

97-146 - NPS - "NO WAKE" - TOMBEAR LAKE  
WALWORTH CO.

State of Wisconsin  
Department of Natural Resources

**NOTICE TO PRESIDING OFFICERS  
OF PROPOSED RULEMAKING**

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are:

Natural Resources Board Order No. LE-8-98

Legislative Council Rules Clearinghouse Number 97-146

Subject of Rules Slow-no-wake speed restriction on  
Jombeau Lake, Walworth County

Date of Transmittal to Presiding Officers July 7, 1998

**Send a copy of any correspondence or notices pertaining to this rule to:**

**Carol Turner, Rules Coordinator  
DNR Bureau of Legal Services  
LC/5, 101 South Webster**

**266-1959**

REPORT TO LEGISLATURE

NR 5.21(3), Wis. Adm. Code  
Slow-no-wake speed restriction on Tombeau Lake, Walworth County

Board Order No. LE-8-98  
Clearinghouse Rule No. 97-146

Statement of Need

The Department of Natural Resources received a petition from the Lake Benedict/Lake Tombeau Lake Management District for waiver of the slow-no-wake speed restriction on Tombeau Lake. Section 30.635, Stats., provides that on lakes 50 acres or less having public access, motorboats may not be operated in excess of slow-no-wake speed. Tombeau Lake is 35 acres.

Modifications as a Result of Public Hearing

After the first public hearing, the proposed rule was revised to waive the slow-no-wake speed restriction between the hours of 10:00 a.m. and sunset from May 15 to September 15, except for waterskiing. Following the second hearing, the restriction on waterskiing was dropped.

Appearances at the Public Hearings and Their Position

December 15, 1997

In support:

Richard Anderson, Chairman, Lake Benedict/Tombeau Lake Management District, N1168 Tombeau Road, Genoa City, WI 53128  
Patrick J. Hudel, Attorney representing lake district, 2100 Church St., East Troy, WI 53120  
Sandra J. Brando, 1216 Forest Drive, Genoa City, WI 53128  
Todd McLennan, 1216 Forest Drive, Genoa City, WI 53128  
Eunice Berman, N1144 Tombeau Road, Genoa City, WI 53128  
Rosemary Badame, N1166 Tombeau Road, Genoa City, WI 53128  
Mel Gregory, 9669 Tombeau Road, Genoa City, WI 53128  
Linda K. Sarna, N1197 Tombeau Road, Genoa City, WI 53128  
William H. Engelman, N1193 Tombeau Road, Genoa city, WI 53128  
Kenneth Austin, N1177 Tombeau Road, Genoa City, WI 53128  
Mary & Robert D. Boyle, N1140 Tombeau Road, Genoa City, WI 53128  
Jordan Berman, N1144 Tombeau Road, Genoa City, WI 53128  
Patricia H. Anderson, N1168 Tombeau Road, Genoa City, WI 53128

In opposition:

John Bronikowski, DNR Regional Resource Team, 26313 Burlington Road, Kansasville, WI 53139

As interest may appear - none

March 16, 1998

In support:

Todd McLennan, 1216 Forest Drive, Genoa City, WI 53128  
Patrick J. Hudec, Attorney representing lake district, Box 167, East Troy, WI 53120

In opposition:

John Bronikowski, DNR Regional Resource Team, 9531 Rayne Road, Sturtevant, WI 53183  
Mel Gregory, 9669 Tombeau Road, Genoa City, WI 53128  
Ralph Snead, N1230 Tombeau Road, Genoa City, WI 53128  
Bill & Sandy Engelman, N1193 Tombeau Road, Genoa City, WI 53128  
Ken Austin, 400 S. 12<sup>th</sup> Avenue, St. Charles, IL 60174  
Eunice Berman, N1144 Tombeau Road, Genoa City, WI 53128  
Rosemary Badame, N1166 Tombeau Road, Genoa City, WI 53128

As interest may appear:

Sandra Brando, 1216 Forest Drive, Genoa City, WI 53128

Response to Legislative Council Rules Clearinghouse Report

The recommendation was accepted.

Final Regulatory Flexibility Analysis

The proposed rules do not regulate business; therefore, a final regulatory flexibility analysis is not required.

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
CREATING RULES

The State of Wisconsin Natural Resources Board proposes an order to create NR 5.21(3) relating to waiver of the slow-no-wake speed restriction on Lake Tombeau, Walworth County.

LE-8-98

Statutory authority: ss. 30.635 and 227.11(2)(a), Stats.  
Statutes interpreted: s. 30.635, Stats.

The Department of Natural Resources received a petition from the Lake Benedict and Lake Tombeau Lake Management District, Walworth County for waiver of the slow-no-wake speed restriction on Lake Tombeau. Section 30.635, Stats., provides that on lakes 50 acres or less having public access, motorboats may not be operated in excess of slow-no-wake speed. Lake Tombeau is 35 acres. The proposed rule would allow the use of motorboats on Lake Tombeau for high speed boating and waterskiing. With the slow-no-wake speed restriction waived, Lake Tombeau has approximately 25 acres of useable water surface for high speed boating, taking into consideration the requirement for slow-no-wake speed within 100' of any dock, raft or pier on lakes in Wisconsin. There will have to be local ordinances by the lake management district to cover the operation of waterskiing to make the activity safe.

SECTION 1. NR 5.21(3) is created to read:

NR 5.21(3) The slow-no-wake speed restriction is waived on the waters of Lake Tombeau, located in the town of Bloomfield, Walworth county between the hours of 10:00 a.m. and sunset from May 15 to September 15.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on June 24, 1998.

The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin \_\_\_\_\_

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
George E. Meyer, Secretary

(SEAL)