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**Lake Keesus ordinance – request for evidence-based rationale**

1 message

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Fri, Jun 5, 2026 at 10:50 AM

To: supervisor2@townofmerton.com, Don Herrick &lt;supervisor3@townofmerton.com&gt;, chairman@townofmerton.com, supervisor1@townofmerton.com, supervisor4@townofmerton.com, Merton Clerk &lt;clerk@townofmerton.com&gt;

Cc: John Wagman &lt;jwagman@weldriley.com&gt;, "admin@lakecountrywsc.org" &lt;admin@lakecountrywsc.org&gt;

Town Board Members,

Thank you for the time and attention you've given to the proposed Lake Keesus ordinance. Before Monday's meeting, I want to briefly summarize the key facts and make one simple request:

If the Town chooses to pass or amend an ordinance, please identify a clear, logical, evidence-based reason for doing so that directly addresses the points below. If these points cannot be reasonably refuted, I ask that you support an adaptive, voluntary-guideline approach led by lake residents instead of a rigid law.

**1. No clear majority for a one-size-fits-all solution**

The recent lake survey run by the LKMD surf committee does not show majority support for a restrictive, one-size-fits-all ordinance. It shows a divided community, which is better served by flexible guidelines than by a permanent, one-path legal mandate.

**2. Public sentiment is still forming, not demanding an ordinance**

Our petition continues to gain signatures as more residents learn the details of the proposal. This pattern shows that Town of Merton residents are not uniformly asking for this ordinance and that many prefer a balanced solution rather than a ban-style approach. Public sentiment is only one factor, and you should absolutely be willing to override it when there is clear evidence of a serious safety risk or environmental harm. The remaining points and data show that this is not the case here: the ordinance lacks both clear public support and evidence of a unique safety or environmental problem that would justify this level of restriction.

**3. Safety is not a demonstrated problem**

The accident data already provided from the State of Wisconsin show no notable record of surf-related incidents, while virtually all other towed sports and normal boating activities have documented accidents. Treating surfing as uniquely dangerous is inconsistent with the evidence. If we banned every activity with some inherent risk, we would need to ban all watersports, driving to the lake, or even walking through the parking lot.

**4. Shoreline erosion is about behavior and distance, and an ordinance will not fix it**

On Lake Keesus, surfing and tubing (and other activities) can produce similar wake impacts; the key factors are distance from shore and operator behavior, not the label on the boat. We have shown that operating at least 200 feet from shore significantly reduces wave impact, and as a surf group we encourage people to aim for 300 feet whenever possible, while still maintaining safe separation from other boats. Shoreline erosion also has multiple non-boat causes (for example, natural processes and animals such as muskrats), so focusing solely on surfing will not solve erosion and is unlikely to meaningfully change it.

## **5. Lake bottom disturbance is not credible at surf distances on this lake**

At 200–300 feet from shore on Lake Keesus, the water depth is typically around 25–45 feet, according to publicly available depth surveys. No study shows bottom disturbance from wakes at these depths. In the shallow bays, it is actually other boat types and long-standing boating patterns—not surfing—that churn the bottom and have done so for decades. Singling out surfing for this alleged impact does not match how the lake actually operates.

## **6. Actual use of the lake shows no “crowding out” of others**

A major argument for the ordinance is that surfing crowds out other lake activities. Dozens of videos already shared with the Board clearly show that this is not the case: the vast majority of the time, there is no surfing occurring, and all residents are freely using the lake for a wide range of activities. The claim that surfing is preventing others from using the lake is demonstrably false.

## **7. Enforcement burden, false alarms, and wasted resources**

A detailed, one-size-fits-all ordinance will be difficult to enforce consistently on a busy lake with many boat types and outside visitors. Many people do not understand the difference between “wake boats” and “wake enhancement,” so law enforcement and the Town will likely receive frequent complaints and false alarms about boats that are operating legally. Those calls cost the Town and the police time and money, spent refereeing petty squabbles and generating no net benefit to safety, the environment, or overall lake enjoyment. Strict rules aimed at one group may also push activity into smaller areas or other lakes in ways that increase crowding and risk, rather than reduce it.

## **Guidelines are adaptive; ordinances are rigid**

We are not advocating for “no action.” We are asking you NOT to lock Lake Keesus into a rigid, one-size-fits-all ordinance that will be hard to change and may not reflect the evolving facts on the water. Instead, allow lake residents—led by the surf community—to expand and formalize voluntary guidelines: distance from shore, times of day, operating behavior, and education. These guidelines can be reviewed and updated each season so that all residents can share the lake fairly and safely.

Public sentiment should not be the only factor in your decision, but when there is neither clear public support nor clear evidence of unique safety or environmental harm, a rigid ordinance is very hard to justify. In this case, the proposal fails on both counts. As a group, local surfers have consistently demonstrated a desire to be good neighbors, to adjust how we operate, and to meet in the middle so everyone can enjoy the lake. If an ordinance is passed or amended despite these points, please clearly state the specific evidence-based rationale and explain how it logically addresses the data and arguments above.

Thank you for your consideration.

Craig Snyder  
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