Zoning Management:** Implement 'best management practices' to preserve environmentally sensitive areas in the watershed.
4. **Non-Point Source Land/Water Pollution:** Reduce nutrients entering the lake through enhanced management of storm water runoff.
5. **Public Sanitary Sewerage Facilities:** Abandon the few remaining individual on-site sewerage systems by connecting them to municipal systems.

## In-Lake Issues

6. **Nutrient Load Reduction:** Encourage all municipalities in the watershed to implement and enforce 0% phosphorus fertilizer ordinances.
7. **Hydraulic and Hydrologic Management:** Manipulation of Pewaukee Lake surface water levels at the dam, as part of an aquatic plant management strategy, are not recommended.

8. **Fisheries Management:** Enhance protection of sensitive fish habitat and spawning areas as well as shoreline erosion controls.

9. **Aquatic Plant Management:** Expand mechanical harvesting of Eurasian Water Milfoil and limited use of herbicides in selective near-shore areas of the eastern basin as well as implement other aspects of the SEWRPC May 2003 recommendations for aquatic plant management.

10. **Continuing Research:** Retain recognized local academic and other institutions to conduct lake monitoring on a continuing basis and perform research in support of the lake management goals.

A copy of the plan is posted on the PLIA website:  
[www.pewaukeelakeassoc.com](http://www.pewaukeelakeassoc.com)

The implementation of any plan for the protection and enhancement of Pewaukee Lake requires the active participation of all communities in the watershed. After reading the plan, please direct your comments to PLIA or the PLMC c/o the City of Pewaukee.

— Bob Karnauskas

## Pewaukee Lake



## Improvement Association

Preserving the resource today for future generations

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W.B. Milbrath, Jr. — Editor

## President's Letter

Wow! We've had an awful lot of things going on with our all-volunteer, grassroots organization, and also got a few major things accomplished!

From the start, a major goal of the Pewaukee Lake Improvement Association (PLIA) has been to encourage our local elected officials to implement all aspects of the lake management plan prepared by the Southeast Wisconsin Regional Planning Commission (SEWRPC). As you may recall, in the fall of 2003, the PLIA provided the Town of Delafield (Town), City of Pewaukee (City) and the Village of Pewaukee (Village) governmental authorities with recommendations for aquatic plant management on Pewaukee Lake. These recommendations were as follows:

1. Continued mechanical harvesting of stands of Eurasian Water Milfoil to the maximum depth possible by equipment currently operated on Pewaukee Lake. The lake plan recommends cutting to a meter and a half depth (approximately 4.5 feet).
2. Use of the aquatic herbicide 2,4-D in all riparian areas (200 feet from shoreline) with the exception of special habitat sensitive areas as indicated in the previous and new lake plan.
3. The designation of an elected official from each municipality contiguous to Pewaukee Lake to act as a member of a Lake Committee. The objective of which will be to work with the PLIA and enable the resources available for managing Pewaukee Lake to be more organized and coordinated and based upon the ecosystem as a whole regardless of political jurisdictions.

4. A coordinated effort with all mechanical harvesting equipment in all areas where Eurasian Water Milfoil is found. Specifically, the central areas of the eastern basin (anywhere outside the riparian areas where boating is frequent).

5. We further recommend that the new lake management plan be sent back to SEWRPC and amended to include more aggressive weed management procedures, specifically with regard to Eurasian Water Milfoil, including systemic herbicides (grant money may be made available if the plan is amended to include these recommendations).

6. A public hearing be held (as required by Wisconsin Statutes) to discuss the value, use, and ramifications of herbicide treatment for the Eurasian Water Milfoil problem on Pewaukee Lake. The PLIA would like to arrange for the public hearing and direct it to the residents of the Village of Pewaukee, the Town of Delafield, and the City of Pewaukee.

7. Each municipality in the watershed for Pewaukee Lake pass a no-phosphorous lawn chemical ordinance for all non-agricultural land within their respective jurisdictions.

Our reasoning for the above recommendations were based upon the fact that there is no single tool (including mechanical harvesting) which will be practical to significantly reduce or eradicate Eurasian Water Milfoil from

Please see **President's Letter, Page 2**

PLIA  
Annual Meeting  
April 18, 2005  
7-9 PM  
Pewaukee  
High  
School  
Auditorium

Check Us Out  
on the Web at:

[www.pewaukeelakeassoc.org](http://www.pewaukeelakeassoc.org)

## Pewaukee Lake Needs You!

If you live on or within one mile of Pewaukee Lake you are invited to become a member of the Pewaukee Lake Improvement Association.

Why an Association? There are currently seven government entities sharing responsibility for this wonderful resource. The Association provides an organized way for the voice of lake area residents to be heard regarding lake issues. Dues are \$25 per year. If you are interested in being a member or would like more information, please fax or email your name and address us, or you may mail your contact information and your check to: Pewaukee Lake Improvement Association, c/o Bob Giblin, P.O. Box 603, Pewaukee, WI 53072.  
Fax: 262-746-9899 • email: [rgiblin@wi.rr.com](mailto:rgiblin@wi.rr.com)

Name \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ Zip \_\_\_\_\_

Phone ( ) \_\_\_\_\_ Email \_\_\_\_\_

the Pewaukee Lake. However, a combination of various mechanisms should allow us to begin the process of reducing Eurasian Water Milfoil and creating a better environment for beneficial native vegetation, the fishery, and recreational use of the lake.

Here's what PLIA has accomplished thus far:

**Phosphorus Ordinances Passed**

Aquatic plant and algae growth in Pewaukee Lake are limited by the amount of phosphorus in the water. One pound of phosphorous provides nutrients that can produce 500 pounds of algae. The PLIA took the lead on this issue and attended numerous Town, City and Village meetings to pass zero phosphorous ordinances for nonagricultural fertilizer users. The City's ordinance passed as recommended by the PLIA. The Town of Delafield and Village of Pewaukee ordinances did not and instead, set a 3% maximum phosphorus content in response to pressure from landscapers who flocked to into Town and Village meetings from all over Southeastern Wisconsin. Three percent is what most fertilizer suppliers currently sell and represents no significant reduction in phosphorus application in the watershed. This is not good enough.

We need the assistance of the residents of the Town of Delafield and the Village of Pewaukee to write elected officials and demand that the existing ordinance be changed to 0% phosphorus.

**Formation of a Pewaukee Lake Management Committee**

Pewaukee Lake has lacked of an ecosystem-based communication structure among the many municipalities with jurisdictions within its watershed. The previous structure of lake management was headed up, more or less, by the Lake Pewaukee Sanitary District. While their superintendent was involved and worked hard, we learned from two different surveys that public perception felt the existing practices for aquatic plant management was sorely inadequate, leaving the eastern basin of the

lake virtually clogged with weeds more years than not.

In response to PLIA's recommendations, a Pewaukee Lake Management Committee (PLMC) was formed in 2004 for the distinct purpose of bringing the local governments contiguous to Pewaukee Lake to the table to enhance distribution of information, discuss lake issues, and work together to improve the health, beauty, value, and usability of our most important local resource. Three PLIA Board members and three representatives from the City participate on the PLMC. The Town of Delafield has sent an "observer" who reports committee discussions and actions back to the Town. That "observer" is a tremendous first step in enhancing communication among key government entities. On the other hand, despite numerous written invitations, the Village of Pewaukee has yet to send a representative to the PLMC meetings. The PLMC meets almost monthly.

We need the assistance of the residents of the Town of Delafield and the Village of Pewaukee to call, write, cajole, and insist that their elected officials send representatives to the PLMC table. Good, accurate communication of lake issues are crucial to the betterment of the resource that defines us as a community.

**Expansion of Aquatic Plant Management Beyond Riparian Shoreline Areas**

As originally recommended by the PLIA, the Pewaukee Lake Management Committee (PLMC) recommended, and the City agreed, to substantially increased the area of the lake actually being managed for the invasive species, Eurasian Watermilfoil. Beginning last year, the City began operating it's own harvesting crew and, for the first time in decades, initiated harvesting roughly 100 acres in the center of the eastern basin in addition to the riparian areas. This year, the City will be substantially increasing the acreage where weed harvesting will occur in the eastern basin.

The City prepared a written aquatic plant management plan for the eastern basin of Pewaukee Lake that is consistent with and enhances the plan prepared by SEWRPC. This plan was

reviewed and approved by the PLMC. Permits are in progress to go after the dense stands of Eurasian Watermilfoil wherever they may exist in open water areas. These efforts will help deter the spread of Eurasian Watermilfoil from boat propellers which create weed fragments that float across the lake and propagate new plants. This will also encourage the growth of native aquatic plant species that are beneficial to waterfowl and habitat as well as improve the aesthetic appearance of the lake.

**More Weed Harvesting Equipment**

The City has now created their own weed management department, bought equipment and hired staff. This was accomplished with the assistance of the combined Village/City Park and Recreation Department.

The City previously contracted Lake Pewaukee Sanitary District (LPSD) for weed cutting along its riparian shoreline. LPSD was asked to increase their hours of operation and the area to be harvested with additional funding provided by the City – the LPSD refused. Therefore, the City elected not to renew the weed harvesting agreement with the LPSD for 2005 and has now acquired the equipment necessary to implement the expanded aquatic plant management plan described above. This means there will be more equipment available for managing the dense stands of Eurasian Watermilfoil in open water areas of the eastern basin.

**Better Coordination and Sharing of Resources**

This year, the City and Village will again be sharing resources with respect to hauling cut weeds, a shared conveyor and a logistically favorable off-loading site. This cooperation will enhance weed harvesting efforts this year. Also, the City has purchased a barge to unload the weeds from the weed harvesters out on the lake, thereby significantly increasing the productivity of each harvester. The harvesters will no longer need to motor all the way back to the off-loading site each time the harvester is full. This will increase the time that the harvesters will be on the water cutting weeds.

**A Different Approach to Herbicide Use**

This letter would not be complete without some discussion of the herbicide treatment pilot study we attempted last year within the City riparian areas. As noted earlier, PLIA considers the granular herbicide 2,4-D to be a potentially important tool in the quality management of our lake. Before we can make a definitive decision on its use, we need to at least try it to see how effective it really is in Pewaukee Lake and how it can be used in an overall aquatic plant management strategy. Some, most notably the LPSD, staunchly opposed the pilot study promoted by PLIA last year.

Because of the necessary timeliness of an early spring treatment, there typically, isn't time for a trip to court and a contested case hearing. That's what happened last year. The LPSD filed for, and was granted a contested case hearing. By the time the hearing would have ended, the water temperature and amount of weed growth would be too great. The City, with the PLIA approval, withdrew their request for the pilot study permit from the Wisconsin Department of Natural Resources (DNR).

The part of this story that we find frustrating is that this herbicide is used all over the state of Wisconsin every year. This precedent would suggest that once a determination is made that the product, when appropriately applied by licensed contractors and supervised by the DNR, creates no harm to the ecosystem, we would not have to "reinvent the wheel" in seeking a permit for a pilot study. In our case, precedents don't seem to apply.

As usual, I like to do my homework. I received a copy of the new 2004 aquatic weed management report from DNR. Last year alone, there were 44 lakes in Walworth, Washington and Waukesha Counties which used some form of chemical control measures. Thirty six (36) of those lakes used 7 ½ tons and 316 gallons of 2,4-D in granular and liquid form, respectively. 2,4-D is specific to Eurasian Watermilfoil when applied at the right time, temperature, and amount.

We continue to hear anecdotal accounts of individual homeowners acquiring 2,4-D through the mail and applying it themselves with or without

DNR permits. If true, we find this to be a frightening situation, compared to professional application and DNR supervision. While we have made some significant progress in improving our lake, it appears that 2,4-D application in the immediate future will be left to the initiative of individual homeowners and/or neighborhoods who can acquire permits more easily. PLIA strongly encourages residents intending to use 2,4-D to obtain DNR permits and follow label instructions to the letter or seek professionals to perform the applications.

We are making progress on behalf of the PLIA membership and all users of our lake, though we haven't asked a lot from the members of this young organization or the residents of the lake vicinity.

Now I am asking.

We need every member of our organization and concerned residents to send one letter to whomever you choose from the list below supporting: (1) 0% phosphorous; (2) consideration of herbicide treatments as part of our lake management strategy; and/or lastly (3) participation of all three communities on the Pewaukee Lake Management Committee.

**Village of Pewaukee**

**235 Hickory Street**

**Pewaukee, WI 53072**

**E-mail: [pwkvil@yahoo.com](mailto:pwkvil@yahoo.com)**

**Town of Delafield**

**N14 W30782 Golf Road**

**Delafield, WI 53018-2117**

**E-mail:**

**[mary.elsner@townofdelafield.org](mailto:mary.elsner@townofdelafield.org)**

**City of Pewaukee**

**W240 N3065 Pewaukee Road**

**Pewaukee, WI 53072**

**E-mail: [cityhall@pewaukee.wi.us](mailto:cityhall@pewaukee.wi.us)**

Your continued support is most appreciated.

-- Bob Giblin

# Attention Pewaukee Lake Area Residents

Pewaukee Lake has too much phosphorous. Phosphorous can have a 50,000% return on weight in growth of weeds and algae in Pewaukee Lake. 1 pound of phosphorous = 500 pounds of weeds and algae.

For that reason:

The City of Pewaukee, the Village of Pewaukee, and the Town of Delafield have passed local ordinances limiting phosphorous content in lawn fertilizers.

The soils in this area do not need additional phosphorous. The ordinance phosphorous limits are as follows:

City of Pewaukee = 0%

Village of Pewaukee = 3% or less

Town of Delafield = 3% or less

When you purchase your lawn fertilizer, there are three numbers on the bag:

Nitrogen	Phosphorus	Potassium
10	0	5

The middle number should be 0 or 3, depending upon where you live. The best purchase for the health of Pewaukee Lake and the waters of the State of Wisconsin is 0 regardless of where your home happens to be.

This information is provided to you by the Pewaukee Lake Management Committee.

For exclusions, contact your local municipality.

For a partial list of sources for phosphorous-free lawn fertilizers please see attached insert.



## Lake-Related Regulations—Important Changes & Proposals

The following is a brief overview of selected state and local regulation changes, pending rule changes, and court decisions that may be of interest to lake property owners because they may have a significant financial or functional impact on their property. The information outlined here is not intended to provide comprehensive details on each topic, but merely to highlight significant changes or proposed changes and bring them to the attention of lake property owners. In some cases published information on some of these topics conflicts in some details as does information provided by government officials.

### **Pier Permits Rule Changes in Process**

The 2003 Wisconsin Act 118 was intended, in part, to streamline the process for obtaining Wisconsin Department of Natural Resources (DNR) permits for waterway activities, this includes the installation and use of certain types of piers (docks), swim rafts, boat lifts, and the repair and replacement of riprap (shoreline stonework). To implement this new law the DNR is in the process of revising Wisconsin Administrative Code NR 326, originally adopted in 1981, which must be approved by the state legislature probably sometime in June or July 2005 before the revised rule can be put in place.

As the latest draft of the rule stands now, most smaller piers, modest sized rafts, and boat lifts will not require a DNR permit. Statutory standards for pier dimensions will remain unchanged from current rules.

Larger piers (such as the so-called Lake Geneva, Beaver Lake, or Pewaukee Lake piers) and other structures may require one of two types of permits or may not be allowed under the rules depending on their age, size, location, and configuration.

A General Permit is issued by the

DNR for routine activities and does not require a site review. To obtain a General Permit you submit an application and pay a one-time \$50 fee. You must give the DNR 30 days to respond. You'll usually receive the permit within 30 days. In fact, you may proceed with your project (pier installation, etc.) if the DNR does not respond within that period. You only need to get this permit once, it stays with the real estate property even when it is sold as long as the permitted item is not altered.

An Individual Permit is required for a project, including some pier installations, that are deemed to potentially have a significant environmental impact. Obtaining this permit requires a \$300 fee. The DNR must issue a notice to "interested parties" (the public) within 15 days of the DNR's receipt of a completed application. The public may file comments on the application and if requested, the DNR must hold a public informational hearing prior to issuing a decision on the application. There is no guarantee the permit will be issued.

You can ask the DNR for a written exemption confirmation for a particular activity. They may inspect the site and either determine it is exempt or require you to apply for a permit. If the DNR does not respond to your request within 15 days, they cannot require that you have to obtain a permit in order to proceed with your activity.

Here are some examples of piers that may not qualify for an exemption and/or a General Permit. (There are some special less restrictive exceptions for Walworth County.) Your pier may not qualify if:

- it's wider than 6 feet
- it extends beyond a 3-foot water depth, or the line of navigation, or the DNR approved pierhead line, or what the DNR deems necessary to moor "a" boat.

- it is not configured in an "L" or "T" shape it is probably not exempt, a permit may be required. (In other words, the rule is not clear about exemptions for "I"-shaped (straight) piers!)
- it has a loading platform that exceeds 120 sq. ft. If over 120 sq. ft. to 200 sq. ft. a General Permit is required. For larger platforms an Individual Permit is required, but they are probably prohibited.
- you have more than two boat slips and lake frontage less than 50 ft. (You are allowed three slips with a full 50 ft. and an additional slip for each additional 50 ft. of frontage.) A permit is required if this number is exceeded.
- your property is in a DNR designated "public rights features" area or an "area of special natural resource interest." (There are over 7,000 of the latter designated so far. The DNR can designate more without public notice, public hearings, or approval of elected officials). A permit of some type is required in these cases.
- it fully encloses any portion of a navigable waterway. This is not allowed.

Some piers that are not exempt but can be proven to have been put in place before 1998 and have not been altered can be "grandfathered" with a General Permit, with a few other limitations.

### **NR 115 & Waukesha Co. Ordinance Changes**

These changes to the Waukesha

County Shoreland and Floodland Protection Ordinance were supposedly based, at least to some degree, on the yet to be finalized DNR rule NR 115 and were pushed through the amendment process last year under the guise of a "house keeping" language clean-up procedure despite lopsided opposition by members of the public who offered their opinions at a public hearing in June 2004. The changes were published on December 10, 2004 and must be enforced by all towns and by any city or village that was incorporated after May 1982 or in any portion of an older municipality that was annexed after that date. These rules may certainly have a significant adverse affect on the market value of your lake property, potentially amounting to tens of thousands of dollars or more.

#### Shoreland Cutting—How's the Lake View?

If there is one thing potential lake home buyers want when seeking a new home it is a panoramic lake view. The Shoreland Cutting Rules will make it more difficult for lake home sellers who have tall vegetation along their shoreline to realize a top sale price for their property.

In the area parallel to the ordinary high water mark (OHWM) and 35 feet inland, each property is allowed one "access/view" corridor which may extend along no more than 30% of the shoreland frontage (shoreline) of the property.

Only selective cutting of vegetation is allowed in that area using accepted forest management and soil conservation practices.

In the remaining area along and within 35 feet of the shoreline, live trees and shrubbery must remain undisturbed unless they are dead, dying, diseased, or an noxious invasive species. In such special cases the vegetation may be removed after approval of a shoreland cutting plan and the receipt of a permit for each case. All trees and

shrubs removed from this area must be replaced with native species.

Some questions still remain about the types of vegetation that can be removed, pruned, or cut without the need for a permit or replacement in the 35 foot shoreline area.

Bottom line—don't plant anything along your shoreline that will grow to produce an unwanted obstruction to your view. You may not be able to legally remove it later.

#### Boathouses?

No boathouse shall be allowed on any lot which is less than 15,000 square feet (approx. 1/3 acre) in size or any lot having a minimum average width of less than 100 feet.

There has been some conflicting information about other restrictions to the design of boathouses, including whether they can still be built with a flat observation-platform roof or built into a shoreline embankment if the topography offers that opportunity.

#### Some Good News — Changes to Wisconsin Variance Standards

A Wisconsin Supreme Court Decision on March 19, 2004 (Ziervogel v. Washington Co. Board of Adjustment) has made it easier for property owners to receive area variances necessary to improve or update their properties.

The decision in the case restored a hardship measurement standard used for many decades before 1998. The Ziervogel case ruling that again has restored the standard actually dealt with a setback standard on a lake property. Once again, the original standard, determining whether compliance with the zoning regulations causes the property owner an "unnecessary burden" when applied to the property in question, has been restored. This replaces the standard that only allowed a variance if owners could demonstrate they would have "no reasonable use" of the

property without the variance.

This rule may apply to lake homes on small lots where owners have previously been unable to obtain permits for remodeling or updating.

Property owners who were previously denied an area variance will be able to re-apply and may now be able to obtain required permits allowing them to improve their homes.

This restoration of the former standard will potentially increase homeowners' property values because buyers may now be able to update the properties.

This change applies to area variances (issues dealing with lot size, setbacks, frontage restrictions), not use variances (use of the property in a way not in accordance with the applicable zoning ordinance).

The court decision may bring into question other local and shoreland zoning regulations. Local units of government cannot adopt restrictive variance standards that conflict with state statutes.

We would like to know what you think about these measures. Here are some related questions:

- Are these issues more properly regulated on the local, rather than state-wide or county level?
- Should the state classify different types of lakes, based on the amount of development around them (Rural, Urban, etc.) and then allow the development of different sets of regulations that more closely match the needs of each type of lake?

Please share your thoughts on these and other lake-related topics. Contact us at [rgiblin@wi.rr.com](mailto:rgiblin@wi.rr.com)

— W.B. Milbrath, Jr.

### Sources for Phosphorous-Free Lawn Fertilizers

#### Do-it-yourself

LESCO Service Center—Waukesha E-mail order in advance at: <a href="http://www.lesco.com">www.lesco.com</a>	262-650-0220
Sandy Bottom Nature Center—Hartland	262-367-8887
Menard's — Capitol Drive in Pewaukee	262-695-0664
Ace Hardware — Capitol Drive in Pewaukee	262-695-8990
Home Depot — Hwy 83 in Delafield	262-646-9160
Farm & Fleet — Waukesha	262-784-7708
Biebel's True Value — Silvernail in Pewaukee	262-547-4301

Biebel's True Value — Hartbrook Mall	262-369-1070
Wales Lawn & Garden — south of Hwys. 18 & 83	262-968-3833

#### Full-Service Applicator

Keyman Lawncare	262-695-9400 <a href="http://www.keymanlawncare.com">www.keymanlawncare.com</a>
Green Appeal Lawn Service	262-524-7847 <a href="mailto:greenappeallc@aol.com">greenappeallc@aol.com</a>
Nature Scape	414-425-4331 Muskego, WI 53150
Natural Lawn of America	262-574-9494 <a href="http://www.nl-amer.com">www.nl-amer.com</a>