



WISCONSIN ASSOCIATION OF LAKES

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June 1, 2004

Russ Rasmussen
Director, DNR Watershed Management Bureau
Post Office Box 7921
Madison, WI 53707

Dear Mr. Rasmussen:

Re: 5-18-04 draft of Ch. NR 115, Wis. Admin. Code under review by the Advisory Committee.

We appreciate the hard work of the Advisory Committee and DNR staff, and the progress apparent in the draft NR 115 now under review. We also appreciate the opportunity to submit comments at this time.

WAL has three main concerns in the revised rule. First, the rule must protect public rights in waters, including shoreland habitat. Second, the minimum standards for county ordinances should respect the rights of waterfront property owners. Improved clarity and consistency will help address this second concern. Third, the standards have to be easily understood and enforced.

The May 18, 2004 draft of a revised NR 115 includes important provisions to accomplish these goals. WAL strongly supports this draft's 75-foot shoreland building setbacks, lot area and width standards, and creation of a minimum standard for shoreland buffers to protect critical habitat.

We believe that the following are important points yet to be resolved:

- **Establish a minimum standard to limit impervious surface areas in the near-shore area.** A maximum percentage of lot coverage (say 20 percent of lot area within 300 feet of the OHWM) would provide an easily understood standard to prevent excessive runoff. WAL also recommends that the rule permit an alternative performance test for runoff control where the "cookie cutter" lot coverage ratio is inadequate.
- **Consider a different mechanism to address non-residential waterfront development.** The current NR-115 almost exclusively addresses garden-variety single-family residential development that is typical throughout the State. We encourage the Committee to devise a general approach for "Other Uses" of riparian land, rather than attempting to codify standards for the wide variety of potential waterfront land uses, including commercial uses, resorts and multi-family residential projects. Perhaps using a procedure similar to the conditional use process could be used to ensure that these projects meet performance standards, rather than attempting to codify standards for each possible waterfront land use. In recent years, the use of the condominium statutes has become increasingly common for a variety of land uses. In particular, the Committee should consider

whether and how to address minimum standards that would apply to waterfront condominium ownership.

- **Consider rule provisions that distinguish between riparian and non-riparian parcels within the 1,000-foot shoreland zone of lakes.** The rule should recognize the difference between these types of parcels and set standards suitable for both. It should also address the relationship between developed backlots and riparian access lots. New rule provisions could better manage excessive development of waterfront parcels as outlots commonly held by owners of lots located off the water.

We look forward to further progress in developing a new and improved NR 115.

Sincerely,

Peter Murray
Executive Director