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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Environment and Natural Resources (SC-ENR)

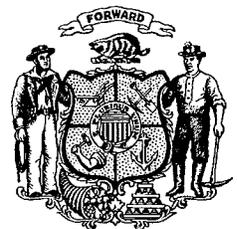
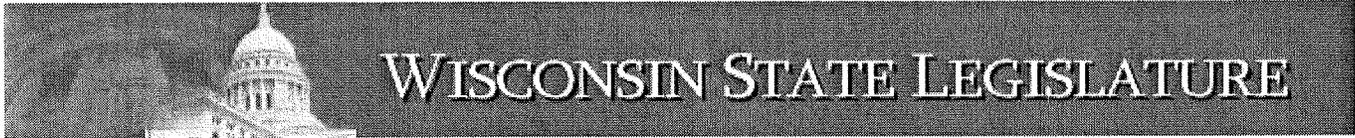
COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... **HR** ... **bills and resolutions** (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (June/2014)



Emails Forwarded From FLOW

----- Forwarded Message -----

From: John Dargatz <moosecreekj@yahoo.com>
To: Friends of the Lower Wisconsin Riverway <wisriverfriends@yahoo.com>
Sent: Sunday, May 29, 2005 6:39:37 AM
Subject: Re: Riverway Rules!

I am glad someone has a ZERO TOLERANCE for glass on the river. I would like to see a band on cans all so. I hope Warden Youngquist gets more help to enforce the littering law on the river, People should be made to clean up after them self's. toilet paper is one of the biggest litter problems. People go out on the rive to drink and party and they know most of the tine they can get away with it. The Warden is just one person. He can't be on the river all the time. In the last ten years I have seen the Lower Wisconsin River turned in to Party Town. That is not the way the river should be used. I would like to see more ZERO TOLERANCE on the river for glass litter and noise.

----- Forwarded Message -----

From: Jim &Jan Klippel <jklip@merr.com>
To: Friends of the Lower Wisconsin Riverway <wisriverfriends@yahoo.com>
Sent: Friday, January 6, 2006 11:45:40 AM
Subject: Re: Let's enforce the 86 decibel noise rule

Any help to keep it down would be appreciated. At Sunnier Palms so I realy hear don't it at this time.
PS Get your cold butt down here.
Jim &Jan

----- Forwarded Message -----

From: Jeannie <kanoe@merr.com>
To: Friends of the Lower Wisconsin Riverway <wisriverfriends@yahoo.com>
Sent: Friday, January 6, 2006 1:14:17 PM
Subject: RE: Let's enforce the 86 decibel noise rule

I would like the river even quieter than 86 decibels! Enforcing no wake rules would be a good idea too. I was nearly swamped by a dnr warden below Boscobel last Labor Day weekend!! Most fisher people are courteous.. Airboats should be eliminated by this noise rule.. How can the birds hear each others call so as to mate with some of the excessive noise along parts of the river. Nat'l wild and scenic rules might be visited for ideas. Count on me to support your efforts to make the river a more peaceful place.
Sincerely , Gary S. Klonowski

----- Forwarded Message -----

From: Richard Steeves <rsteeves@wisc.edu>
To: Friends of the Lower Wisconsin Riverway <wisriverfriends@yahoo.com>
Sent: Friday, January 6, 2006 4:21:07 PM
Subject: Re: Let's enforce the 86 decibel noise rule

Dear Timm,

I will be out of town on Jan 25, but I would greatly appreciate your speaking on behalf of me and any others who oppose banning specific vehicles on the Wisconsin River waterway. As you know, I have a deep affection for this part of Wisconsin, and I feel that part of its appeal is that it is open for the public to enjoy and respect. This means leaving the area as clean or cleaner than one finds it, and keeping noise levels as low as possible to minimize any disturbance to wildlife. To write specific noise levels into law would be one more interference in potential public enjoyment of "The Commons". The beauty of FLOW is that it promotes mutual respect for

wildlife and a clean environment in a friendly manner without excluding people through unnecessary legislation.

Thank you for your efforts on our behalf!
Sincerely,
Richard Steeves

----- Forwarded Message -----

From: Patrick Cannon <pj cannon@tds.net>
To: Friends of the Lower Wisconsin <wisriverfriends@yahoo.com>
Sent: Wednesday, March 29, 2006 6:35:55 AM
Subject: Noise hearings

I don't know exactly who I'm writing to here...Timm?
I'm hoping that someone here might be able to help with the following questions though...Does anyone here know what the proposed noise restrictions might be? Would the proposal be for something like "X db at 1/X mi"? Any time durations? Continuous vs. sporadic noise? And when/where are these proposed hearings to be held? Can any riverway user attend?
Thanks,
Pat Cannon

----- Forwarded Message -----

From: Paul Brandt <wildbio64@yahoo.com>
To: wisriverfriends@yahoo.com
Sent: Friday, May 26, 2006 11:35:26 AM
Subject: Fwd: [Word on the Stream] DNR Deaf to Air Boat Noise?

Tim Zumm et al:

I attended the Prairie du Chien hearing and stated my concerns that our solitude has been compromised by increasing airboat, hovercraft and jet-ski noise. Mark Cupp and Don Greenwood spoke for the Lower Wis. Riverway Board. But the airboat and hovercraft people were there too. The DNR needs to hear from more of us that value our quiet times on the River. I urge you to attend the Madison hearing or write to the person below with your comments.

Paul Brandt, Boscobel
Tel. 375-5983

----- Forwarded Message -----

From: Kay Roherty <kroherty@verizon.net>
To: William.Engfer@dnr.state.wi.us
Sent: Friday, June 9, 2006 7:10:22 AM
Subject: Watercraft noise on WI River

Good Morning Sir,

It is my understanding that you are working on the watercraft noise issue. As a resident of Water Street in Sauk City, my enjoyment of the river is negatively impacted by excessive noise from various watercraft. For me, the river is a place of tranquility, a place for wildlife, solitude and personal reflection, a place of beauty, a place to "get away". A river is not meant for high speed recreation nor loud watercraft.

Today is a new day on the Wisconsin River. With the expansion of Highway 12 from Madison to Sauk City and the year-round growth taking place in Wisconsin Dells, personal use of the Lower Wisconsin Riverway is only going to increase and in more creative ways. I strongly encourage the law state that all personal watercraft comply to the same noise level standard. Keep the rules simple, keeping enforcement simple. I recognize only one exception, the use of public, emergency services watercraft by emergency services personnel in emergency situations.

Thank you for your attention to this matter.

Kay Roherty
1357 Water Street
Sauk City, WI

----- Forwarded Message -----

From: Bill Brummer <BBrummer@thepylegroup.com>
To: William.Engfer@dnr.state.wi.us
Sent: Friday, June 9, 2006 8:52:34 AM
Subject: Excessive noise levels

I'll save your time, and keep this peaceful, pardon the pun.... It's quite simple, isn't it? Keep noise levels to a standard on the lower Wisconsin river and enforce it. Why is this even an issue, seems like common sense to me.

William Brummer...

----- Forwarded Message -----

From: Roxbury Tavern <roxtav@merr.com>
To: William.Engfer@dnr.state.wi.us
Cc: Friends of the Lower Wisconsin Riverway <wisriverfriends@yahoo.com>
Sent: Friday, June 9, 2006 9:20:49 AM
Subject: Noise on the river

I am writing to urge that watercraft noise limits on the Lower Wisconsin Riverway be strictly and thoroughly enforced. I am a Roxbury business owner and a frequent visitor to the river as are many of my customers. The river's peace and beauty are a major asset for all of us and can be severely diminished by excessive noise.

Thank you

Thomas R. Gresser
Roxbury Tavern
8901 Y Sauk City, WI 53583
(we're really in Roxbury)
608 643 8434

----- Forwarded Message -----

From: Scott Stokes <sstokes@chorus.net>
To: William.Engfer@dnr.state.wi.us
Cc: Friends of the Lower Wisconsin Riverway <wisriverfriends@yahoo.com>
Sent: Friday, June 9, 2006 10:47:25 AM
Subject: WI River Noise levels

Dear Mr. Engfer,

I'm a trustee of the Village of Mazomanie and spend a great deal of time on the Lower WI River. I designed, patented, manufacture and now market an ultralight catamaran (Campanoe) that can be paddled, sailed or motored with a small 4 stroke gas or electric motor and I've given hundreds of demo rides on our very unique and wonderful river resource.

I spent yesterday on the WI River with FLOW chairman Timm Zumm and several members of the lower river DNR committee and am in full agreement with them about the problems with excessive noise caused by some selfish and obnoxious watercraft operators but especially airboaters. The reason I take so many people there is because of the natural beauty and serenity that is so special on the river. To me airboats are like a smoker in a small room with no windows.... there is no escape. Why should one persons activities be allowed to disrupt my groups of new boating/nature/river enthusiasts? They're so loud that conversation is impossible sometimes for several minutes as they approach and I actually feel physically assaulted by the intensity of the noise. It's painful and makes us have to plug our ears with our fingers. I can hear them coming for several miles! I'm tempted to throw a paddle at them in self defense!

The Golden Rule of "Do Unto Others " is being violated here. Please enforce the 85 decible noise limit!

Scott Stokes
Stokes Corp.
106 Brodhead St.
Mazomanie, WI 53560
608-795-4574

----- Forwarded Message -----

From: "SKrollSpon@aol.com" <SKrollSpon@aol.com>
To: wisriverfriends@yahoo.com
Sent: Friday, June 9, 2006 12:53:54 PM
Subject: Fwd: Wisconsin River Watercraft Noise Levels

Tim-
FYI. The letter I sent is attached.

Sue Kroll
Dear Mr. Engfer:

I would like to weigh in on the Lower Wisconsin Riverway watercraft noise issue. I believe that all watercraft (except authorities on official business) should be subject to the same noise level standards. There is no reason to "grandfather in" any higher noise levels. The typical paddlers and fishermen are generally quiet and pose no issues. On the other hand, many personal watercraft and air boats can be very noisy and disruptive.

We purchased our property along the Wisconsin River in 1994. Although we had been unaware of the designation of the Lower Wisconsin Riverway until that time, we were delighted to learn of the designation and support its goals of preservation of the natural habitat. While we strive to maintain our property responsibly, we hope that those who use the Wisconsin River will also be responsible and respectful to the River, the larger Riverway environment, other recreational users and adjacent property owners. If regulations are required to ensure that the goals of the Riverway are met, then so be it...and we will support them.

Thank you for considering my opinion on this issue.

Susan Kroll

----- Forwarded Message -----

From: "Engfer, William G." <William.Engfer@dnr.state.wi.us>
To: Friends of the Lower Wisconsin Riverway <wisriverfriends@yahoo.com>
Sent: Monday, June 12, 2006 1:17:38 PM
Subject: RE: Excessive Watercraft Noise!

Timm,

Thank you for your comments, as they will be used in the official rule making process.

Also, the comment period was extended one week to the 16th. After this we will compile the information and make a recommendation that will be taken to the NR Board (most likely in the August or possibly the September Board meeting).

There have been a variety of comments and suggestions and we will want to look at these before we make our final recommendation.

Bill

William G. Engfer
Director
Recreation Enforcement and Education
Bureau of Law Enforcement
Wisconsin Department of Natural Resources
(O) phone: (608) 266-0859
(O) fax: (608) 266-3696
(+) e-mail: William.Engfer@dnr.state.wi.us

From: Alan Green <agreen@mhtc.net>
To: Friends of the Lower Wisconsin Riverway <wisriverfriends@yahoo.com>
Sent: Tuesday, June 13, 2006 1:13:36 PM
Subject: Re: Watercraft Noise Comment Extension

I have written directly to Mr. Engfer re watercraft noise. Thanks for alerting me.
Alan green

-----Original Message-----

From: Juliana Van Clausen [mailto:jclausen@chorus.net]
Sent: Tuesday, June 13, 2006 12:30 PM
To: William.Engfer@dnr.state.wi.us
Cc: timm zumm; sen.miller@legis.state.wi.us; rep.hahn@legis.state.wi.us
Subject: Water craft noise standards in our state waterways

Dear Mr. Engfer,

I am writing to state that I am in agreement with the Lower Wisconsin State Riverway Board and others in that ALL watercraft should have to comply to the same noise level standard. There should be no special exceptions except for authorities on official business. No waterways should "grandfathered" due to traditional use.

Our Lower Wisconsin Riverway is a beautiful place to recreate - but the extreme noise of some water craft, which can be heard a mile downstream and then another mile upstream as they go by, is shattering to any kind of conversation, meditation or even just sitting and watching the river flow. Fishermen, non-motorized craft and swimmers all suffer equally from high levels of noise pollution. Please see that the standards for water craft are kept to a bearable level for humans and other critters that live and play here.

Sincerely,
A riverside dweller in rural Mazomanie -
Juliana Clausen
9900 Cty Rd Y
Mazomanie, WI 53560

-----Original Message-----

From: Jean Clausen [mailto:rvrbnk@chorus.net]
Sent: Monday, June 12, 2006 9:52 PM
To: Timm Zumm
Subject: Flowers and a comment about noise level

Larry had offered to bring me old oranges for my orioles, so we called the other day and he brought some. He also cam with the cutest little bouquet of flowers in a flower pot, from him and the Zumm family. They brighten up a corner, and the pot will be fun to use in the future.
THANKS!

I have to admit being sort of "out of it" for the last three weeks, so I have no idea where to send a comment on the noise level. The comments in the letter you sent a couple of days ago were just excellent. I can't add anything but repetition never hurts. Could you cut and paste and put this in for me? I'm not sure about the wording of the last sentence. Maybe you can edit it.

The Lower Wisconsin Riverway came into being several years ago to preserve this last unspoiled part of the river in a "natural" state. There is nothing natural about industrial size noises. Existing noise level rules have to be enforced here if we are to follow the law relating to the Lower Wisconsin Riverway.

Jean Clausen
9928 highway Y
Mazomanie, WI 53560

-----Original Message-----

From: Gjestson [mailto:gjestson@mhtc.net]
Sent: Friday, June 09, 2006 5:19 PM
To: William.Engfer@dnr.state.wi.us
Subject: Wisconsin River Noise Abatement

As a 30-year DNR veteran and the first coordinator of the Lower Wisconsin State Riverway, I am empathetic to the task facing you to establish noise limits for watercraft using the river. However, I want to express my support for minimizing that disturbance for the user majority.....we who treasure the quiet of this rippling treasure.

I am an avid canoeist who has used the Wisconsin River for my recreation over the past 50 years. I have been to the river's headwaters, canoed and camped on many stretches of it and completed well over one hundred day trips and overnights on its lower portion. I love the river. It's my river. It's your river. It's our river. I am a long-time member of the Friends of the Lower Wisconsin River.

I most familiar with the public sentiment expressed at numerous (over 100) public meetings leading up to the establishment of this state project. Noise pollution was discussed in the property EIS/master plan (August 1988) with clear support for minimizing loud, sound-generating activities, especially for "airboats and hovercraft" (Note: personal watercraft like jetskis not used at the time). A "low noise policy" was adopted in the final plan and restrictive legislation endorsed.

In general, state law has established reasonable decibel limits for outboard motor use and airboats, hovercraft, jetskis, and similar watercraft should comply to that standard. To do otherwise seems illogical. If technology doesn't allow that to be done, then they simply should be prohibited in areas where most recreationalists and riparian landowners oppose them...like on the Lower Wisconsin State Riverway.

Thank you for the opportunity to comment.

Sincerely,
David L. Gjestson
gjestson@mhtc.net
18275 O'Neil Road
Mineral Point 53565

-----Original Message-----

From: Jeannie [<mailto:kanoe@merr.com>]
Sent: Saturday, June 10, 2006 10:48 AM
To: Timm Zumm
Subject:

The Wisconsin River is a treasure of Wisconsin. I was born on that river at Riverview Hospital in Wisconsin Rapids over 55 years ago. It is a river that has many ties to my life and my spirit. I have paddled a canoe from the source of the river, thru the culverts at Lac Vieux Desert. Living in Stevens Point for many years, I saw the industrial pollution in the river and the impacts of the paper industry on the middle part of the Wisconsin River. Living in Dane county the past decade, I have come to appreciate the lower Wisconsin scenic Riverway. I have paddled a canoe there on over 100 days, I own no property on the river, being of modest financial means. The peaceful solitude that I get on most trips on the river is VERY important to me. The wildlife thrives in this peaceful environment. The contributions of jet skis and air boats in noise is destructive to my peace and quiet and the various wildlife that lives in this area. The pollution from these crafts has a considerable and negative impact on all other life on, in, and along the river. How can an organization that tries in so many good and productive ways to improve the quality of life for people and to increase wildlife and fisheries populations tolerate things so destructive as jet skis and air boats? I sincerely hope that you folks can stay consistent to mission to preserve and protect the environment and eliminate these awful environmental abominations. All other river users and wildlife will have an environment to enjoy, in a long term sustainable way....

Thank you for your attention to this matter,
Sincerely
Gary S. Klonowski
2401 Calypso Rd.
Madison

----- Original Message -----

From: Linda Donnelly
To: William.Engfer@dnr.state.wi.us

Sent: Thursday, June 08, 2006 11:14 PM
Subject: Lower Wis. Riverway Noise Pollution

My Engfer.

I am following up on FLOW's email to you. It is very important to the value of the Lower Wisconsin Riverway that noise pollution be minimized. Two-cycle jet ski's are 1) off-putting to people wanting to enjoy the natural beauty of the Wisconsin River and 2) two-cycle engines are also more polluting.

[story: for 6 years I vacationed at Sand Bay in Door County. But, the Wagon Wheel resort's jet-ski's began to frequent the township beach. It was SO ANNOYING that I finally stopped spending my 1-2 week vacations there. The township tried to regulate it: requiring jet-ski's to maintain a 500' distance, but the people just ran them around outside the 500'. It was horrible!]

The tourism attraction of the Lower Wisconsin is its natural beauty and tranquility. Let's keep it that way and continue to make money.....

Linda Donnelly, resident, Spring Green Wisconsin.

-----Original Message-----

From: Mark.Culverhouse@highway60.com [mailto:Mark.Culverhouse@highway60.com]
Sent: Thursday, June 08, 2006 10:37 PM
To: William.Engfer@dnr.state.wi.us
Cc: timmzumm@verizon.net; Don Greenwood; Mark_Cupp
Subject: FW: Excessive Watercraft Noise!

Dear Mr. Engfer,

My wife and I live within view of the Wisconsin River within the riverway boundary between Spring Green and Sauk City. I have owned this land for over 30 years. I believe this land and river to be one of the most beautiful places on earth. From our home on a hill we look down on the river every day of the year. It is a true blessing. I have canoed the river many times. It is a mystical experience to travel down this river at dawn when the birds and other animals begin to stir. It is a great comfort to always know, wherever I am, that this place exists.

So you can imagine the impact of experiencing air boats with their maddening loud engine noise or packs of jet skis disturbing the peace for miles around them. Surely we are not preserving the natural beauty of this river for people to destroy the serenity and disturb the wildlife in order to "get their kicks" at the expense of everyone and everything around them.

Small patches of protected natural environments are the most precious treasure we have on this fragile, threatened planet. Please do whatever you can to minimize or prevent this abusive behavior.

Thanks you.

Mark Culverhouse

From: Steve Winters
To:
Sent: Tuesday, December 06, 2005 7:44 AM
Subject: Let's enforce the 86 decibel noise rule

To whom it may concern,

Attached is a letter we have sent out to the D N R Board and DNR Secretary Scott Hassett. It should be in time to get some enforcement of our statutes by this coming Spring, and should alert them to the attitude law enforcement presently has that is not in the best interest of the majority of river users. The D N R Board will be hearing public comments on this issue at their January meeting in Madison. The meeting is January 25 at D N R Headquarters at 101 S. Webster St.. We could use the support of the various outdoor clubs and other users of the state's waterways to get the DN R wardens to enforce the 86 decible noise rule where it pertains to air boats and hovercraft. Gerald O'Brien's address is on the letter I sent him and attached a copy of here. Letters of support can be sent to his address or to the D N R Secretary Scott Hassett at 101 S. Webster St. or P.O. Box 7921 in Madison, WI 53707-7921 . To contact Amy Lemberger, administrative assistant to the D N R Board, you can e-mail amy.lemberger@dnr.state.wi.us or call 608-267-7420 . She is the lady that must be contacted if you can attend the January meeting and wish to speak on this issue. She gives you a time slot, and you are allowed five minutes (by the alarm clock) to address the board with your comments. Any correspondence sent to Amy Lemberger is distributed to the members of the D N R Board if addressed to them. It saves you sending them individual copies.

Thanks for your help,
Steve Winters
Steven Winters
S2606 Coon Bluff Rd.
Reedsburg, WI 53959
Ph. 608-524-4052

November 17, 2005

Gerald M. O'Brien
Box 228
Stevens Point, WI 54481

Dear Mr. O'Brian,

After more than a year and a half of trying to get the wardens of this state to enforce the noise standards for motorboats, I am asking for the help of the D N R Board. I have gone from requesting enforcement of the 86 decibel noise statute by David Youngquist, the warden in charge of the Lower Wisconsin River, to talking with several of his superiors, to finally dealing with Randall Stark, the chief warden for the state. The complaint I have is that the air boats on several of our rivers are in clear violation of the noise level standards set forth in section 30.62 on pages 49 and 50 of the Wisconsin Administrative Code. I have been told that they will not enforce the statute because they feel that air boats should be exempt from the noise limitations because the noise is caused by the prop of the boat and not by the motor. The statute is quite clear in that it simply sets a level of noise that a boat powered by a motor is allowed to make. The noise some of these air boats create is as much as 100 times as loud as is allowed by law.

After pointing out that the statute clearly shows that the air boats are in violation, Mr. Stark has suggested rewriting the code to exempt air boats from the noise limitations that other watercraft are governed by. That's like writing water pollution laws to protect our lakes and streams, and then exempting the paper mills, sewage treatment facilities and factory farms from these laws because they have always been a major source of pollution and we really don't want them to have to change the way they do business. Noise is pollution as surely as raw sewage, and the noise limitations were written to assure us of reasonably peaceful lakes and rivers. The air boats that are in violation of the 86 decibel rule are far louder than any vehicle we would allow on our public roadways, and are an abomination in the opinions of the vast majority of the other users of those public waterways where these boats operate.

Don Greenwood of the Lower Wisconsin River Board has also complained about the noise from these boats to Mr. Stark, and has gotten the same results I have. No attempt to reduce the negative impacts these boats cause, or to cite them for flagrant violations of existing law. Mr. Stark also told Mr. Greenwood that he planned on revising the present statutes to exempt the air boats from the noise limitations. How ridiculous is that? Exempt the worst offenders rather than require them to meet the standards we have stated as reasonable for everyone else. These air boats as they presently operate, with a total disregard for the rights of others to a reasonably quiet outdoor experience are an atrocity on our waterways, and have to be made to operate within the noise limitations set for all other watercraft, or they have to be banned from operating on our public waterways at all. Here is a brief explanation of how sound is measured on the decibel scale. The DNR now owns 10 decibel meters capable of verifying how loud any boat is.

Humans are equipped with very sensitive ears capable of detecting sound waves of extremely low intensity. The faintest sound which the typical human ear can detect has an intensity of $1 \cdot 10^{-12} \text{ W/m}^2$. This intensity corresponds to a pressure wave in which a compression of the particles of the medium increases the air pressure in that compressional region by a mere 0.3 billionths of an atmosphere. A sound with an intensity of $1 \cdot 10^{-12} \text{ W/m}^2$ corresponds to a sound which will displace particles of air by a mere one-billionth of a centimeter. The human ear can detect such a sound. WOW! This faintest sound which the human ear can detect is known as the **threshold of hearing**. The most intense sound which the ear can safely detect without suffering any physical damage is more than one billion times more intense than the threshold of hearing.

Since the range of intensities which the human ear can detect is so large, the scale which is frequently used by physicists to measure intensity is a scale based on multiples of 10. This type of scale is sometimes referred to as a logarithmic scale. The scale for measuring intensity is the **decibel scale**. The threshold of hearing is assigned a sound level of 0 decibels (abbreviated 0 dB); this sound corresponds to an intensity of $1 \cdot 10^{-12} \text{ W/m}^2$. A sound which is 10 times more intense ($1 \cdot 10^{-11} \text{ W/m}^2$) is assigned a sound level of 10 dB. A sound which is $10 \cdot 10$ or 100 times more intense ($1 \cdot 10^{-10} \text{ W/m}^2$) is assigned a sound level of 20 dB. A sound which is $10 \cdot 10 \cdot 10$ or 1000 times more intense ($1 \cdot 10^{-9} \text{ W/m}^2$) is assigned a sound level of 30 dB. A sound which is $10 \cdot 10 \cdot 10 \cdot 10$ or 10000 times more intense ($1 \cdot 10^{-8} \text{ W/m}^2$) is assigned a sound level of 40 dB. Observe that this scale is based on powers or multiples of 10. If one sound is 10^x times more intense than another sound, then it has a sound level which is $10 \cdot x$ more decibels than the less intense sound. The table below lists some common sounds with an estimate of their intensity and decibel level.

Source	Intensity	Intensity Level	# of Times Greater Than TOH
Threshold of Hearing (TOH)	$1 \cdot 10^{-12} \text{ W/m}^2$	0 dB	10^0
Rustling Leaves	$1 \cdot 10^{-11} \text{ W/m}^2$	10 dB	10^1
Whisper	$1 \cdot 10^{-10} \text{ W/m}^2$	20 dB	10^2
Normal Conversation	$1 \cdot 10^{-6} \text{ W/m}^2$	60 dB	10^6
Busy Street Traffic	$1 \cdot 10^{-5} \text{ W/m}^2$	70 dB	10^7
Vacuum Cleaner	$1 \cdot 10^{-4} \text{ W/m}^2$	80 dB	10^8
Large Orchestra	$6.3 \cdot 10^{-3} \text{ W/m}^2$	98 dB	$10^{9.8}$
Walkman at Maximum Level	$1 \cdot 10^{-2} \text{ W/m}^2$	100 dB	10^{10}
Front Rows of Rock Concert	$1 \cdot 10^{-1} \text{ W/m}^2$	110 dB	10^{11}
Threshold of Pain	$1 \cdot 10^1 \text{ W/m}^2$	130 dB	10^{13}
Military Jet Takeoff	$1 \cdot 10^2 \text{ W/m}^2$	140 dB	10^{14}
Instant Perforation of Eardrum	$1 \cdot 10^4 \text{ W/m}^2$	160 dB	10^{16}

This is a copy of the statute not being enforced by the Wardens. Note that most of the air boats in this state exceed the 86 decibel rule by creating noise in excess of 100 times as loud as the law allows.

30.62(2)

(2) Muffler requirement and noise level standards.

30.62(2)(a)

(a) Mufflers. The engine of every motorboat propelled by an internal combustion engine and used on the waters of this state shall be equipped and maintained with a muffler, underwater exhaust system or other noise suppression device.

30.62(2)(b)

(b) Maximum noise levels for operation. No person may operate a motorboat powered by an engine on the waters of this state in such a manner as to exceed a noise level of 86 measured on an "A" weighted decibel scale.

30.62(2)(c)

(c) Maximum noise levels for sale. No person may sell, resell or offer for sale any motorboat for use on the waters of the state if the motorboat has been so modified that it cannot be operated in such a manner that it will comply with the noise level requirements under par. (b).

30.62(2)(d)

(d) Maximum noise level for manufacture.

30.62(2)(d)1.

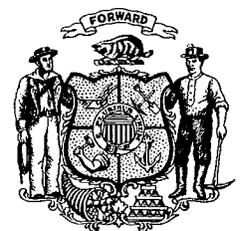
1. No person may manufacture and offer for sale any motorboat for use on the waters of this state if the motorboat cannot be operated in such a manner so as to comply with the noise level requirements under par. (b).

Thank you for helping to make our waterways a more enjoyable place for the vast majority of users by getting law enforcement to enforce statute 30.62 (2) (b).

Sincerely,

Steven Winters

CC: Howard D. Poulson, Jonathan P. Ela, Herbert F. Behnke, Christine L. Thomas, John W. Welter, Stephen D. Willett, Scott Hassett



Dear Mr. Engfer,

My wife and I live within view of the Wisconsin River within the riverway boundary between Spring Green and Sauk City. I have owned this land for over 30 years. I believe this land and river to be one of the most beautiful places on earth. From our home on a hill we look down on the river every day of the year. It is a true blessing. I have canoed the river many times. It is a mystical experience to travel down this river at dawn when the birds and other animals begin to stir. It is a great comfort to always know, wherever I am, that this place exists.

So you can imagine the impact of experiencing air boats with their maddening loud engine noise or packs of jet skis disturbing the peace for miles around them. Surely we are not preserving the natural beauty of this river for people to destroy the serenity and disturb the wildlife in order to "get their kicks" at the expense of everyone and everything around them.

Small patches of protected natural environments are the most precious treasure we have on this fragile, threatened planet. Please do whatever you can to minimize or prevent this abusive behavior.

Thanks you.

Mark Culverhouse

----- Original Message -----

From: Friends of the Lower Wisconsin Riverway

To: William.Engfer@dnr.state.wi.us

Sent: Thursday, June 08, 2006 9:59 PM

Subject: Excessive Watercraft Noise!

Mr. Engfer,

Please make it officially known to all involved in the decision making process that FLOW (Friends of the Lower Wisconsin Riverway) is in agreement with the Lower Wisconsin State Riverway Board and others in that ALL watercraft should have to comply to the same noise level standard.

There should be no special exceptions except for authorities on official business. No waterways should "grandfathered" due to traditional use.

Please respond to confirm you have received this message and let me know immediately if there are other people that I need to send this message to.

Sincerely,

Timm Zumm FLOW CO-chair Phone: 608-575-0325

I represent over 200 members of FLOW.

To learn more about us here: <http://www.newspubinc.com/main.asp?Search=1&ArticleID=1939&SectionID=6&SubSectionID=7&S=1>

Cupp, Mark E - LWR

From: Friends of the Lower Wisconsin Riverway [wisriverfriends@yahoo.com]
Sent: Thursday, June 08, 2006 10:00 PM
To: William.Engfer@dnr.state.wi.us
Cc: Mark Cupp; Don Greenwood
Subject: Excessive Watercraft Noise!

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Please make it officially known to all involved in the decision making process that FLOW (Friends of the Lower Wisconsin Riverway) is in agreement with the Lower Wisconsin State Riverway Board and others in that ALL watercraft should have to comply to the same noise level standard.

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Cupp, Mark E - LWR

From: SKrollSpon@aol.com
Sent: Friday, June 09, 2006 12:39 AM
To: William.Engfer@dnr.state.wi.us
Cc: mark.cupp@lwr.state.wi.us
Subject: Wisconsin River Watercraft Noise Levels

Dear Mr. Engfer:

I would like to weigh in on the Lower Wisconsin Riverway watercraft noise issue. I believe that all watercraft (except authorities on official business) should be subject to the same noise level standards. There is no reason to "grandfather in" any higher noise levels. The typical paddlers and fishermen are generally quiet and pose no issues. On the other hand, many personal watercraft and air boats can be very noisy and disruptive.

We purchased our property along the Wisconsin River in 1994. Although we had been unaware of the designation of the Lower Wisconsin Riverway until that time, we were delighted to learn of the designation and support its goals of preservation of the natural habitat. While we strive to maintain our property responsibly, we hope that those who use the Wisconsin River will also be responsible and respectful to the River, the larger Riverway environment, other recreational users and adjacent property owners. If regulations are required to ensure that the goals of the Riverway are met, then so be it...and we will support them.

Thank you for considering my opinion on this issue.

Susan Kroll

Cupp, Mark E - LWR

From: Friends of the Lower Wisconsin Riverway [wisriverfriends@yahoo.com]
Sent: Friday, June 09, 2006 8:42 AM
To: FLOW
Subject: Excessive noise letters.

Pasted below are concerns some folks have shared. You still have time to send something off to Mr. Engfer NOW! William.Engfer@dnr.state.wi.us
I will be in contact with the authorities by phone today in an attempt to insure all our letters have been received and distributed to the proper decision makers. Please forward to me whatever you have written in case I have to deliver them in person or something.

Thanks for your efforts.

TZ

Dear Mr. Engfer,

My wife and I live within view of the Wisconsin River within the riverway boundary between Spring Green and Sauk City. I have owned this land for over 30 years. I believe this land and river to be one of the most beautiful places on earth. From our home on a hill we look down on the river every day of the year. It is a true blessing. I have canoed the river many times. It is a mystical experience to travel down this river at dawn when the birds and other animals begin to stir. It is a great comfort to always know, wherever I am, that this place exists.

So you can imagine the impact of experiencing air boats with their maddening loud engine noise or packs of jet skis disturbing the peace for miles around them. Surely we are not preserving the natural beauty of this river for people to destroy the serenity and disturb the wildlife in order to "get their kicks" at the expense of everyone and everything around them.

Small patches of protected natural environments are the most precious treasure we have on this fragile, threatened planet. Please do whatever you can to minimize or prevent this abusive behavior.

Thanks you.

Mark Culverhouse

My Engfer.

I am following up on FLOW's email to you. It is very important to the value of the Lower Wisconsin Riverway that noise pollution be minimized. Two-cycle jet ski's are 1) off-putting to people wanting to enjoy the natural beauty of the Wisconsin River and 2) two-cycle engines are also more polluting.

[story: for 6 years I vacationed at Sand Bay in Door County. But, the Wagon Wheel resort's jet-ski's began to frequent the township beach. It was SO ANNOYing that I finally stopped spending my 1-2 week vacations there. The township tried to regulate it: requiring jet-ski's to maintain a 500' distance, but the people just ran them around outside the 500'. It was horrible!]

The tourism attraction of the Lower Wisconsin is its natural beauty and tranquility. Let's keep it that way and continue to make money.....

Linda Donnelly, resident, Spring Green Wisconsin.

3/2/2007

Good Morning Sir,

It is my understanding that you are working on the watercraft noise issue. As a resident of Water Street in Sauk City, my enjoyment of the river is negatively impacted by excessive noise from various watercraft. For me, the river is a place of tranquility, a place for wildlife, solitude and personal reflection, a place of beauty, a place to "get away". A river is not meant for high speed recreation nor loud watercraft.

Today is a new day on the Wisconsin River. With the expansion of Highway 12 from Madison to Sauk City and the year-round growth taking place in Wisconsin Dells, personal use of the Lower Wisconsin Riverway is only going to increase and in more creative ways. I strongly encourage the law state that all personal watercraft comply to the same noise level standard. Keep the rules simple, keeping enforcement simple. I recognize only one exception, the use of public, emergency services watercraft by emergency services personnel in emergency situations.

Thank you for your attention to this matter.

Kay Roherty

Cupp, Mark E - LWR

From: Friends of the Lower Wisconsin [wisriverfriends@yahoo.com]
Sent: Friday, June 09, 2006 8:58 AM
To: Mark Cupp
Cc: Don Golembiewski; Don Greenwood
Subject: Fw: WI River Noise levels

----- Forwarded Message -----

From: Scott Stokes <sstokes@chorus.net>
To: William.Engfer@dnr.state.wi.us
Cc: Friends of the Lower Wisconsin Riverway <wisriverfriends@yahoo.com>
Sent: Friday, June 9, 2006 10:47:25 AM
Subject: WI River Noise levels

Dear Mr. Engfer,

I'm a trustee of the Village of Mazomanie and spend a great deal of time on the Lower WI River. I designed, patented, manufacture and now market an ultralight catamaran (Campanoe) that can be paddled, sailed or motored with a small 4 stroke gas or electric motor and I've given hundreds of demo rides on our very unique and wonderful river resource.

I spent yesterday on the WI River with FLOW chairman Timm Zumm and several members of the lower river DNR committee and am in full agreement with them about the problems with excessive noise caused by some selfish and obnoxious watercraft operators but especially airboaters. The reason I take so many people there is because of the natural beauty and serenity that is so special on the river. To me airboats are like a smoker in a small room with no windows.... there is no escape. Why should one persons activities be allowed to disrupt my groups of new boating/nature/river enthusiasts? They're so loud that conversation is impossible sometimes for several minutes as they approach and I actually feel physically assaulted by the intensity of the noise. It's painful and makes us have to plug our ears with our fingers. I can hear them coming for several miles! I'm tempted to throw a paddle at them in self defense!

The Golden Rule of "Do Unto Others " is being violated here. Please enforce the 85 decible noise limit!

Scott Stokes
Stokes Corp.
106 Brodhead St.
Mazomanie, WI 53560
608-795-4574

Cupp, Mark E - LWR

From: Friends of the Lower Wisconsin [wisriverfriends@yahoo.com]
Sent: Friday, June 09, 2006 8:59 AM
To: Mark Cupp
Cc: Don Golembiewski; Don Greenwood
Subject: Fw: Excessive noise levels

----- Forwarded Message -----

From: Bill Brummer <BBrummer@thepylegroup.com>
To: William.Engfer@dnr.state.wi.us
Sent: Friday, June 9, 2006 8:52:34 AM
Subject: Excessive noise levels

I'll save your time, and keep this peaceful, pardon the pun.... It's quite simple, isn't it? Keep noise levels to a standard on the lower Wisconsin river and enforce it. Why is this even an issue, seems like common sense to me.

William Brummer...

Cupp, Mark E - LWR

From: Gjestson [gjestson@mhtc.net]
Sent: Friday, June 09, 2006 5:19 PM
To: William.Engfer@dnr.state.wi.us
Subject: Wisconsin River Noise Abatement

As a 30-year DNR veteran and the first coordinator of the Lower Wisconsin State Riverway, I am empathetic to the task facing you to establish noise limits for watercraft using the river. However, I want to express my support for minimizing that disturbance for the user majority.....we who treasure the quiet of this rippling treasure.

I am an avid canoist who has used the Wisconsin River for my recreation over the past 50 years. I have been to the river's headwaters, canoed and camped on many stretches of it and completed well over one hundred day trips and overnights on its lower portion. I love the river. It's my river. It's your river. It's our river. I am a long-time member of the Friends of the Lower Wisconsin River.

I most familiar with the public sentiment expressed at numerous (over 100) public meetings leading up to the establishment of this state project. Noise pollution was discussed in the property EIS/master plan (August 1988) with clear support for minimizing loud, sound-generating activities, especially for "airboats and hovercraft" (Note: personal watercraft like jetskiis not used at the time). A "low noise policy" was adopted in the final plan and restrictive legislation endorsed.

In general, state law has established reasonable decibel limits for outboard motor use and airboats, hovercraft, jetskiis, and similar watercraft should comply to that standard. To do otherwise seems illogical. If technology doesn't allow that to be done, then they simply should be prohibited in areas where most recreationalists and riparian landowners oppose them...like on the Lower Wisconsin State Riverway.

Thank you for the opportunity to comment.

Sincerely,
David L. Gjestson
gjestson@mhtc.net
18275 O'Neil Road
Mineral Point 53565

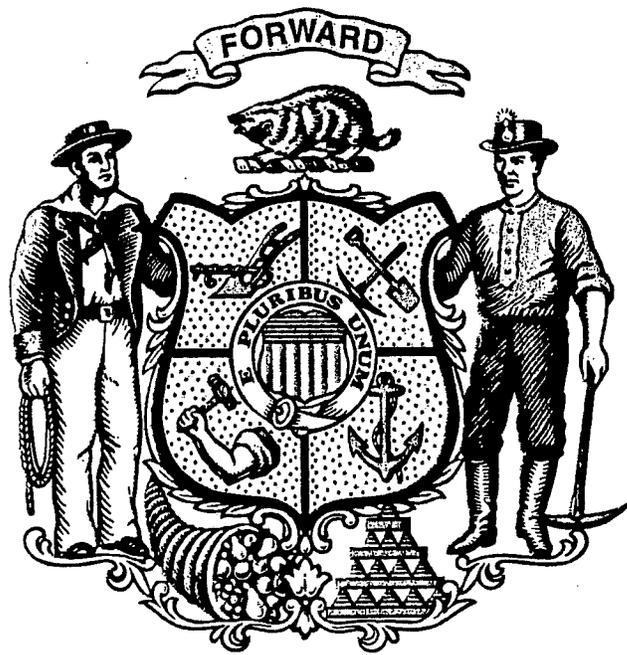
Cupp, Mark E - LWR

From: Lindawe@aol.com
Sent: Monday, July 17, 2006 11:26 AM
To: William.engfer@dnr.state.wi.us
Subject: Wisconsin River Noise Regulations

Dear Mr. Engfer:

We live along the Wisconsin River in Orion Township, east of Muscoda, and have been concerned for some time about the deafening noise caused by the relatively recent discovery of the river by airboat operators. We recently attended a meeting of the Lower Wisconsin State Riverway board and learned that the DNR is crafting some new noise regulations that might address this problem. We would be most interested in learning of your plans and we would like to attend the DNR Board meeting when these rules are to be voted upon. We feel strongly that this noise issue must be addressed not only on behalf of the residents and others who enjoy peaceful river recreation, but also on behalf of the wildlife that is disrupted by these vehicles. Thank you.

Linda Weimer and Jean Lang
lindawe@aol.com
608-824-9655



Mr. William Engfer
Director, Recreation Enforcement and Education
Bureau of Law Enforcement
Wisconsin Department of Natural Resources
Box 7921
Madison, Wisconsin 53707-7921

June 15, 2006

Re: Proposed Revision to NR 5.125, Wis. Adm. Code, relating to sound testing methods for airboats---Natural Resource Board Order LE-23-06

Dear Mr. Engfer:

Thank you very much for the opportunity to provide written information about the above-referenced proposed rule.

The Wisconsin Wildlife Federation is composed of 143 hunting, fishing and trapping organizations located throughout the State of Wisconsin. The Federation did join with other organizations and individuals in the state in calling for the Department of Natural Resources to fully enforce the provisions of section 30.62 (2) (b), Wis. Stats., which provides: "No person may operate a motorboat powered by an engine on the waters of this state in such a manner as to exceed a noise level of 86 measured on an "A" weighted decibel scale." This statute has been enforced relative to all watercraft in the State of Wisconsin except for airboats and hovercraft.

Our membership is concerned about the lack of enforcement of the motorboat noise regulations since a great majority of our members are hunters, anglers and trappers which spend a great deal of time on the water hunting, fishing and trapping. Section 30.62 (2) (b) is a statute designed to protect the health, safety and welfare of those on or near the waterways of the State of Wisconsin. We recognize that a few members of the hunting, fishing and trapping community may use these types of watercraft, however the great, great majority do not and along with lakeshore landowners, have a reasonable expectation that the 86 decibel limit will be enforced to protect their hearing (health and safety) and their right to recreate on the water without unreasonable noise disturbances (welfare).

The Wisconsin Wildlife Federation approached this rulemaking the same that it does in any other matter, i.e., that the proposed rules should be scientifically and factually based. Because of that we did not appear at the public hearing with testimony but rather to ask questions and gather information so that we could provide written comments based on the best available evidence and information. We have had serious questions throughout the rulemaking process on the derivation of the 300-foot distance for measuring sound compliance for the J1970 test methods for airboats. At the hearing for the first time we learned of an airboat sound testing done on March 16, 2006 by the DNR Bureau of Law Enforcement. We have attached the results of the test to this testimony.

The testing results illustrate the only reason that we have been provided that indicates why the 300-foot measuring distance has been chosen. The test shows that the first distance where the airboat consistently met the 86-decibel statutory standard was between 243 and 348 feet. The Federation has diligently asked for any other information justifying the 300-foot standard and has not been furnished any. Our reading of the testing data leads us to believe that the 300-foot standard was chosen because it was the distance at which airboats started to consistently pass the 86-decibel limit.

The WDNR Bureau of Law Enforcement manual "Sound Level Measurement Training" dated August 2004 illustrates that official sound testing of other watercraft should occur at a distance of 50 feet (page 41). The proposed rule establishes the testing for airboats at six times that distance, 300 feet. During the March 16, 2006 airboat sound testing on the Wisconsin River, the airboat was tested at 54 feet with a resulting decibel level of 99.1 decibels, approximately 10 to 13 times louder than the legal standard for other boats.

This is not an insignificant difference in terms of implementing the health, safety and welfare policies behind the section 30.62 (2) (b) standard of 86 decibels. Page eleven of the aforementioned sound manual illustrates that sounds over 90 decibels are within the range of damage risk to hearing for humans, much less a noise nuisance to water users and shoreland owners.

In addition the 300 foot measurement standard is discriminatory in contrast to other boat owners, whose watercraft must meet noise standards at 50 feet. If the Department continues to use the 300-foot standard in its proposed rule, it must come up with professional and competent scientific and factual information justifying the standard from a legal discrimination standpoint and from the section 30.62 health, safety and welfare standpoint.

At the public hearing we heard testimony from airboat owners to the effect that the statutory sound standards should not be applied to airboats since there are a relative few of them, an estimated 350 to 650 airboats. The statute however does not provide an exemption from the standard based on the relative numbers of a type of watercraft and secondly, there is no assurance that there will not be a

substantial increase in the number of airboats in the future. Clearly the proposed rule does not cap the number of airboats in the state.

An argument has also been raised that there should not be as strict application of the statute since the impact of the noise on other waterway users and shoreland owners is only episodic and comes and goes quickly, and therefore airboats should not be regulated the same as other watercraft. Once again, the statute does not make that legal distinction and secondly, there are areas of frequent use of airboats, such as specific waterfowl hunting areas on rivers and routes of airboat based tours. Clearly in those situations the health, safety and nuisance factors are not merely episodic.

A straight forward reading of section 30.62 (2) of the statute does not allow the Department to create a defacto second noise standard for airboats by measuring the sound at six times the distance. At best, if the Department feels that the test should be conducted at 300 feet, it must interpolate the results back to the 50-foot distance.

If the Department feels there is a need to differentiate sound standards for airboats from other boats, it cannot do so by changing the testing distance. There is limited authority for the Department in subsection 30.62 (2) (h), Stats., to promulgate by rule exemptions from compliance from the noise standard "...for certain activities for certain types of motorboats for specific uses and for specific areas of operation," provided the exemption meets the public health, safety and welfare policies of the statute. That has not been done in this case.

Thank you very much for the opportunity to present this information. Please contact me at 608-516-5545 if you have any questions in regard to this testimony.

Very truly yours,

George E. Meyer
Executive Director