

August 14, 2023

Cisco Chain Reparian Owners Association (CCROA)
Board of Directors
PO Box 687
Watersmeet, MI 49969

RE: Board Action on Wake Surf Boats

Dear CCROA Board of Directors:

We learned the CCROA Board of Directors, over the objection of some CCROA board members, recently adopted wake surf boat (wsb) "guidelines." See May 2023 President's Report section- "Guidelines for Wake Surf Boat Operation on the Cisco Chain" citing "Recommended Operating Guidelines for WSB Operation." We are writing the Board to voice our strong disagreement with this action. The CCROA has no authority to issue guidelines, it's contrary to the CCROA governing rules and procedures of the non-profit organization and inconsistent with state regulations and DNR guidance.

While we understand and support the CCROA and its interest in the Cisco Chain, the CCROA was established under a common goal of Cisco Chain Lake owners to help protect our interests in the dam; and then later invasive species became a focus. Appropriately, the CCROA website's "Home/Welcome" and "About Us" sections make no mention of wsb's, but repeatedly reference the dam and focus on invasive species "conducted under WI DNR and MI DEQ guidelines." A chief goal as noted in the May 2023 report is education. The report also notes wake generation, no wake zones and speeds are "a highly contentious subject among residents on the Chain." The CCROA should not be in the business of trying to regulate or limit an activity that remains highly contentious. The President's May 2023 report even notes that the Michigan DNR preliminary conclusion that "existing Michigan boating laws sufficiently cover any of the issues" and "Michigan boating law does regulate watercraft operation on open lakes." The CCROA should not be involved in issues which the DNR believes is sufficiently covered by existing boating laws.

The CCROA Articles of Incorporation and By-Laws are the governing rules and procedures for managing the nonprofit organization. Notably, the only two specific lake activity references in the Articles of Incorporation and By-Laws are the dam and invasive species. See CCROA By-Laws, Article 2 §A. There is no mention of the authority to issue any "guidelines" or attempting to restrict any particular boat, including "wake surf boats." The non-profit organization cannot have such authority. Accordingly, the term "guidelines" never appears in the Articles of Incorporation and only in reference to Roberts Rules of Order for conducting meetings in the By-Laws. The CCROA works to limit invasive species follows the regulatory rules and control of Michigan and Wisconsin DNR's. Further, the issuance of a "guideline" implies an authority the CCROA does not have. In fact, the word "guidelines" is defined by the Oxford dictionary as a "set of rules

or instructions that are given by an official organization telling you how to do something." The CCROA has no rule making authority.

The CCROA is not a homeowner's association. We are concerned the declining membership of the CCROA is as a result of the CCROA Board attempting to act like a homeowner's association. The CCROA has no authority to act on behalf of the property owners on the Cisco Chain in an effort to control or limit users on waterways. The CCROA has no authority to enforce any restrictions, guidelines, rules or limit conduct in any way. The CCROA cannot enforce any proposed guidelines.

Additionally, many other types of boats create wakes and pose a threat for the transfer of invasive species. The report notes that there are just 6 wsb boats on the chain- most, if not all, of which are never taken off the chain. Fishing boats come on and off the chain regularly every day. The CCROA Board passing of claimed "guidelines" of a particular boat makes no mention of other types of boats which create wakes or transport invasive species.

The guidelines discriminate against one particular type of boat, which for the most part, if not exclusively, are used only on the Cisco Chain; unlike the multiple fishing boats that travel from lake to lake and regularly launched into our waters on public and private boat ramps. As such, invasive species have a much greater chance of being transported to our lakes by fishing boats versus wake boats. If the true goal of boating advice is for the protection of our lakes, the CCROA should not discriminate against one type of boat vs another.

The May 2023 President's Report, when introducing the Board's passing of the guidelines, falsely states the "WSB industry" agrees "that existing state legislation on watercraft operation for depth of water, distance from shorelines, and wake generation are inadequate for wsb's." This statement is simply not true. The recommended guidelines appear to be among the more extreme from various "studies" while ignoring some of the bias contained therein as well as other reports or recommendations that contradict the conclusions. The Michigan DNR recently published a voluntary recommendation (Michigan DNR Fisheries Report 37, 2023), not guideline or regulation, of boats operating in wake surf mode to operate 500' from docks or shoreline, 15' minimum depth and empty ballast tanks when before transporting over land. Michigan's rules for no wakes are 100' from shore and Wisconsin's rules are 200' from shore. The non-profit CCROA, and its limited scope, is to support the DNR's, not attempt to regulate or restrict use of the lake's contrary to the DNR's. It also appears you have ignored 8 years of real data from Anvil Lake, slightly under 500 acres, which confirms wake boating can be done safely. Further, even if the false statement that the wsb industry agrees existing legislation is inadequate had any merit, the appropriate action is to seek changes in the legislation, not act as a quasi-regulatory agency promoting "guidelines" that are counter to the CCROA's governing by-laws and articles of incorporation and not enforceable.

Importantly, there is no safety concern regarding the boats you suggest to restrict. We are not aware of any death or injury events that would support more limitations or

patrolling. Common sense together with the underlying State laws are adequate, which is consistent with recent DNR evaluations.

For years, many people have enjoyed the Cisco Chain without extra rules outside of existing state laws which the President's Report of May 2023 states the DNR believes are appropriate. The members of the CCROA would be better served with regular reminders of the laws and regulations that already exist and in fact, that is a principle of the CCROA- education.

Please post this letter on the CCROA website consistent with the stated purpose on the "Home/Welcome" section of "communicating time sensitive information to the membership quickly" and to "keep the membership as informed as possible of important topics."

The following property owners and businesses on the Cisco Chain explicitly agree with the content and form of this letter.

Sincerely,

Chris Barnard
Thousand Island

Kirsten Boehm
Thousand Island

Bent's Camp
By: Craig Kusick
Mamie

David Borsodi
Thousand Island

Todd Bucholz
Thousand Island

Cisco Bar and Resort
By: Spencer Cable
Cisco

Cameron Davidson
Morley

Jim and Julie George
Thousand Island

Lance Gray

Thousand Island

Chuck Jahnke
Thousand Island

Craig Kusick
Mamie

Greg Lathrop
Thousand Island

Tim Lathrop
Thousand Island

Tony Manatt
East Bay

Ben Murray
East Bay

Tom and Nancy Monken
Thousand Island

Tara Pachan
Thousand Island

Caroline Ruhl
East Bay

Chuck Ruhl
Big Lake

John Ruhl
East Bay

Jack Sarama
Thousand Island

John Sarama
Thousand Island

Scott Saveraid
East Bay

Jim and Beth Vos

Cisco

Lance Wiskirchen
Lindsley

Bill and Chris Welisek
Mamie