

River buoys boggle Sayre, Sautin

By Jeff Brown
Reporter staff

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The summer-long saga of how to enforce slow/no-wake orders imposed on sections of the Rock River, an exasperating affair filled with more twists and turns than the river itself, continues.

This time the issue isn't water levels or legal wording, but buoys.

On June 24, the Rock County board of supervisors enacted an ordinance that split the portion of the river flowing through the county into three sections, and established water levels for each section. When the water reaches a point higher than the established level for any one section, a slow/no-wake order is automatically imposed on that section.

The ordinance was soon put to the test—storms dumped nearly seven inches of water on the Edgerton area between June 21 and June 27, raising the water level on the river, and slow/no-wake orders were imposed on all three sections of the river.

In the weeks that followed, some town of Fulton residents who live along the river complained that boaters were violating the ordinance and making waves that battered their shorelines and their piers. One couple said they pointed out a boater violating the slow/no-wake order near where the river meets the western end of Lake Koshkonong and pointed the boater out to Rock River Safety Patrol Captain Henry Sautin, who threw up his arms and said he couldn't write the boater a ticket.

At the July 3 meeting of the river patrol's board of commissioners, Sautin said the river patrol lacked the authority to write tickets to boaters violating slow/no-wake orders because the terms of the county ordinance specified that only the Rock County Sheriff's office and the state Department of Natural Resources could enforce slow/no-wake orders imposed under the ordinance.

The water on the river came down during the middle of July, and the slow/no wake orders were lifted.

Then, on August 1, Sautin issued a press release announcing that a review of state law revealed that the river patrol had the authority to write tickets to boaters violating posted speed limits. Therefore, said Sautin, as long as signs and buoys told boaters that a slow/no-wake order was in effect on a section of

There are buoys in the water to demarcate the three permanent slow/no-wake zones created by ordinances enacted by the town of Fulton: in Newville, a high-traffic area; near the railroad bridge between Newville and the Indianford dam, where the river channel narrows, allowing passage only through the middle set of trestles on the bridge; and at the Indianford dam.

But Sautin said that without additional buoys or signage to tell boaters a temporary slow/no-wake is in effect for the entire stretch or for sections of the river, many boaters take off once they clear the buoys marking the borders of the permanent slow/no-wake zones. "They see the two buoys and they say 'Oh, we can go.' They don't know there's a sign posted at the carp pens, because they may not have been there, or at Dallman, and the county is not required to post it in the paper."

Sautin is incorrect when he says the county isn't required to put notice of the imposition of slow/no-wake orders in area newspapers. Section 3.507 of the county ordinance says "The Rock County Sheriff shall notify media sources serving the area affected by and Slow-No-Wake Speed restriction imposed pursuant to this Ordinance."

Town chairman Evan Sayre told Sautin the river patrol should write tickets to boaters violating temporary slow/no-wake orders imposed under the county ordinance, whether they know about the orders or not. "My position is, if you're out there, Jack, and they're doing this wrong, you'd better be writing a ticket, or we ought to find somebody who can."

Sautin said he's talked to the county about installing additional buoys to notify boaters of temporary slow/no-wake orders. Thinking aloud during a phone interview two days after the Fulton town board meeting, Sautin said maybe the county could hang a sign on the east side of the State Highway 59 announcing when temporary slow/no-wake orders were in effect.

There's just one problem with that idea: it would require permission from the state Department of Transportation. Sautin said DOT was unwilling to allow a sign to be placed on the railroad bridge between Newville and the Indianford dam that would have marked the channel passage between the center trestles, because DOT officials were

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There's just one problem, according to Sautin: The county only posts notice for the slow/no-wake orders at the boat landing near the Consolidated Koshkonong Sanitary District building, and at the boat landing at Dallman Park near the Buckhorn Supper Club, on the southwest shore of Lake Koshkonong, in Milton township.

Sautin told the Fulton town board at its monthly meeting on Tuesday, August 13, that many boaters who travel the Rock River don't put in at Dallman Park or at the landing near the CKSD building. For instance, said Sautin, many boaters put in in Jefferson County, either from landings along the east shore of the lake or upriver by Fort Atkinson.

That means many boaters who use the Rock River when a slow/no-wake order is in effect on one or more of the sections might not know about the order, and Sautin doesn't think it would be fair to write them a ticket if they violate the order.

"A lot of people say, 'Tough, you should know the law,'" said Sautin. "That's not a reality. We stop people in the county area, in Milton township, that doesn't have buoys, but still, it's a tough sell to take and beat people up when it's not posted properly."

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Members of the Rock-Koshkonong Lake District board and the Sumner town board, on separate occasions, have cited the same concern in declining to pay for lighted buoys that would mark where the river channel flows through Lake Koshkonong, which is the state's eighth-largest lake, but also one of its shallowest. They worried that if the lights weren't working and a boater damaged their boat or injured themselves or a passenger because they couldn't see the buoy, the lake district or the town might be liable.

The lake district and town officials were right to worry about the lights on the buoys not working—Sautin said the town of Fulton once put lighted buoys in the river near the railroad bridge, only to see the lights shot out. "People used them for target practice."

If the county is willing to put out extra buoys to notify boaters temporary slow/no-wake orders are in effect, they won't be in the water any time soon. Sautin said that the DNR, the state agency with ultimate regulatory authority over the waters in the state, would have to approve the placement of any buoys in the river.

That process, Sautin said, could take up to a year. And once DNR approves

the buoys, the precise locations along the river they can be placed will be governed by regulations promulgated by the United States Coast Guard.

Sautin also said it would be quite a chore to put the extra buoys in, once a temporary slow/no-wake order was imposed, then haul them out once the order was lifted. He added that his men can't help with that because the buoys would damage the river patrol's two craft—a v bottom boat and a rubber raft—leaving it up to the sheriff's office, which has a bigger, sturdier boat.

At the town meeting, Sayre said he received a number of phone calls this summer during the high water from residents who mistakenly believed the township would be placing buoys advising that the temporary slow/no-wake orders were in effect. That's understandable—before the enactment of the new county ordinance, it was the town that imposed temporary slow/no-wake orders on the river from Newville to Indianford.

Sayre said the county needs to step

up, since it's the entity that now imposes slow/no-wake orders on the river during high water. "It's a county ordinance. The people that have the ordinance ought to have control over the buoys."

"It's ridiculous to have two governmental agencies that are operating on the same body of water, with basically the same intent, with different laws," continued Sayre. "That is stupidity." Sayre said he started working with the county and its lawyers on a solution to the problem earlier this year, but the effort stalled. "By next spring, everybody needs to be on the same page."

In the meantime, Sautin and his men will continue to use their discretion in ticketing boaters violating any slow/no-wake orders imposed under the county's new ordinance, many of whom are folks Sautin has known for decades. "I've been on this water since 1979. You've known them all your lives," said Sautin, turning philosophical. "I'm just an old cop that's been on the water for a day or two."

