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August 30, 2010

Mr. Russ Podzilni, Chairman
and Members
Rock County Board of Supervisor
Rock County Courthouse
51 South Main Street
Janesville, WI 53545

RE: Rock-Koshkonong Lake District
Indianford Dam Files

Dear Chairman Podzilni and Supervisors,

The Rock-Koshkonong Lake District and others recently filed a Notice of Claim against the Board challenging the legality of the County's "BOATING AND SAFETY LAWS AND SLOW-NO-WAKE RESTRICTION" codified as Section 25.01, et seq. of the Rock County Code. A copy is enclosed for your reference.

That Ordinance authorizes the Sheriff to post and enforce a slow no wake boat speed in portions of the navigable waters within the County at the request of Town and City officials. The Notice of Claim describes the main provisions of the ordinance and sets out in detail how it violates Wisconsin law. In short, the claimants contend that the Ordinance violates state law which sets specific procedures and restrictions on county and municipal boating ordinances.

As you know, a key purpose of the municipal claim law is to prevent unnecessary litigation. The District and the other claimants hope that longstanding public objections to the manner in which the County regulates boating can be resolved through an ordinance revision, rather than through the Courts. The District is prepared to play an active role in the County's discussion of boating regulations and would hope the Board will welcome a collaborative effort with local government units, citizen groups and affected individuals

The District and the other claimants asks that the Board refer the issue of boating regulation to an appropriate County Board Committee to review the current Ordinance and

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discuss better ways to resolve divergent opinions on boating regulation affecting the Rock River and other streams in the County.

As you know, the District was created by the Rock County Board of Supervisors in 1999 to provide for a better coordinated management program for Lake Koshkonong and the portions of the Rock River above the Indianford Dam. We sincerely hope that a revised ordinance can be put in place before the 2011 boating season gets underway.

The District's Board of Commissioners urge the County to eliminate the approach set under the current Ordinance which broadly delegates authority to individuals to set "slow no wake" boat speed limits. Instead, we urge the County should set objective standards, such as the U. S. Geological Survey's water level gage at Afton which tracks the Rock River water level in real time. <http://waterdata.usgs.gov/nwis/uv?05430500>

The District also urges the Board to provide ample opportunities for public engagement as it considers the sometimes controversial subject of boating regulations. Property owners and boaters alike would benefit from consistent policies that protect lake and river shores without unnecessarily interfering with recreational boating, which is critical to thousands of County citizens and is a foundation of the regional economy.

Thank you for considering this important public issue. The District looks forward to working with Rock County to formulate a boating policy that conforms to state law and best serves all of our citizens.

Very truly yours
Wheeler Van Sickle & Anderson

William P. O'Connor

WPO/lac
Enclosure