

Meeting Minutes
LAKE NOKOMIS LAKE DISTRICT
P.O Box 740
Tomahawk, WI 5448

The LNLD Board of Commissioners held a meeting on January 31, 2024, at 6:00 p.m. at the Nokomis Town Hall.

Call to order and roll call

Scott Swenty called the meeting to order at 6:02 p.m. and roll call of the commissioners was taken:

- Scott Swenty, Chair - present
- Larry Beaumont, Treasurer - present
- Russ Wadzinski, Vice Chair - present
- Cara Kurtenbach, Secretary (Town of Nokomis Representative)- present
- Linnaea Newman, Oneida County Representative - present

Approval of the 12-6-23 meeting minutes

- Linnaea Newman made a motion to approve the 12-6-23 meeting minutes. Wadzinski seconded the motion, and the motion was unanimously approved.

Public Comment

- No public comments

Oneida County Report

- Linnaea Newman reported the following:
 - The Oneida County Board wake boat discussion was sent back to the Conservation committee. Ben Niffenegger commented that he thought Presque Isle passed a resolution addressing the stirring up of sediment, increased phosphorus concentrations and shoreline erosion.

Committee Discussion

- **WVIC – Lake Nokomis Buoy Management** – Ben Niffenegger, WVIC, reported that the missing buoys got ordered in 2023 and LNLD paid for them. There were fourteen new buoys ordered, with ten of them being for new locations and four

being direct replacements for missing or damaged buoys. An additional seven buoys still need to be ordered. These include one Slow/No Wake buoy still missing by Bootleggers and six Hazard/Shallow buoys that need to be replaced because they are cracked. Ben commented that the company they get the buoys from has multiple product lines and they are difficult to get a hold of.

Ben Niffenegger commented that WVIC's only legal requirement is to install the buoys in front of their dams. They are not legally required to install any additional buoys. Russ Wadzinski stated that WVIC has installed the buoys on Lake Nokomis since 1994. He said that LNLD has never installed any of the buoys. Russ said that the additional buoys were the result of a petition from 43 people to install additional buoys by Boomba Bar and Tilted Loon. Ben responded that the 1990 relicensing was contentious with LNCC so WVIC offered to install the buoys on Lake Nokomis as an olive branch. Ben said that WVIC does not do any buoy management on any other reservoir.

Scott Swenty asked Ben what the rules and regulations were regarding buoy installation. Ben said that WVIC is only legally required to install the buoys in front of the dam. Russ commented that the barn foundation at the mouth of the Tomahawk River has been marked by WVIC since Russ was a kid. He asked what has changed since the 1960s to the present? Ben responded that there is national recognition that you can't mark every hazard on a body of water because of the concern that a party would be held legally responsible for the one hazard that they missed. There was agreement amongst the group that it would be impossible to mark every hazard on a body of water.

Ben commented that WVIC is supportive of the buoys but they have so few staff to do the job. Ben said that the total cost of installation is \$8,000 which includes 3 days of 3 staff members time plus 2 days of 2 staff members time every spring and fall. Ben said that WVIC utilizes their three maintenance employees based at the Rainbow flowage. Scott asked Ben what WVIC's position was regarding future buoy installations on Lake Nokomis? Ben responded that WVIC did not have a firm position for the future but wanted it known that it is costing them \$8,000/year to install the buoys. He said that WVIC had a workman's compensation injury while installing buoys in 2023 (not on Nokomis). Ben said that they would like to stop using staff time to install the buoys. Scott asked if that means that WVIC will stop installing the buoys and Ben responded that WVIC wants to move the needle in the direction of no longer installing the buoys.

Ben commented that they got a quote from Eagle River Dock & Lift of \$5-9k to perform the installation. Since then, Eagle River Dock & Lift has been bought out so a new quote would need to be obtained. Ben suggested that LNLND ask Hobbes for a quote to see what they would charge. Ben said that WVIC would commit to performing the work in 2024 but would like LNLND to investigate other options. WVIC did buy a \$100,000 barge to use for future buoy installations due to their workman's compensation injury.

Russ asked where in the license the buoy requirements are spelled out. Peter Hansen, WVIC, said that the requirements are laid out in the Public Safety Plan. Cara requested a copy of all WVIC plans that apply to Lake Nokomis. Ben indicated that the recreation plan only applies to boat landing usage and does not take into account private homes and airbnb rental usage. Ben said that FERC has been requiring that things get done much quicker than they used to (1 year versus 5 years) due to dam failures. Peter said that WVIC's workload and budget has been increasing so they need to work to reduce their budget. Ben said that WVIC will be charging back for the use of the barge to recoup the cost of purchasing it. He said that most lakes are not doing navigation buoys due to the legal risk.

Peter commented that the storage space for the buoys is also a problem. WVIC currently stores all of the buoys inside their storage building at Lake Tomahawk. Peter said that they are running out of storage space. WVIC is already storing boats in Wisconsin Rapids. Ben will ask their crew what issues they would have storing the buoys outside (other than theft).

- **WVIC – Dam Repairs** – Peter Hansen, WVIC, reported that the Nokomis dam is over 100 years old. An independent inspection is now needed every ten years. It is now 4-6 times more expensive to manage the Nokomis dam. The last inspection revealed that there is some seepage that needs to be stopped. WVIC plans to address this issue and install sheet piling and rocks to stop the seepage in 2024. The project is currently 90% planned. FERC just provided comment. WVIC is using McMullen and Pitts to perform the project. WVIC has potential failure modes for each dam (bogs included). Pending FERC approval, they plan a May-June 2024 start date. There will be a barge in the water lifting 50-60 foot sheets of steel and pounding them in. There are currently restrictions which do not allow barge usage until June 15th at the soonest due to fish spawning issues. WVIC is working to get permission to start earlier than June 15th. The current plan does not require the reservoir to be drawn down, but WVIC can not guarantee that a reservoir draw down will not be required. The project also

includes rock additions to the upstream side of the dam, two fish piers downstream and a boardwalk along the road. The road will not be closed but part of the overflow parking area will need to be used to stage materials. The canoe portage will be open. Specific hours of operation will be set to limit noise at night. A Department of Energy grant was applied for, but WVIC will not find out until April or May on whether or not they received a DOE grant. Peter said that this project is a multi-million-dollar project.

Peter recommended we wait to send out a communication until the project is 100% set. Larry Beaumont suggested preparing a letter outlining the upcoming construction and possible draw down, etc. Ben will provide WVIC something in writing once they have the project approved by FERC. Scott commented that LNLD's next meeting is May 9th and we would like to be proactive. He asked when the soonest that WVIC would be able to send LNLD the construction plan? He suggested that Peter be a guest speaker on WJJQ to discuss the project. An April 1st target was suggested to put news of the project on LNCC's Facebook. A discussion should be held at the May 9th meeting on whether or not we should send out a mailing. Larry said the cost of a mailing was about \$1300.

Peter commented that WVIC does take snowpack levels into consideration for draw down decisions. Russ observed that WVIC used to start filling Nokomis by May 1st but then it was changed to an April 1st start. Peter responded that April 1st is a goal, not a requirement.

- **WVIC – Transfer of 30' Strip** – Ben commented that he did not think that FERC would approve the transfer of the 30' strip in the near future. He said that FERC does not normally allow the divestiture of property. He is not sure how it could be presented as being in the public's best interest. Russ commented that the bottom of the Willow flowage was divested to the state of Wisconsin. He also commented that LNLD was formed so we have 100% participation. Ben responded that FERC's philosophy has changed in the last 5-15 years about divestitures. Cara commented that during the last look in, FERC asked WVIC what the purpose of the 30' strip was. She asked WVIC what their response to FERC was? Ben said that they did not know what the purpose of the 30' strip was but their theory is that WVIC wanted a buffer for flooding. He said that the Spirit and Rainbow reservoirs were flooded and then let to settle, after which they raised their dams to make those flowages deeper. Russ asked if the Nokomis dam will ever be raised? Peter responded that part of the project will allow the gates to open more. They currently have no plans now to raise the dam. Peter said that they would be willing to entertain the transfer of the 30' strip because it

does consume a lot of their time. Scott asked what the first step would be and Ben said that WVIC first has to decide if they are willing to entertain the transfer. Peter commented that logistically not every property will be available. Ben said that all of the properties would need to be surveyed which would probably take a year. He also said that WVIC would be demanding compensation for land “giveaway”. Peter said that they would discuss the possibility of the transfer of the 30’ strip and what their conditions would be and get back to LNLDD. Ben said that all erosion is not bad. WVIC does not care about erosion because they always get a 30-foot strip from the high-water mark. If erosion occurs, WVIC’s 30’ strip just moves further back into the private property.

- **WVIC – Private Property Dock, Raft, Shore station Allowances** – Scott asked WVIC to explain their private property dock allowances. Ben responded that docks are only allowed if WVIC property adjoins the property. There are a few communal docks (Nancy Dr., etc.). Each property owner is allocated one dock. WVIC hasn’t regulated shore stations since they follow WDNR rules. WVIC is thinking about charging a dock fee in the near future.

Recommendations for May 9, 2024 Meeting agenda

- No additional recommendations

Meeting adjournment

- Meeting adjourned at 8:07 p.m.

Respectfully submitted,

Cara Kurtenbach, LNLDD Secretary