

**MOTORBOAT PROHIBITION ORDINANCE AFFECTING SCHOOLHOUSE BAY WITHIN
WHITEFISH LAKE**

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF SCHOOLHOUSE BAY WITHIN WHITEFISH LAKE IN THE TOWN OF SAND LAKE, SAWYER COUNTY, WISCONSIN, AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

The Town Board of the Town of Sand Lake does ordain as follows:

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Section I. Applicability and Enforcement

- (a) The provisions of this Ordinance shall apply to the waters of Schoolhouse Bay within Whitefish Lake located within the Town of Sand Lake, Sawyer County, Wisconsin.
- (b) This ordinance shall be enforced by the Sawyer County Sheriff and/or other appropriate law enforcement agencies.

Section II. Intent

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources by reducing the risk of spreading Eurasian Water Milfoil (EWM) from Schoolhouse Bay to other areas of the lake, thereby degrading the quality of the lake and associated enjoyment of the waters of Whitefish Lake as a public recreational area.

Section III. State Boating and Safety Laws Adopted

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

Section IV. Motor Boat Prohibited Area

No person shall operate a motorboat, as defined in 30.50(6), Wisconsin Statutes, on the waters of Schoolhouse Bay, Whitefish Lake, with the exception of owners of property on Schoolhouse Bay to allow them egress and ingress from their property to the non-restricted areas of Whitefish Lake, and motorboats authorized by the Whitefish Lake Property Owners Association for the sole purpose of controlling and/or removing Eurasian Water Milfoil.

Section V. Posting Requirements

The Town of Sand Lake shall place and maintain a synopsis of this ordinance at all public access points on Whitefish Lake within the jurisdiction of the Town of Sand Lake, Sawyer County pursuant to the requirements of NR 5.15 Wis. Admin. Code. Postings, buoys and/or other required notifications will be provided and maintained by the Whitefish Lake Property Owners Association.

Section VII. Penalties

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

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Section VIII. **Expiration**

This ordinance shall expire on December 31, 2013 or upon the eradication of Eurasian Water Milfoil from Schoolhouse Bay, as determined by the Sawyer County Land and Water Conservation Department, whichever occurs first.

Section IX. **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town of Sand Lake Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section X. **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this _____ day of _____, 2010.

Robert Langham, Chairman
Town of Sand Lake

Elaine Nyberg, Town Clerk
Town of Sand Lake

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CONDITION REPORT

PROPOSED ORDINANCE TO RESTRICT BOAT TRAFFIC, SCHOOLHOUSE BAY, WHITEFISH LAKE

OBJECTIVE:

The purpose of the proposed ordinance is to eliminate and/or control the spread of Eurasian Water Milfoil (EWM) in Whitefish Lake in order to protect the lake as a valuable natural resource, thereby preserving the public's right to continued enjoyment of one of the area's premier lakes.

PROPOSED ORDINANCE:

The ordinance being proposed will restrict boat traffic in Schoolhouse Bay, with the exception of the three residents on the bay to allow them egress and ingress, and those required to treat the EWM-infected areas. The ordinance will expire in three years, which should be sufficient time to effectively treat the EWM. If, prior to three years, the treatment of EWM results in the eradication of EWM as observed by the Sawyer County Land and Water Conservation Department (LWCD), the ordinance will expire at that time.

BACKGROUND:

In June of 2008 the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) notified the Sawyer County LWCD that they discovered EWM in Schoolhouse Bay on Whitefish Lake in Sawyer County. LWCD notified the Whitefish Lake Property Owners Association (WLPOA) and they jointly investigated GLIFWC's report, and verified the existence of EWM in Schoolhouse Bay. Schoolhouse Bay is a very small bay of approximately 3 acres, and comprises approximately one half of one percent of the surface area of Whitefish Lake.

WLPOA started a lake management fund in the summer of 2008 in response to the discovery of EWM and in the hopes of taking timely action to prevent the spread of EWM to other parts of the lake. Through the funds that were donated and the support and cooperation of Sawyer County LWCD the lake association was able, with the proper permits, to apply an aquatic herbicide to the largest of the infected areas. The largest patch of EWM, approximately 25 feet in diameter, and a smaller patch of about 8 feet were treated with a relatively high rate of success, although not all EWM was eliminated through this process.

Volunteer and paid SCUBA divers were utilized in 2008 and 2009 to hand-pull plants by the roots, roll them into small bundles, and place them in mesh bags for later safe disposal. Of the two methods used to remove EWM, herbicide was found to be effective where a concentration of EWM existed, and divers were most successful in removing individual or small groups of plants. The divers were also more effective in locating new EWM plant growth that couldn't be observed from the surface.

During the summer of 2009 a small group of EWM was discovered several hundred yards down the shore from Schoolhouse Bay. These plants were removed by divers hired for that purpose. Divers and volunteer personnel in boats searched all other areas of the lake, and reported that no EWM was found.

WLPOA applied for, and received, an Aquatic Invasive Species (AIS) DNR grant covering a period from January 2009 through June, 2010. As part of the DNR AIS grant, a point intercept plant survey was conducted in August of 2009. Over 500 points were examined, and EWM was found only at those points residing within Schoolhouse Bay. Also as part of the grant, a comprehensive and detailed Aquatic Plant

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Management (APM) Plan was developed to address efforts to eradicate and/or control EWM, provide on-going education for property owners and other lake users, and to develop methods to preserve and protect native aquatic plant species occurring in the lake.

During the summer of 2009 the lake association implemented a volunteer launch ramp project to examine boats entering and leaving Whitefish Lake and to warn and educate boaters regarding the EWM issue on Whitefish Lake and to encourage them to stay clear of the infected area, i.e. Schoolhouse Bay, to minimize the potential of spreading EWM to other parts of the lake. Literally hundreds of volunteer hours were spent on this program to help preserve the quality of the lake.

Boats have frequently been observed with an anchor visible over the bow with aquatic vegetation attached. A major concern is that if a fisherman were to retrieve an anchor in Schoolhouse Bay with EWM attached and lower the anchor in another part of the lake, the EWM could easily spread through this process. The lake association, the Sawyer County LWCD, and the Sand Lake Town Board strongly believe that an opportunity exists to eradicate EWM if it can be contained in Schoolhouse Bay. If, through boat traffic, the EWM is allowed to spread, all users of the lake will be negatively impacted. By restricting boat traffic from Schoolhouse Bay, with the exception of the three property owners on the bay and those required to treat the EWM infected area, the potential of EWM being spread to other areas of the lake will be greatly reduced while positive steps are being taken to eliminate the EWM.

The lake association was advised by the DNR during the summer of 2009 to attempt to discourage motorboat traffic in Schoolhouse Bay by posting an informational buoy at the entrance of the bay warning boaters of the presence of EWM and requesting them to avoid the area. The lake association purchased and placed a buoy in service in the fall of 2009, and asked the residents of the bay to observe changes, if any, in the boating traffic. Residents responded that normal boat traffic continued, and that some fishermen even anchored their boats next to the informational buoy. Based on the lack of success of the informational buoy, a decision was made to pursue an ordinance restricting motorboat traffic.

POTENTIAL NEGATIVE EFFECT OF THE ORDINANCE:

The only potential negative effect is thought to be on those who like to fish in Schoolhouse Bay, which also poses the greatest threat to the spread of EWM. Due to the very small area of Schoolhouse Bay it is, by default, a no-wake area. Therefore, it cannot legally be used for water skiing and other aquatic sports requiring other than a no-wake area.

POTENTIAL IMPACTS IF THE ORDINANCE IS NOT ADOPTED:

If the ordinance is not adopted, the likelihood of EWM being spread to other parts of the lake is greatly increased. If this occurs, the negative impacts will be widespread as evidenced by the experience from other lakes which have become heavily infected. If not properly controlled, Schoolhouse Bay itself would potentially realize the first major negative impact by being overgrown with EWM, and consequently preventing egress and ingress by the three residents, and fishermen (and other users of the bay) would not be able to navigate through the dense weed growth.

If allowed to spread, EWM would likely spread from Whitefish Lake to Lac Courte Oreilles, as Whitefish flows into Lac Courte Oreilles. Currently, according to Sawyer County LWCD, there is no known infestation of EWM in Lac Courte Oreilles.

The property values of lakes heavily infested with EWM are known to be negatively impacted as the value of the lake as a recreational asset decreases.

The general public, as well as lake residents, will be negatively impacted as their recreational use of the lake decreases as the EWM spreads. There will be fewer areas of the lake that will be available for fishing, skiing, canoeing and kayaking, and general enjoyment of the lake qualities.

OPPOSITION TO THE ORDINANCE:

At the present time there is no known opposition to the proposed ordinance by Whitefish Lake property owners, town or county government, or any others who regularly use the lake. The proposed ordinance has been discussed at lake association meetings, has been reviewed in the lake association newsletter, has been discussed with the residents of Schoolhouse Bay, has been discussed with Sawyer County LWCD, and has been fully supported by all entities. There has been no negative feedback or known opposition to date. On the contrary, all stakeholders agreed that restricting access to Schoolhouse Bay for a 3-year period while trying to eliminate EWM is a small sacrifice compared to the negative impact on the lake and lake users if EWM is allowed to spread.

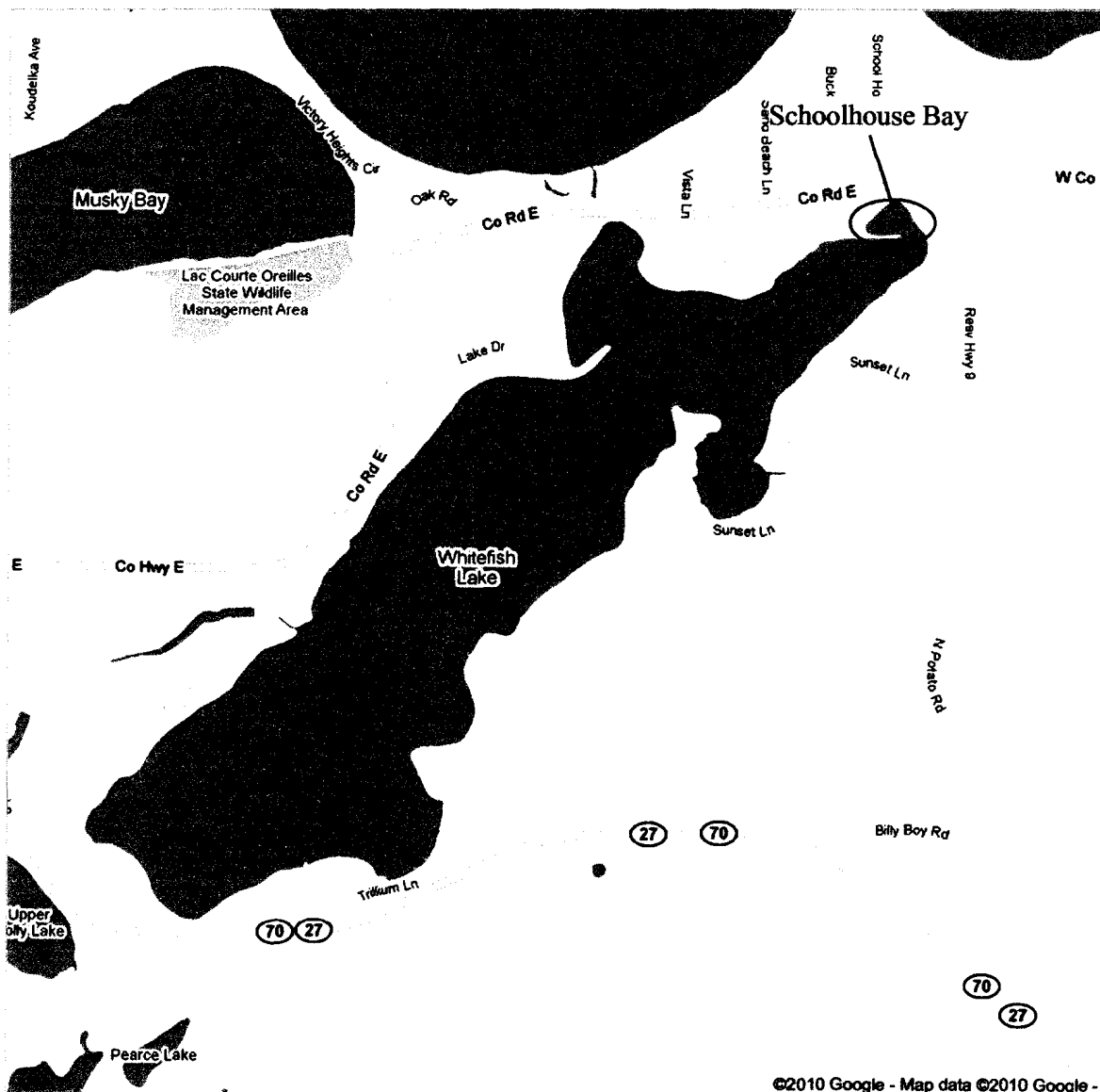
SUMMARY

It is believed that the proposed ordinance is in the best interest of the general public to preserve our natural resource – Whitefish Lake. There is a strong possibility that EWM can be eliminated from the lake if it can be contained within Schoolhouse Bay, a very small area of the lake with limited recreational value. The ordinance has the support of the lake association, lake residents, town and county governments, and all these stakeholders agree that we need to take whatever reasonable steps we can to eradicate EWM before it spreads to other areas of the lake, and before it potentially spreads to other lakes.

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WHITEFISH LAKE

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NOTICE OF PUBLIC HEARING

Town of Sand Lake, Sawyer County, Wisconsin

PUBLIC NOTICE is hereby given to all persons that a **PUBLIC HEARING** will be held on Tuesday, April 13, 2010 at 7:30 PM in the Sand Lake Town Hall, 6058N Stone Lake Road, Stone Lake, WI 54876 relative to a proposal to restrict boat traffic on Schoolhouse Bay, Whitefish Lake, Sawyer County, Wisconsin for a period of three years in order to control and/or eliminate Eurasian Water Milfoil (EWM) from Schoolhouse Bay. The **PUBLIC HEARING** on this proposal will be part of the regularly scheduled Town Meeting.

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