

## Channel Markers on the Moen Chain – A Brief History

From time to time the MLCA Board of Directors receives questions regarding the Channel and Rock Markers on the Chain.

The oldest document in available Association files referring to the Channel Markers dates back to February of 1980. It is a letter from a State Senator to the Wisconsin Department of Natural Resources detailing a constituent's run in with a rock on 5<sup>th</sup> Lake. It is expected that issues predated that document but no records from those times remain.

The locations for our current markers – Channel and Rock Markers - were all determined by Association members most many years ago when the pipe type markers, now all removed, were first set.

I do not know when the first charting of the markers occurred. However, necessary approvals were obtained from Towns of Pelican Lake, Pine Lake, Stella and locations permitted by the Wisconsin DNR when the conversion to floating markers began.

This was approximately a one-year process and was accomplished by Channel Marker Task Team Leader.

A year later, following the death of the Task Team Leader, volunteers spent a couple of weekends confirming that the locations of the floaters matched the map accompanying the approval. Their GPS readings found the locations of the markers to be reasonably accurate. It should be noted here that the WDNR recognizes that the markers are subject to the forces of nature and some variability in their locations verses the mapped locations may be expected.

The installation/anchoring methodology has proven to be reasonably accurate and consistent with only 2 location complaints this year, 2019, on 33 markers. One was corrected and the other was found to be correctly located. We also had one marker break free and float downstream. It was captured and returned to its proper location within a few days.

We have insurance typical for not for profit organizations. It does not cover the markers. In general, the markers provide advice not assurance and are not meant to mark all of the hazards in the lake. The ultimate responsibility rests with the boat driver on any given date. 2015 Wisconsin Act 91 states:

- 895.528 *Civil liability exemption; placement of markers in waterways. (1)***  
*Except as provided in sub (2), a person is immune from civil liability for damage or injury caused by placing, or failing to place, buoys or other markers in a waterway if all of the following apply:*
- (a) The person holds, or acts under the direction of a person who holds, a permit or other approval from the department of natural resources that authorizes the placement of the buoys or markers in the waterway.*
  - (b) The permit or other approval described under par (a) authorizes placement of buoys or markers for the purpose of identifying or marking hazards in the waterway.*

*(2) A person is not immune from civil liability under sub (1) for damage or injury caused by placing or failing to place, buoys or other markers in a waterway if the person intentionally causes the damage or injury.*

Some lake associations provide guidance with signage at the public landing (s). If you have an interest on the signage, I suggest making a tour of the public landings on Pelican Lake.

The bottom line is that boat operator is ultimately responsible for the safety of their craft and should conduct themselves accordingly.