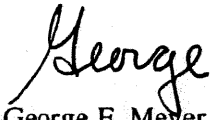


My staff and I remain committed to working closely with the Wisconsin Water Ski Federation, waterfront property owners and related interest groups. Without the constraints of the earlier time commitments, we believe we can reach mutual understanding and resolve the controversy. I have advised my staff to keep you informed of our progress.

Sincerely,



George E. Meyer
Secretary

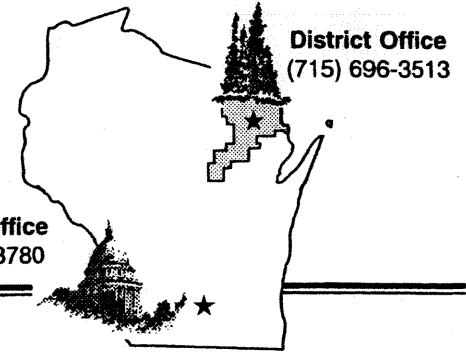
c: Representative Lorraine Seratti
Representative Gary Drzewiecki
Representative Scott Fitzgerald
Moose Speros, Department of Tourism
Robert Marx, WWSF
Terri Pasterski, WWSF
Rule Hearings Mailing List

LORRAINE M.
SERATTI

STATE REPRESENTATIVE
36TH ASSEMBLY DISTRICT

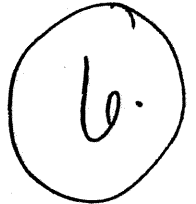
P.O. Box 8953, State Capitol • Madison, Wisconsin 53708-8953
Toll-Free: (888) 534-0036 • Fax: (608) 282-3636 • Rep.Seratti@legis.state.wi.us

Madison Office
(608) 266-3780



November 6, 1998

Governor Tommy G. Thompson
State Capitol
P.O. Box 7863
Madison, WI 53707-7863



Dear Governor Thompson,

I am writing in regard to the process by which the Department of Natural Resources seeks to create rules to regulate water ski jumps and platforms. It is my firm belief that the rules proposed by the DNR violate the intent of statute 30.135—and in doing so, impinge upon the ability of water ski groups to practice their sport for the purposes of competition and/or exhibition.

During the past legislative session I authored an amendment to the biennial budget (Act 27) to prevent the government from unnecessarily interfering with the placement of jumps and platforms upon navigable waters. It was my express intent that the department work with water ski clubs to formulate rules acceptable to both entities. Instead, the department has seized this opportunity to further impose its own will upon water ski groups across the state. Even worse, the department reportedly hints that I am rushing it into this flawed process. Let me make this clear: while I desire this matter to be resolved as soon as possible, I am not willing to sacrifice equitable rules for the sake of time.

The net effect of the rules proposed by the department and the *guidelines already established for implementing these rules* is such that no progress has been achieved toward limiting and localizing government involvement. While statute 30.135 seeks to diminish the number of water ski jump and platform permits required by the state, the department's proposed rules, in conjunction with its established guidelines, actually serve to further tighten restrictions upon water ski clubs. In fact, one guideline, requiring platforms to be located in water at least 10 feet deep, in and of itself precludes any regulatory relief. On such grounds, all of the state's water ski clubs could be required to submit to the permitting process.

(continued)

Governor Tommy G. Thompson
November 6, 1998
page 2

The solution is simple. Let water skiers take an active part in formulating both guidelines and regulatory rules for their popular sport. I propose that the department slow down its rules-making process and allow meaningful input from those most closely affected by these regulations. We must not perpetuate unnecessary government interference.

I look forward to hearing from you regarding this issue. Please contact me with any further questions you may have about the regulation of water ski jumps and platforms.

Sincerely,

Lorraine M. Seratti
State Representative
36th Assembly District

LMS: mlg

cc: Secretary George Meyer, Wisconsin Department of Natural Resources
Mary Ellen Vollbrecht, DNR, Rivers and Regulations Section
David Kwiatkowski, Crivitz Ski Cats
Peter Helland, Sr., Wisconsin Dells Visitor and Convention Bureau

State of Wisconsin

CORRESPONDENCE/MEMORANDUM

DATE: November 4, 1998
TO: Paul Cunningham - FH/4
FROM: Tim Asplund - SS/RC
SUBJECT: Information on depth of motor boat impacts

File Ref:

I have summarized below the few studies that I have come across that specifically address the depth issue of motor boat induced sediment resuspension. Some of these are laboratory experiments looking at propeller turbulence, some are field trials under experimental conditions, others are field measurements which indirectly get at depth of impact. All of them certainly agree that effects will be felt at less than 6 feet for typical recreational watercraft operating at various speeds. There is sort of a grey zone between 6-10 feet, where impacts may be felt under certain conditions (slow speed, high load, easily suspended sediments), or are predicted to occur based upon empirical equations. I would recommend a conservative depth for potential impacts in lake systems with silty sediments at no less than 7-8 feet.

Yousef et al. 1978.

This report contains a nomogram (Figure 1) which relates bottom scour from outboard motors with different horsepower, given water depth and maximum particle size of the sediments. These relationships were developed from a set of empirical equations with data from experimental boating trials. The model assumes that the boats are operating "under normal conditions higher than planing." The boats used were 14-20 feet in length, and included outboards with 28, 50, and 85 Hp, and two I/O's with 120 and 165 Hp.

According to this chart, a 100 Hp motor could resuspend particles up to 0.10 mm in diameter (which corresponds to fine sand) at 10 feet deep. Silts range from 8 to 64 microns (0.008 - 0.064 mm), and would certainly be resuspended quite easily at this depth. Using the chart another way, at 5 feet, a 50 Hp motor would resuspend particles up to 1.0 mm. This chart certainly gives justification for considering impacts up to 10 feet deep.

Gucinski 1982.

This study looked at variables such as depth of immersion and size of propeller, the advance ratio (related to propeller size, RPM's, and velocity), and the "wave making tendency of the vessel". Both laboratory and field measurements were used, but sediment types were not specified. They state that "a small displacement craft that will produce significant stirring in waters 2.0 m (6.5 ft) deep will have barely measurable effects when water depth increases to 2.3 m (7.5 ft)." However, this is based on lab studies and considers only the turbulence from the propeller and not boat wake. They further state that based upon field trials, "effects will be measurable in shallow areas of less than 3 m (9.8 ft.) for the most part, and are likely minor until depths are 2.2 m (7.2 ft.) or less. They also point out the effects are greatest "for vessels moving slowly under a heavy load at high engine RPM's."

Yousef et al. 1980.

This is the classic study of the ability of boats to stir sediments and increase turbidity and phosphorus in the water column. The type of boats used were the same as in the earlier Yousef study. Based on these results, measurable increases in phosphorus, turbidity, and chlorophyll occurred in all three study lakes after periods of mixing, which consisted of 2-6 hours of boat

activity on 3-4 consecutive days using the boats mentioned earlier at speeds which would create maximum disturbance of the sediment-water interface. No measurable changes were seen in "unmixed" control sites. The magnitude of change varied with lake depth, with the greatest effects seen on the two shallowest lakes, with depths averaging 1.50 m (4.9 ft.), 2.55 m (8.4 ft.), and 3.40 m (11.1 ft.)

USACE 1994.

Measurements of water clarity and suspended solids in shallow channels in the Fox River Chain O-Lakes area of northeastern IL were related to boat traffic. The authors state that "boat traffic has the most impact on water clarity in water 6 feet deep or less, particularly over silty bottom sediments." Effects are less at greater water depth or with sand/marl sediments or more cohesive sediments (muck) (Figure 2). Also note that effects are cumulative; i.e with more boat passages the impacts are greater.

References:

Gucinski, H. 1982. Sediment suspension and resuspension from small-craft induced turbulence. U.S. EPA Chesapeake Bay Program, Annapolis MD. 61 pp. (EPA 600/3-82-084)

U. S. Army Corps of Engineers (USACE). 1994. Cumulative impacts of recreational boating on the Fox River - Chain O' Lakes area in Lake and McHenry Counties, Illinois: Final Environmental Impact Statement. Environ. and Social Anal. Branch, U.S. Army Corps of Eng., Chicago, IL. 194 pp. + App.

Yousef, Y. A., W. M. McLellon, R. H. Fagan, H. H. Zebuth, and C. R. Larrabee. 1978. Mixing effects due to boating activities in shallow lakes. Draft Rep. to OWRT, U.S. Dep. Inter. Tech. Rep. ESEI No. 78-10, Washington, D.C. 199 pp. + App.

Yousef, Y. A., W. M. McLellon, and H. H. Zebuth. 1980. Changes in phosphorus concentrations due to mixing by motor boats in shallow lakes. Water Research 14:841-852.

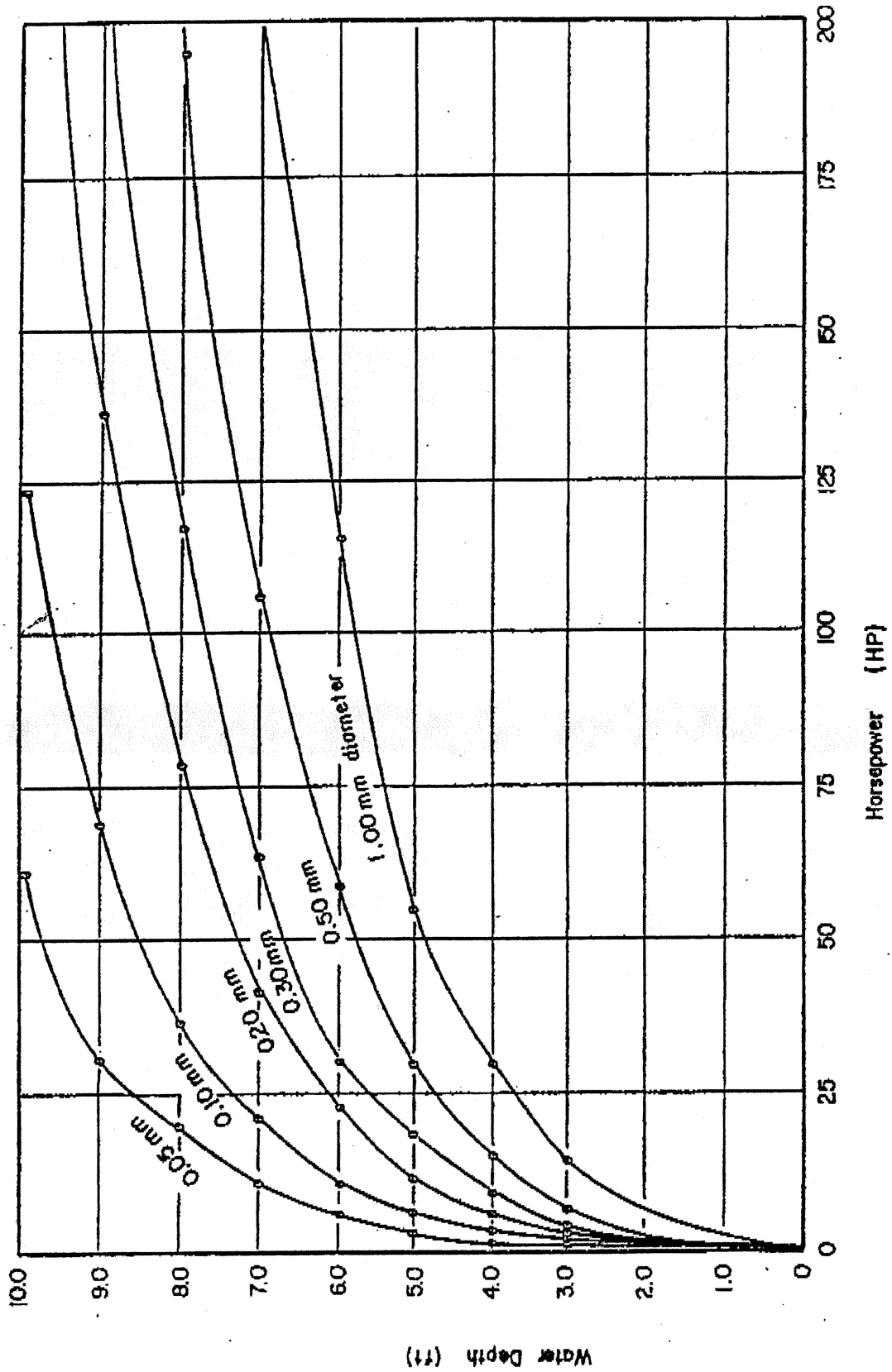
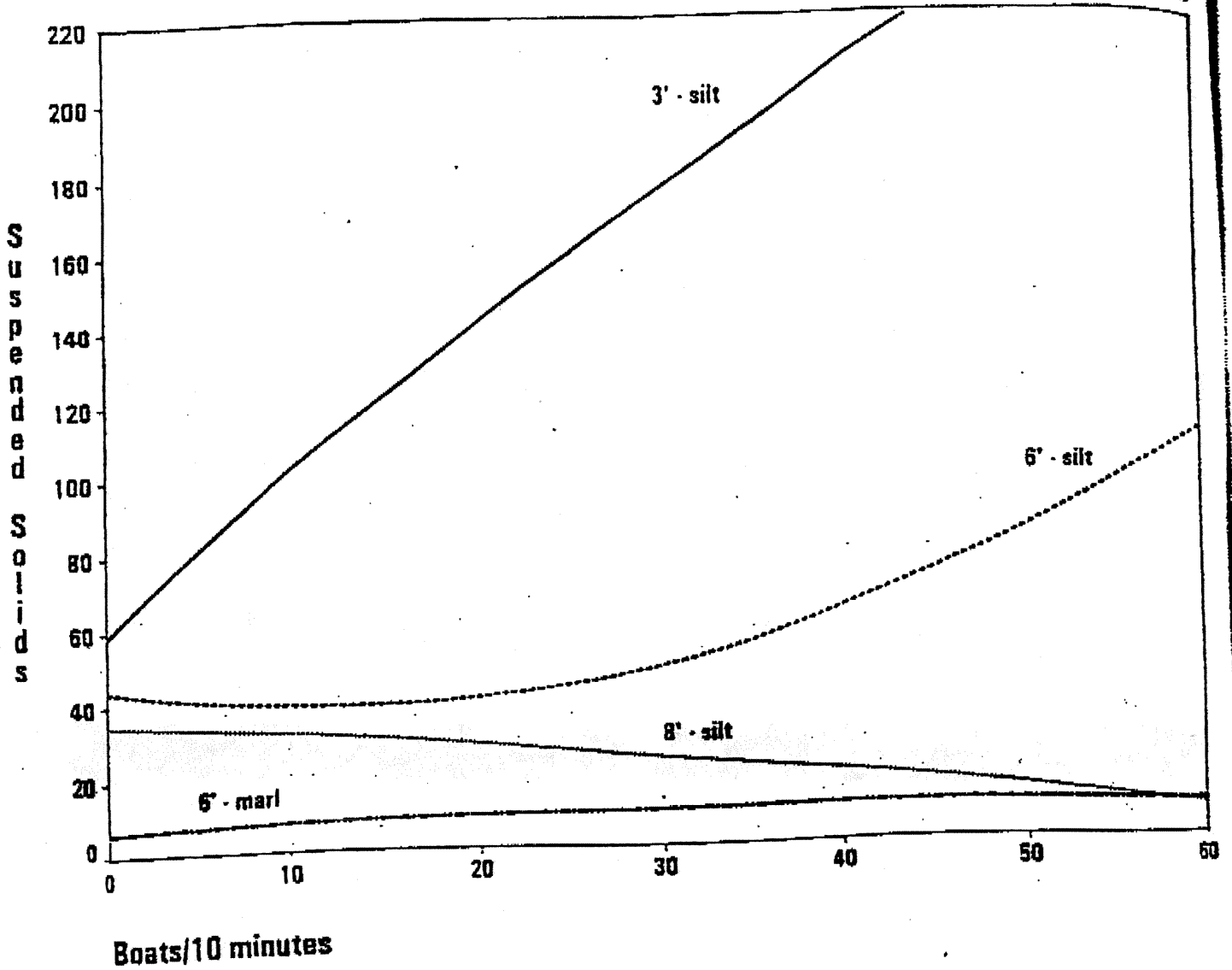


Figure 7-2. Bottom Sediment Resuspension by Recreational Motorboats in Shallow Lakes.

Yousef, 1978
Fig. 1

Figure 9. Relationship of boat pass frequency and concentration of suspended solids.



NOTE: Areas 3 to 6 feet deep with silt substrates are most affected by boat traffic. As more boats pass through these areas more sediment is stirred into the water column which decreases water clarity. The marl substrates settle from the water faster than silt and turbulence from boat passes does not appear to affect silt sediments in water 8 feet deep.

30.65 NAVIGABLE WATERS, HARBORS AND NAVIGATION

95-96 Wis. Stats. 764

risk of collision, the motorboat shall yield the right-of-way to the other boat.

(e) A boat may overtake and pass another boat on either side if it can be done with safety but the boat doing the overtaking shall yield the right-of-way to the boat being overtaken, notwithstanding any other rule in this section to the contrary.

(f) A boat granted the right-of-way by this section shall maintain her course and speed, unless to do so would probably result in a collision.

(2) ADDITIONAL TRAFFIC RULES. The department may promulgate such additional traffic rules as it deems necessary in the interest of public safety. Such rules shall conform as nearly as possible to the federal pilot rules.

History: 1985 a. 332 s. 251 (1); 1993 a. 490.

30.66 Speed restrictions. (1) SPEED TO BE REASONABLE AND PRUDENT. No person shall operate a motorboat at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. The speed of a motorboat shall be so controlled as to avoid colliding with any object lawfully in or on the water or with any person, boat or other conveyance in or on the water in compliance with legal requirements and exercising due care.

(2) FIXED LIMITS. In addition to complying with sub. (1), no person may operate a motorboat at a speed in excess of the posted notice as established by regulatory markers.

(3) PROHIBITED OPERATION. (a) Except under s. 30.69 (3), no person may operate a motorboat within 100 feet of any dock, raft, pier or buoyed restricted area on any lake at a speed in excess of slow-no-wake speed.

(b) No person may operate a personal watercraft at a speed in excess of slow-no-wake within 100 feet of any other boat. This paragraph does not apply if s. 30.69 (3) (a), (c) or (d) applies to the operation of the personal watercraft.

History: 1973 c. 302; 1981 c. 303; 1991 a. 257.

30.67 Accidents and accident reports. (1) DUTY TO RENDER AID. Insofar as the operator of a boat can do so without serious danger to the operator's boat or to persons on board, the operator of a boat involved in a boating accident shall stop the operator's boat and render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize any danger caused by the accident. The operator shall give the operator's name and address and identification of the operator's boat to any person injured and to the owner of any property damaged in the accident.

(2) DUTY TO REPORT. (a) If a boating accident results in death or injury to any person, the disappearance of any person from a boat under circumstances indicating death or injury, or property damage, every operator of a boat involved in an accident shall, without delay and by the quickest means available, give notice of the accident to a conservation warden or local law enforcement officer and shall file a written report with the department on the form prescribed by it. The department shall promulgate rules necessary to keep accident reporting requirements in conformity with rules adopted by the U.S. coast guard.

(b) If the operator of a boat is physically incapable of making the report required by this subsection and there was another occupant in the boat at the time of the accident capable of making the report, the other occupant shall make such report.

(c) TERMS DEFINED. In this section:

(1) "Boating accident" means a collision, accident or other emergency involving a boat.

(2) "Injury" means any injury of a physical nature resulting in medical treatment, disability for more than 24 hours or loss of consciousness.

(3) "Property damage" means the sum total cost of putting the property damaged in the condition it was in before the acci-

dent, if repair thereof is practical, and if not practical, the sum total cost of replacing the property.

(4) REPORTS CONFIDENTIAL. No report required by this section to be filed with the department shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has or claims to have made such a report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirement that such a report be made.

(5) TRANSMITTAL OF INFORMATION TO FEDERAL AND STATE AUTHORITIES. If any request for information available on the basis of reports filed pursuant to this section is duly made by an authorized official or agency of the U.S. government or of the state which registered the boat involved or the state where the accident occurred, the department shall compile and furnish such information in accordance with such request.

(6) CORONERS AND MEDICAL EXAMINERS TO REPORT; REQUIRE BLOOD SPECIMEN. (a) Every coroner or medical examiner shall on or before the 10th day of each month report in writing to the department the death of any person within his or her jurisdiction during the preceding calendar month as the result of an accident involving a boat and the circumstances of the accident.

(b) In cases of death involving a boat in which the person died within 6 hours of the time of the accident, a blood specimen of at least 10 cc. shall be withdrawn from the body of the decedent within 12 hours after his or her death, by the coroner or medical examiner or by a physician so designated by the coroner or medical examiner or by a qualified person at the direction of the physician. All morticians shall obtain a release from the coroner or medical examiner prior to proceeding with embalming any body coming under the scope of this section. The blood so drawn shall be forwarded to a laboratory approved by the state health officer for analysis of the alcoholic content of the blood specimen. The coroner or medical examiner causing the blood to be withdrawn shall be notified of the results of each analysis made and shall forward the results of each analysis to the state health officer. The state health officer shall keep a record of all examinations to be used for statistical purposes only. The cumulative results of the examinations, without identifying the individuals involved, shall be disseminated and made public by the state health officer. The department shall reimburse coroners and medical examiners for the costs incurred in submitting reports and taking blood specimens and laboratories for the costs incurred in analyzing blood specimens under this section.

History: 1973 c. 302; 1979 c. 275; 1989 a. 359; 1991 a. 316.

30.675 Distress signal flag. The display on a boat or by a person of an orange flag approximately 18 by 30 inches in size shall indicate that such boat or person is in need of help.

(1) Insofar as is possible without serious danger to the operator's boat or persons on board, the operator of a boat observing a distress signal shall render to the boat or person displaying the signal such assistance as may be practicable and necessary to save the boat or person or to minimize any danger to them.

(2) No person shall display a flag like that described in sub. (1) unless such person is in need of assistance to prevent bodily injury or destruction of property.

History: 1991 a. 316.

30.68 Prohibited operation. (2) NEGLIGENT OPERATION. No person may operate or use any boat, or manipulate any water skis, aquaplane or similar device upon the waters of this state in a careless, negligent or reckless manner so as to endanger that person's life, property or person or the life, property or person of another.

(3) OPERATION BY INCAPACITATED PERSON OR MINOR. (a) No person in charge or control of a boat shall authorize or knowingly permit the boat to be operated by any person who by reason of

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NAVIGABLE WATERS, HARBORS AND NAVIGATION

30.70

767 95-96 Wis. Stats.

30.69 Water skiing.

(1) PROHIBITED AT CERTAIN TIMES EXCEPTIONS. (a) Except as provided in par. (b), no person may operate a motorboat towing a person on water skis, aquaplane or similar device unless there is in the boat a competent person in addition to the operator in a position to observe the progress of the person being towed. An observer shall be considered competent if that person can in fact observe the person being towed and relay any signals to the operator. This observer requirement does not apply to motorboats classified as Class A motorboats by the department actually operated by the persons being towed and so constructed as to be incapable of carrying the operator in or on the motorboat. No person may engage in water skiing, aquaplaning or similar activity, at any time from sunset to sunrise. This restriction of the hours of water skiing does not prevent restrictions of the hours of water skiing between sunrise and sunset by local ordinances enacted pursuant to s. 30.77 (3).

(b) Paragraph (a) does not apply to duly authorized water ski tournaments, competitions, exhibitions or trials therefor, where adequate lighting is provided.

(c) In addition to complying with par. (a), no person may operate a personal watercraft that is towing a person who is on water skis, an aquaplane or similar device unless the personal watercraft is designed to seat at least 3 persons.

(2) CAREFUL AND PRUDENT OPERATION. A person operating a motorboat having in tow a person on water skis, aquaplane or similar device shall operate such boat in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.

(3) RESTRICTIONS. (a) No person operating a motorboat that is towing persons engaged in water skiing, aquaplaning or similar activity may operate the motorboat within 100 feet of any occupied anchored boat, any personal watercraft or any marked swimming area or public boat landing.

(b) No person who is engaged in water skiing, aquaplaning or similar activity may get within 100 feet of a personal watercraft or allow the tow rope while in use to get within 100 feet of a personal watercraft.

(c) No person may operate a personal watercraft within 100 feet of any of the following:

- 1. A motorboat towing a person who is engaged in water skiing, aquaplaning or similar activity.
2. The tow rope of a motorboat towing a person who is engaged in water skiing, aquaplaning or similar activity.
3. A person who is engaged in water skiing, aquaplaning or similar activity.

(d) Paragraphs (a) to (c) do not apply to pickup or drop areas that are marked with regulatory markers and that are open to operators of personal watercraft and to persons and motorboats engaged in water skiing.

(4) INTOXICATED OPERATION. No person may use water skis, an aquaplane or a similar device while under the influence of an intoxicant to a degree which renders him or her incapable of safely using water skis, an aquaplane or a similar device, or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely using water skis, an aquaplane or a similar device.

History: 1973 c. 302; 1985 a. 331; 1991 a. 257, 315, 316; 1993 a. 437.

30.70 Skin diving. No person may engage in underwater diving or swimming with the use of swimming fins or skin diving in waters other than marked swimming areas or within 150 feet of shoreline, and no person may engage in underwater diving or swimming with the use of self-contained underwater breathing apparatus in waters other than marked swimming areas, unless the location of such diving or swimming is distinctly marked by diver's flag, not less than 12 inches high and 15 inches long, displaying one diagonal white stripe 3 inches wide on a red background, and of height above the water so as to be clearly apparent at a distance of 100 yards under normal conditions, and so designed and

sub. (2) (c) or, at his or her own expense, reasonable opportunity to have any qualified person administer a chemical test of his or her breath, blood or urine for the purpose of authorized analysis.

(b) Optional test. If a person is arrested for a violation of the intoxicated boating law and if the person is not requested to provide a sample or to submit to a test under sub. (1) (a), the person may request the test facility to administer a chemical test of his or her breath or, at his or her own expense, reasonable opportunity to have any qualified person administer a chemical test of his or her breath, blood or urine for the purpose of authorized analysis. If a test facility is unable to perform a chemical test of breath, the person may request the test facility to administer the designated chemical test under sub. (2) (b) or the additional chemical test under sub. (2) (c).

(c) Compliance with request. A test facility shall comply with a request under this subsection to administer any chemical test it is able to perform.

(d) Inability to obtain chemical test. The failure or inability of a person to obtain a chemical test at his or her own expense does not preclude the admission of evidence of the results of a chemical test required and administered under subs. (1) and (2).

(4) ADMISSIBILITY: EFFECT OF TEST RESULTS: OTHER EVIDENCE. The results of a chemical test required or administered under sub. (1), (2) or (3) are admissible in any civil or criminal action or proceeding arising out of the acts committed by a person alleged to have violated the intoxicated boating law on the issue of whether the person was under the influence of an intoxicant or the issue of whether the person had alcohol concentrations at or above specified levels. Results of these chemical tests shall be given the effect required under s. 885.235. This section does not limit the right of a law enforcement officer to obtain evidence by any other lawful means.

(5) REFUSAL. No person may refuse a lawful request to provide one or more samples of his or her breath, blood or urine or to submit to one or more chemical tests under sub. (1). A person shall not be deemed to refuse to provide a sample or to submit to a chemical test if it is shown by a preponderance of the evidence that the refusal was due to a physical inability to provide the sample or to submit to the test due to a physical disability or disease unrelated to the use of an intoxicant. Issues in any action concerning violation of sub. (1) or this subsection are limited to:

(a) Whether the law enforcement officer had probable cause to believe the person was violating or had violated the intoxicated boating law.

(b) Whether the person was lawfully placed under arrest for violating the intoxicated boating law.

(c) Whether the law enforcement officer requested the person to provide a sample or to submit to a chemical test and provided the information required under sub. (1) (b) or whether the request and information was unnecessary under sub. (1) (c).

(d) Whether the person refused to provide a sample or to submit to a chemical test.

History: 1985 a. 331; 1987 a. 3; 1993 a. 105; 1995 a. 27 s. 9126 (19).

30.686 Report arrest to department. If a law enforcement officer arrests a person for a violation of the intoxicated boating law or the refusal law, the law enforcement officer shall notify the department of the arrest as soon as practicable.

History: 1985 a. 331.

30.687 Officer's action after arrest for violating intoxicated boating law. A person arrested for a violation of the intoxicating boating law, may not be released until 12 hours have elapsed from the time of his or her arrest or unless a chemical test administered under s. 30.684 (1) (a) shows that the person has an alcohol concentration of 0.05 or less, but the person may be released to his or her attorney, spouse, relative or other responsible adult at any time after arrest.

History: 1985 a. 331; 1995 a. 436.

NOV 09 1998

Wisconsin Water Ski Federation

P.O. Box 1533 Wisconsin Rapids, WI 54495-1533 • 715-845-WSKI



5.

To: Leon Larson, AWSA Waterways Committee Chair
Nito Quitevis, Midwest Waterways Chair
Dick Snyder, Mercury Marine
Steve McDermeit, AWSA Ex. Director
Bob Korth, UWSP Lake Specialist
Lorraine Seratti, State Representative

CC: Randy Straub, WWSF Legislative Chair

From: Terry Pasterski, WWSF Secretary
216 S. Locust St., Green Bay, WI 54303 920-499-4943 phone or fax

Re: DNR updates

Just wanted to fax you the revision of the guidance and checklist that was presented to the Wisconsin Water Ski Federation on Saturday, November 7, 1998 by the DNR.

The following pages are other handouts from the DNR at the meeting: guidance for existing water ski structures, information on depth of motor boat impacts from Tim Asplund, two copies of pages from state statutes.

Also handed out was the synopsis of the comments from the hearings that were held in Madison, Wausau, and Green Bay. Included in this handout were the letters that were received also. After reviewing this list, we found it not to be complete. The members of the WWSF that were present, handed in a list of people they knew were not included.

Highlights of the revision are: the 10' rule is now 7' or 8', no specific platform size listed, added neighbor sign-off for a described boat traffic pattern within 200' of shore.

I ask that you please read the material, and if you know of anything that can help us, please notify me.

George Meyer, Secretary of the DNR, has assured me that they are willing to work with us on this. He will form an advisory committee made up of fisherman, riparian owners, local gov., lake associations, WWSF members, and DNR staff. The WWSF has formed a committee to do some heavy duty studying on this manner, and to look at obtaining legal counsel.

Suggestions please!!!!!!!!!! I will be down in Florida for the National Show Ski Association meeting from November 11-17. You can reach me before or after that, or e-mail me at packterski@aol.com

THANKS YOU FOR ALL YOUR HELP.

CORRESPONDENCE/MEMORANDUM

DATE: August 27, 1998 FILE REF: Ch. 75 Water Regulation Handbook

TO: Water Regulation Handbook Holders

FROM: Paul Cunningham, FH/4 *McC. Vollbrecht*
Mary Ellen Vollbrecht, FH/6

CC: FH Board

4.

SUBJECT: Program Guidance Concerning Permit Application Determinations for Water Ski Jumps and Platforms

Issue

Water skiing, including competition and exhibition skiing, is clearly an incident of navigation that can also have varying impacts on public rights in navigable waterways. There are approximately 30 competition/exhibition clubs, statewide. Many of these clubs practice and perform weekly using ski platforms and jumps. In the past, these performance ski platforms and jumps required a Chapter 30 permit. New Legislation (1997 AB 100, ACT 27) allows riparians to place water ski platforms and ski jumps in navigable waters without a permit under limited conditions. Field staff need guidance on how to implement S. 30.135; specifically, how to determine if a ski jump/platform (existing or proposed) requires a permit application, so impacts to the public interest can be evaluated and protected.

Authority

30.135 Regulation of water ski platforms and jumps. (1) WHEN PERMIT REQUIRED. (a) A riparian proprietor may place a water ski platform or water ski jump in a navigable water way without obtaining a permit if all of the follow requirements are met:

- 1. The platform or jump does not interfere with public rights in navigable waters.*
- 2. The platform or jump does not interfere with rights of other riparian proprietors.*
- 3. The platform or jump is located at a site that ensures adequate water depth and clearance for safe water skiing.*

(b) If the department determines that any of the requirements under par. (a) are not met, the riparian owner shall submit a permit application to the department [...].

There have been a number of appellate court decisions which address the relationship between the public rights in a waterway and uses by riparian owners and groups which desire to use surface waters for activities such as water ski performances. The two most pertinent cases are *Sterlingworth v. DNR*, 205 Wis. 2d 702(Ct. App.,1996) and *State v. Village of Lake Delton*, 93 Wis. 2d 78 (Ct. App.,1978).

Sterlingworth provides a recent summary of three key concepts -- reasonable use, cumulative impact, and the role of agency guidance. **The Court stated:**

"[E] very ...right which a riparian owner acquires, as such to the waters..by his land, is restricted always to that which is a reasonable use, and these terms are to be measured and determined by the extent and capacity of the [lake], the uses to which it has been put, and the rights that other riparian owners on the same [lake] also have."

Whether it is one, nine, or ninety boat slips, each slip allows one more boat which inevitably risks further damage to the environment and impairs the public's interest in the lakes. [...] For this very reason, the consideration of "cumulative impact" must be taken into account."

"Even though the DNR's guidelines do not have the force and effect of law... and are not controlling on the courts... the guidelines illustrate DNR's experience and expertise in regulating piers under s.30.12, Stats. When an agency has particular competence or expertise on an issue, we will sustain its legal conclusions if they are reasonable... . We will also accord special deference to the agency's decision if it is intertwined with value and policy determinations... ."

The impacts as discussed in *Sterlingworth* must be balanced in view of Court of Appeals decision in **Village of Lake Delton**, where the court reviewed a local ordinance authorizing use of surface water by a water ski show and a challenge of such use by individuals who desired to exercise their public right to fish at the same time as the show was scheduled. **The Court stated:**

"In our view a regulation [here, the local ordinance authorizing the show] which apportions the use of a given space of water to the single use and user which the space can reasonably accommodate at a single time reflects the obvious law of physics that two objects cannot be in the same place at the same time. While from one perspective such a regulation confers a temporary privilege on the user, from another it merely provides a mechanism through which the user may exercise his right, held in common with all citizens, to use public property for a legitimate purpose. The issue in any event does not turn upon the elusive and semantical distinction between "rights" and "privileges." For the appropriate questions, as the Supreme court has made clear in the cases previously discussed, are whether the regulation has a legitimate public purpose and , if so, whether the means it employs to accomplish the purpose are reasonable. Under the circumstances of this case, we conclude that both questions must be answered in the affirmative."

Rationale

Water skiing, including recreational and exhibition skiing, is clearly an incident of navigation and can provide public benefit. Ski jumps/platforms (like other navigational structures) and their use can: impact fish and wildlife habitat; resuspend sediment causing water quality impacts; affect natural scenic beauty; negatively affect other navigation; and affect other riparians. Statute and common law indicate intent to balance these rights.

Guidance

This guidance section helps guide decisions of when we would require a permit application. The determination is intended to be rapid - NOT a complete analysis to answer whether a permit will be issued. Factors will be similar, but permit decisions will rely on more rigorous information, examination, and analysis to ensure recognition of all rights, public and private. Specifically, this guidance identifies criteria or conditions upon which: 1) the platform or jump may interfere with public rights in navigable water; 2) may interfere with rights of other riparians; and 3) is a site that does not ensure adequate water depth and clearance for safe skiing.

Water ski platforms and jumps can be placed without a permit if **all** of the following five conditions are met: 1) They are not an impediment to navigation or its incidents; 2) They do not impact habitat, cause or increase shore erosion, degrade water quality, or disturb fish and wildlife; 3) They do not harm natural scenic beauty; 4) They do not have significant, cumulative impacts; and 5) They do not interfere with the rights of other riparians.

The remainder of guidance details the factors to be considered and when impacts are likely. These factors are detailed in the form of a questions. The primary questions (**in bold**) are intended to help staff make rapid determinations using readily available information. A "Yes" answer to **any one** of the "bolded" questions (primary factors) will require a permit application. The "secondary" questions we've provided can also help you determine the need for a permit application, but are not required.

Public Interest and Riparian Rights in Navigable Water: Determination of Potential Interference

1) Impacts on navigation and incidents of navigation

Will use of the structure create safety problems? **Is the site within 100 feet of a marked swimming area, public boat landing, dock, anchored raft, pier, or buoy restricted area? (Ch. 70-26)**

Does the structure materially obstruct navigation? **Is the size, color, shape, and lighting of the structure detrimental to safe day and nighttime navigation (Ch. 70-26)?**

Does the size of the ski platform exceed the Department's reasonable use guideline of 12 ft. X 24 ft (Ch. 75, 4/4/94 Memo--Piers Utilized for Ski Shows)?

Are there significant conflicts (at the site or lake-wide) with other recreational users of the waterway? Where the initial review indicates that permit

conditions (e.g. hours of operation, public access to the platform when not in use if on public land, etc) will avoid or minimize public interest impacts, then an application should be required so that permit conditions can be established and applied. Quality recreational experiences are most often obtained by "not managing for all boating experiences in one ecosystem " but by diversifying recreational settings. Many recreational users of certain waters have come to expect a recreational experience in quiet and less disturbed lake or river. Likewise, certain waters (or areas) are typified by more active recreational activities.

2) Impacts on Littoral Zone Habitat, Flora, and Fauna -- Boating can have negative impacts in shallow areas, specifically sediment and nutrient re-suspension, decreased water clarity, shoreline erosion, physical disturbance of fish and wildlife, and loss of aquatic plants.

Is the activity associated with the structure located in areas that will be susceptible to sediment resuspension or located in areas where boats will directly damage plant beds by cutting of plant shoots and sediment scouring? **Is the boat's take-off position located in water depths ≤ 10 feet when lifting water skiers off the platform** (note--take-off position means the boat location, not the platform location)? Propellers from outboard engines create turbulence and wake that can impinge upon bottom sediments at depths down to ten feet. The extent of disturbance depends upon propeller size, speed of operation, draft of the boat, and sediment characteristics. Motor boats reduce plant growth primarily through scouring of the sediment substrate and direct cutting. Motorboat enclosure experiments conducted by DNR researchers have found roughly three times the plant biomass in motorboat-excluded plots compared to plant biomass in plots exposed to motorboat activity.

Will the activity associated with the structure simplify or fragment habitat? There are strong positive relationships between habitat quality and the abundance of many desirable fish species. Fish habitat is complex and contains woody cover, overhanging cover, emergent and submergent plants, a diversity of depths, and a diversity of bottom substrates. More complex habitats are superior to simple habitats as evidenced by increased abundance of many fish species.

Does the lake contain exotic aquatic plants such as eurasian water milfoil? Sediment disturbance in near-shore areas may affect plant species composition by allow exotic species like milfoil to flourish at these disturbed sites.

Is the structure located in an area where exotic plants which spread by fragmentation of leaves and shoots exist (i.e. eurasian water milfoil)? Direct damage of plant shoots from propeller scour and cutting can facilitate the spread of milfoil to new sites.

Does existing survey information indicate that threatened or endangered

species are found near the site?

Is the structure located in or adjacent to a designated sensitive area?

Will placement and activity associated with the structure significantly impact spawning and nursery habitats via direct damage, sediment suspension, or wake turbulence? Permit reviews should also evaluate the importance of the macrophyte beds as nursery habitat for littoral zone fishes.

Will increased boating activity in the area associated with the structure result in significant nearshore erosion beyond existing background levels? Consider site location, lake orientation, fetch distance, etc.

Will the increased boating activity associated with the structure result in a significant direct disturbance to fish or wildlife?

3) Impacts on Natural Scenic Beauty

Is development near the site less than the NR326 standard? (Developed shorelines are those where there are at least five principal structures including at least one on the applicants property which are located within 500 feet of the proposed shelter site and are visually intrusive as viewed from the water, NR326.055(4)(f)). Less developed areas of the lake or less developed lakes in general will experience greater impacts on natural scenic beauty from the structure and it's activity than other more developed areas or lakes.

Will the structure and the increased associated boating significantly lower natural scenic beauty near the area or lake-wide? Consider compatibility--the relationship between the structure, it's associated activity and the other adjacent land/water uses. Is this activity appropriate for this setting? Consider the Impact of additional structures on the natural beauty of areas that have already experienced some degree of development.

4) Cumulative impacts--Cumulative impacts of increased power boating can result in lake-wide changes. These criteria can be used to assess the significance of the structure (and associated activity) to cumulative lake impact. Water chemistry, lake morphometry, and lake size (or areas of lakes) are sufficient evidence for potential lake-wide impacts and may justify the need for a permit application. Sponsor, events, and use of the structure are additional factors that help determine the potential for cumulative impact of similar decisions.

What is the depth and size of the waterbody? Is the waterbody <1,000 acres and at least 80% of its surface area less than 10 feet deep (or mean depth of the lake ≤ 12 ft.)? Impacts of motor boats are most prevalent in small shallow lakes, or shallow areas of deep lakes.

What are the water chemistry and sediment conditions? Boats have the potential to

stimulate algal growth in lakes with soft-water and easily suspended sediments. Decreased water clarity can negatively impact lakes in many ways. Aside from the decreased enjoyment by lake users, reduced water clarity can limit the light available to submersed aquatic plants and upset the food web dynamics in lakes by affecting behavior or reproductive success of invertebrates, fish, and waterfowl. Numerous studies have documented increased turbidity or suspended solids directly related to motorboat activity. Impacts of motor boats will be greatest on small, shallow lakes with soft-water sediments (high clay, low calcium).

What is the nutrient condition of the waterbody? Consider the nutrient gradient, particularly for shallow lakes. The nutrient gradient represents a continuum of nutrient input rates. The possibility of rapid transition between alternative states of habitat (macrophyte- or phytoplankton dominance) occurs through the middle of the gradient. At low nutrient input rates, levels are not sufficient to support extensive macrophyte growth. At high nutrient input rates, extreme algal turbidity prevents development of submersed macrophytes. Submersed macrophytes attain their greatest importance through the middle of the nutrient loading gradient. Over time, water quality may suffer as sediment disturbance and plant bed destruction increase nutrient inputs to the lake and fuel algal growth. At sufficient levels, lake-wide impacts can occur; a shallow lake can abruptly shift from macrophyte dominance to algae dominance. Shallow lakes with moderate-high nutrient conditions are most vulnerable to lake-wide habitat changes (alternative stable states).

Does the structure and its associated use provide only private benefits (not a recognized competition/exhibition ski organization)? *While examination of public benefits (or lack of) associated with the structure in of itself is not test of interference with the public interest, analysis of cumulative impact of "non-club/individual riparians" indicates interference with the public interest.* Factors such as projected frequency of use, audience size, club affiliation (e.g. Wisconsin Water Ski Federation, National Ski Show Association, American Water Ski Association) shall be considered when determining if benefit is significant.

Is the structure being utilized as a "private deck" when ski shows are not occurring? Indicators include furniture, angling equipment, enclosing railings.

Are viewing events associated with the structure accessible to only private individuals or unreasonable fees charged ?

5) Impacts on Other Riparians

Are the structures located outside the "applicant's" riparian zone of influence?

Are there specific objections from neighbors that detail how the ski jump/performance platform, and associated uses intereferes (ie. hours of operation, etc.) with other riparians?

In summary, water ski jumps and platforms may be placed without a permit when multiple conditions relevant to navigation, features of the littoral zone (and its flora and fauna), natural scenic beauty, considerations of cumulative impact, and considerations of other riparians are all met. A summary of those conditions are as follows: 1) The site is a safe distance from swimming area, boat landings, docks, rafts, piers, or buoy restricted area; 2) the structure allows for safe navigation (size, lighting, marking); 3) the structure is located in an areas that allow for intense boating (>10 feet deep); 4) the structure is not in or adjacent to sensitive areas or spawning and nursery areas; 5) the structure is located adjacent to developed shorelines; 6) the structure is not located on smaller shallow lakes (< 1,000 acres and mean depth >12 feet); 7) the structure provides for public benefit; 8) the structure is not utilized as a private deck; and 8) the structure is within the applicants riparian zone of influence. Field Staff will use the attached water ski jump/platform analysis checklist to assist interested parties to determine whether a permit application is required.

Related Guidance: Piers Utilized for Water Ski Shows-4/4/95
Handbook CH. 70-26, Water Ski Jumps

Attachment: Water Ski Jump/Platform Analysis Checklist

Drafted by: Paul Cunningham, FH/4 Mary Ellen Vollbrecht, FH/6
Reviewed by: Mike Cain, LC/5

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: August 13, 1998

FILE REF: 3600

TO: Natural Resources Board

FROM: George Meyer, AD/5 *George*

SUBJECT: Authorization for Hearings on Water Ski Jump/Platform Rules

Why is this rule being proposed?

In the past, all water ski platforms and jumps required a Chapter 30 permit. New Legislation (1997 AB 100, ACT 27) allows riparians to place water ski platforms and ski jumps in navigable waters without a permit under limited conditions. This new legislation also requires that the Department prepare rules for water ski platforms and jumps.

30.135(3)(a) The department shall promulgate a rule listing specific reasons that will support a substantive written objection to the placement of a water ski platform or water ski jump.

30.135(3)(b) The department shall promulgate rules specifying the information that shall be disclosed in a notice under sub. (2) (a). The disclosed information shall include all of the following: 30.135(3)(b) 1. A statement explaining what constitutes a substantive written objection and the list of specific reasons that support a substantive written objection that is promulgated under par. (a)

Summary of the rule

NR 328 identifies the factors which constitute a substantive written objection to placement and use of a water ski jump or platform. The rule also specifies the contents of a public notice and the process for making a substantive written objection and requesting a contested case hearing.

How Does This Rule Affect Existing Policy?

In some situations riparians will be able to place these structures without a permit. This rule restates existing policy on public notice contents and formalizes a standard for determining whether the objector's allegations are substantive.

Has the Board dealt with these issues before? No.

Who will be impacted by the proposed changes? How?

There are fewer than 30 competition/exhibition clubs, statewide. Most of these clubs practice and perform weekly using previously permitted ski platforms and jumps. Permit conditions and locations of most of these water ski jumps and platforms have been similar from year to year. User conflicts, impacts on fish and wildlife habitat, water quality, and natural scenic beauty will remain unchanged, unless competition or exhibition water skiing becomes increasingly and unexpectedly more popular.

Information on environmental analysis

The requirements for decisions on whether to grant or deny waterway permits are unchanged by this rule. With no change in the degree of natural resource protection the rule action is not consider a major action requiring an Environmental Assessment.

Small business analysis

The proposed rule will not have an adverse impact on small businesses.

cc: Susan Sylvester, AD/5
Mike Staggs, FH/4
Paul Cunningham, FH/4
Mary Ellen Vollbrecht, FH/4

Ski Jump Regulations (8)
NATURAL RESOURCES BOARD AGENDA ITEM

SUBJECT: Authorization for hearing on creation of Chapter NR 328, Wis. Adm. Code, pertaining to regulations for water ski jumps and platforms.

3.

FOR: SEPTEMBER BOARD MEETING

TO BE PRESENTED BY: Mary Ellen Vollbrecht and Paul Cunningham, FH/4

SUMMARY: New Legislation 1997 AB 100(ACT27) 30.135 requires that the Department prepare rules for Water Ski Jumps and Platforms.

Water skiing, including recreational and exhibition skiing, is clearly an incident of navigation and can provide public benefit. Navigational structures, including ski jumps and platforms, and associated uses have impacts on fish and wildlife habitat, can resuspend sediments causing water quality impacts, affect natural scenic beauty, and can affect navigation, or other riparians. Statute and common law indicate intent to balance these rights. Water ski clubs, riparian property owners, and the general public who hold recreational interests in waterway use will be affected by this rule.

As required by s. 30.135, this proposed new Chapter, NR 328 explains what constitutes a substantive written objection to a water ski jump or platform and provides a list of reasons that support a substantive written objection. It specifies the contents of a public notice and the process for making a substantive written objection.

RECOMMENDATION: Grant approval for the Department to hold hearings on the proposed creation of NR 328 - REGULATION OF WATER SKI JUMPS AND WATER SKI PLATFORMS

LIST OF ATTACHED MATERIALS:

- | | | | |
|--|---|---|----------|
| No <input type="checkbox"/> | Fiscal Estimate Required | Yes <input checked="" type="checkbox"/> | Attached |
| No <input checked="" type="checkbox"/> | Environmental Assessment or Impact Statement Required | Yes <input type="checkbox"/> | Attached |
| No <input type="checkbox"/> | Background Memo | Yes <input checked="" type="checkbox"/> | Attached |

APPROVED:

Paul Cunningham for MDS
Bureau Director, Mike Staggs

8/17/98
Date

[Signature]
Administrator, Susan Sylvester

8/18/98
Date

George E. Meyer
Secretary, George E. Meyer

8/21/98
Date

- | | | |
|--------------------------------|--------------------------------|-------------------------------------|
| c: Judy Scullion - Ad/5 | Mike Staggs - FH/4 | Mel Vollbrecht - FH/6 |
| Rep. Lorraine Seratti | Wisconsin Association of Lakes | Wisconsin Water Ski Show Federation |
| Steve Oestreicher, Cons. Cong. | | |

NR 328 CR 48-143
1997-99 Wisconsin State Budget
Comparative Summary of Budget Provisions
Enacted as 1997 Act 27
Volume II

1.

30. REGULATION OF WATER SKI PLATFORMS AND JUMPS

	Chg. to Base
PR-REV	- \$4,000

Assembly/Legislature: Provide that a riparian property owner may place a water ski platform or water ski jump in a navigable waterway without obtaining a permit if all of the following requirements are met: (a) the platform or jump does not interfere with public rights in navigable waters; (b) the platform or jump does not interfere with the rights of other riparian owners; and (c) the platform or jump is located at a site that ensures adequate water depth and clearance for safe water skiing. Require a riparian owner to submit a permit application if DNR determines that any of these requirements are not met. While only limited data is available, it is estimated that program revenue would decrease by \$2,000 annually.

Provide that such permit applications are subject to the same provisions regarding notice requirements as other proceedings related to navigable waters, harbors and navigation (Chapter 30.02). Require the Department to approve or disapprove the permit within five days after the 30-day period expires if it receives no substantive written objection to the permit and proceeds on the permit application without a hearing. If DNR orders a hearing on the permit application, require the hearing to be scheduled within 30 days after the date on which the hearing is ordered. Require the DOA Division of Hearings and Appeals to mail copies of the written notice of the hearing to the applicant at least 20 days before the hearing and to all other persons provided notice at least 10 days before the hearing. Require the applicant to publish the notice and to file proof of publication with the hearing examiner at or prior to the hearing.

Require DNR to promulgate a rule listing specific reasons that will support a substantive written objection to the placement of a water ski platform or water ski jump. Require DNR to promulgate rules specifying the information that shall be disclosed in a notice, which shall include: (a) a statement explaining what constitutes a substantive written objection and a list of specific reasons that support such an objection; (b) the fact that the Department may proceed on the application without a hearing; and (c) the fact that a decision to proceed on an application without a hearing is subject to review by an administrative law judge.

[Act 27 Section: 1139zm]

ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD
CREATING RULES

The Wisconsin Natural Resources Board proposes an order to create ch. NR 328 relating to regulation of water ski platforms and water ski jumps.

FH -55- 98

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 30.135 and 227.11(2)(a), Stats.

Statutes interpreted: s. 30.02, Stats.

Chapter NR 328 explains what constitutes a substantive written objection to a water ski jump or platform and provides a list of reasons that support a substantive written objection. It specifies the contents of a public notice and the process for making a substantive written objection.

SECTION 1. Chapter NR 328 is created to read:

Chapter NR 328
REGULATION OF WATER SKI JUMPS AND WATER SKI PLATFORMS

NR 328.01	Purpose	NR 328.04	Contents of public notice
NR 328.02	Applicability	NR 328.05	Factors constituting substantive
NR 328.03	Definitions		written objection

NR 328.01 Purpose. These rules are promulgated under s. 30.135, Stats., in order to comply with s. 30.135(2)(a) and (b), Stats., regarding the construction and location of water ski platforms and water ski jumps for purposes of water ski exhibition or competition events.

NR 328.02 Applicability. This chapter shall apply to all water ski jumps and water ski platforms constructed or maintained by riparians on the beds of navigable waters which require a permit under s. 30.135(1), Stats.

NR 328.03 Definitions As used in this chapter:

- (1) "Department" means the department of natural resources.
- (2) "Substantive written objection" means a written statement giving specific reasons why a proposed project may violate the statutory provisions applicable to the project and specifying that the person making the objection will appear and present information supporting the objection in a contested case hearing.

(3) "Water ski jump" means a human-made, inclined-plane structure especially prepared for jumping by skiers towed behind boats.

(4) "Water ski platform" means a human-made structure especially prepared for starting or landing water skiers, and temporary set-up of tow ropes, skis, and other water ski equipment, during public exhibition events, competition events, or practice.

Note: Water ski platforms are also commonly known as starting docks or performance platforms.

NR 328.04 Contents of public notice of proposed water ski jump or water ski platform. Notice under this section shall include all of the following:

- (1) Name and address of the applicant;
- (2) Description of the activity and its location;
- (3) A statement apprising the public of the opportunity to request a hearing under s. 30.135(2), Stats.;
- (4) A statement of what constitutes a substantive written objection;
- (5) A list of specific reasons that support a substantive written objection;
- (6) A statement that the department may decide to proceed on the application without a hearing;
- (7) A statement that a decision to proceed on an application without a hearing is subject to review under ch. 227, Stats.

NR 328.05 Substantive written objection. (1) PROCESS. Notwithstanding ch. NR 2, any person objecting to a proposed water ski jump or water ski platform shall request a contested case hearing by letter to the department employe whose name and address appears in the public notice. The request must be received within 30 days of the publication of the notice. An objection shall include a written statement giving specific reasons as described in s. NR 328.05 (2) why the proposed activity should not be allowed. The request for hearing shall also include a written statement specifying that the petitioner will appear and present information supporting the objections in a contested case hearing. The department may request additional information to support allegations in the objection prior to granting or denying the hearing request.

(2) **SPECIFIC REASONS.** In order to qualify for a hearing under s. 30.135(2), Stats., an objector shall allege that the water ski jump or water ski platform has an effect on one or more of the following factors:

(a) Navigation or its incidents, including but not limited to swimming, boating, fishing and hunting.

(b) Water quality or quantity.

(c) Fisheries or wildlife.

(d) Aquatic or terrestrial habitat.

(e) Shoreline stability.

(f) Natural scenic beauty.

(g) Rights of riparians.

(h) Water safety.

(i) Other public rights in navigable waters established by law.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

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)

1997 Session

LRB or Bill No./Adm. Rule No.
NR 328

Amendment No. if Applicable

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

FISCAL ESTIMATE
DOA-2048 N(R10/94)

Subject
Regulation of Water Ski Jumps and Platforms

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation Increase Existing Revenues
- Decrease Existing Appropriation Decrease Existing Revenues
- Create New Appropriation

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

Decrease Costs

Local: No local government costs

- 1. Increase Costs
 - Permissive Mandatory
- 2. Decrease Costs
 - Permissive Mandatory

- 3. Increase Revenues
 - Permissive Mandatory
- 4. Decrease Revenues
 - Permissive Mandatory

5. Types of Local Governmental Units Affected:
- Towns Villages Cities
 - Counties Others _____
 - School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

SUMMARY OF BILL - The 1997-99 Biennial Budget (1997 Wisconsin Act 27) amended statutory law to allow riparians to place water ski platforms and ski jumps in navigable waters without a permit under certain conditions and directed the Department to promulgate rules for placing water ski platforms and jumps in navigable waters. The rule being promulgated, NR 328, identifies the factors constituting a substantive written objection to placement and use of a water ski jump or platform and specifies the required contents of a public notice and the process for making a substantive written objection and requesting a contested case hearing. The rule is based on biological and sociological findings and public comments and will have no adverse impact on the fisheries and habitat of the state.

FISCAL IMPACT - None anticipated.

The following assumptions were made in order to arrive at the fiscal estimate for this rule change:

1. The proposed rules do not affect relations with local units of government or other state agencies.
2. No liability or revenue fluctuations are anticipated.
3. No additional staffing is required by state or local units of government.
4. State DNR law enforcement personnel will enforce these rules during the normal course of their duties.

Long-Range Fiscal Implications

None.

Agency/Prepared by: (Name & Phone No.)

Joe Polasek, 266-2794

Authorized Signature/Telephone No.

Joe Polasek

266-2794

Date

8-17-98

FISCAL ESTIMATE WORKSHEET

1997 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No. NR 328	Amendment No.
---	---------------


Subject
Regulation of Water Ski Jumps and Platforms

I. One-Time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
Approximately \$100, representing travel costs and printing costs.

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes	\$	\$
(FTE Position Changes)	(FTE)	(- FTE)
State Operations - Other Costs		
Local Assistance		
Aids to Individuals or Organizations		
TOTAL State Costs by Category	\$ 0	\$ 0
B. State Costs by Source of Funds		
GPR	\$	\$
FED		
PRO/PRS		
SEG/SEG-S		
III. State Revenues: Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes	\$	\$
GPR Earned		
FED		
PRO/PRS		
SEG/SEG-S		
TOTAL State Revenues	\$ 0	\$ 0

NET ANNUALIZED FISCAL IMPACT

	STATE		LOCAL	
NET CHANGE IN COSTS	\$	0	\$	0
NET CHANGE IN REVENUES	\$	0	\$	0

Agency/Prepared by: (Name & Phone No.) Joe Polasek, 266-2794	Authorized Signature/Telephone No.  266-2794	Date 8-17-98
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