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TOWN OF SAMPSON ORDINANCE #1-1998

SLOW-NO-WAKE ORDINANCE FOR HENNEMAN LAKE

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF HENNEMAN LAKE, TOWN OF SAMPSON, CHIPPEWA COUNTY, WISCONSIN, AND PRESCRIVING PENALITIES FOR VIOLATION THEREOF.

The Town of Samspon Board of Chippewa County, Wisconsin do ordain as follows:

Section I Applicability and Enforcement

(a) The Provisions of this Ordinance shall apply to the waters of Henneman Lake.

(b) This chapter shall be enforces by the officers of the safety patrol with the Chippewa County Sheriff's Department.

Section II. Intent

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of acquatic recreation consistent with public rights and interests, and the capability of water resources.

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. Definitions

(a) "Slow-No-Wake" means that the speed at which a boat moves as slow as possible while still maintaining steerage control.

Section V. Controlled Area

No person shall operate a boat, or other watercraft, faster than the slow-no-wake in the waters of Henneman Lake at any time.

Section VI. Posting requirements

The Town of Sampson shall place and maintain a copy of this Section at all public access points within the jurisdiction of the Town.

TOWN OF SAMPSON ORDINANCE #1-1998

Section VII. Penalties

Wisconsin state boating penalties as found in SS 30.80, Wis. Stats., are adopted by reference.

Section VIII. Severability

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town of Sampson Board would have passed the other provisions irrespective of whether or not one or more provisions may be declared invalid. If any provision of the 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 IX. Effective Date

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

By order of the Town Board,
Town of Sampson, Chippewa
County, Wisconsin

_____
Michael North, Chairman

Attest: _____
Veda Reed, Clerk

Adopted_____

Published_____

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By order of the Town Board,
Town of Sampson, Chippewa
County, Wisconsin

Michael North

Michael North, Chairman

Attest: Veda Reed

Veda Reed, Clerk

Adopted 4 May 98

Published _____

Jan 1997

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CONDITION REPORT FOR ADOPTION OF SLOW-NO-WAKE ORDINANCE FOR HENNEMAN LAKE

Henneman Lake is located in Township 32 N., Range 8 W., the Town of Sampson, Chippewa County, Wisconsin. It is a narrow, sixty acre body of water, just northeast of Lower Long Lake. The maximum depth of the lake is fifty-nine feet. Henneman Lake has naturally reproducing populations of bass and panfish and is also stocked with rainbow trout by the Wisconsin Department of Natural Resources. It is served by one public boat landing on the northwest end of the lake.

There are presently six cabins or cottages on the lake. A pair of loons has nested on the lake every year for at least the last fourteen, and up to a half-dozen other loons feed at the lake on a daily basis during the summer. Woodducks and mallards also use the lake for reproductive purposes and ospreys and eagles feed there.

I. A slow-no-wake ordinance for this lake would rectify these following problems:

1) A dangerous situation presently exists because of the density of boats on Henneman Lake is not compatible with high speed or wake creating water craft. Henneman Lake, though relatively small, can become quite congested with boats. This is especially true on holiday weekends; as many as twenty boats may be on the lake at any one time. Virtually all the users of the lake are either fishing, or canoeing. The vast majority of these propel themselves by oar, paddle, small outboard or trolling motor.

Because Henneman Lake is so narrow, particularly at one point (A on appendix map), boats operating at high speeds create a hazard of collision with anchored, or slower moving boats. Canoes, and other small craft, can also be threatened by the wakes of fast boats that operate in proximity to them. The narrowness of the lake, combined with congested conditions, can make the statutory separation distance difficult to comply with when boats are operated in excess of slow-no-wake speed.

If all water craft on the lake were operated at a uniform, slow-no-wake speed, then this present threat would be eliminated. The inconvenience of operating at this speed would be minimal because of Henneman Lake's modest size. A boat traveling at slow-no-wake speed could travel from one end of the lake to the other in about ten minutes.

2) Boats operating at high speed also threaten the viability of Henneman Lake as a breeding spot for the common loon. Loons have nested on the lake every year in recent memory. The loons have produced at least one chick that survived, until migration in the fall, each of these years except for one. Every year the loons have nested on a very small island in the middle of Henneman Lake (B on appendix map).

The spot the loons have chosen for nesting is well suited to shield the chicks from natural predators, but is very vulnerable to boat wakes. This is particularly true when Henneman Lake receives heavy usage opening weekend of fishing season. The loons, tending to one or two eggs,

are sometimes driven from their nest by nearby boats leaving the eggs exposed. When another boat goes by at high speed, a wake of very cold water washes over the nest, and eggs. This deluge of cold water can fatally chill the eggs or destroy the nest and wash them into the lake. This unfortunate situation only occurs from the high speed operation of boats. The narrowness of Henneman Lake, and the ridges surrounding it, prevent the natural formation of waves.

The likelihood of boats driving the loons from the lake increases each year. Each year brings greater fishing pressure during the period when the loon's nest is most vulnerable. Among the increasing number of boats, ones equipped with very powerful engines are increasingly common. Although large powerful boats, operated at high speeds, are a small proportion of all boat traffic, they can have a disproportionate negative impact on the loon nest given that a single instance, rather than a cumulative effect, can disrupt reproductive activity of the loons.

After loon chicks hatch on Henneman Lake they are still menaced by the high speed operation of boats. The chicks hatch, and leave the nest, usually very near Memorial Day weekend. This is also the weekend when Henneman Lake is usually the most congested. The loons, at this time, are very aggressive in defending the chicks against perceived threats. They will often challenge all boats that approach closer than approximately two hundred feet. During this period the loons are often the least mobile, as the chicks are unable to dive and may be riding on one of the adult loons back.

Typically then, at his time, the loons will occupy the void between anchored, or slow moving boats. This is also the void that fast moving boats will choose when trying to maintain separation between themselves and other boats. The hatchlings, and parents, are often unfortunately in the path of boats traveling at speeds that do not allow the operator to see and avoid them. Although the loons may not be run down, these circumstances add to the cumulative stress that degrades Henneman Lake as a nesting habitat for loons.

The loon chicks are usually out of harm's way by the time they are mature enough to dive, and physically large enough to be less attractive to natural predators. So this perilous situation resolves itself around beginning of July, or soon after. Before this time, however, the loons face many grave threats caused by wake producing boats. This year, for example, the loons built a nest on the island in the middle of the lake, but soon abandoned it for another at the back of the lake. They did raise a chick successfully, but their nesting spot is much more exposed to predation.

It should be noted that previous residents of the lake obtained, and posted, Loon Watch signs at the boat landing in an attempt to inform lake users of the threat to the loons posed by boat traffic. There was no indication that this ameliorated the threat however. Even when the overwhelming majority of lake users operated their boats responsibly, as they do, the dangers posed by the minority was not reduced. If Henneman Lake is still to be a nesting habitat for loons in the future, in the face of increasing boat traffic, a slow-no-wake ordinance will have to be adopted.

3) Another problem posed by fast, wake producing, boat traffic is their contribution to shoreline erosion on Henneman Lake. This past summer the lake experienced the first algae bloom that any property owner, or lake user, could remember. Normally the waters of the lake remain very clear throughout the summer. Occasionally, if it is an extremely wet summer, the lake may assume a greenish tinge, but this is not the usual situation.

Recently, however, events have combined to turn the lake an opaque green. Beavers maintain a dam at the end of the lake, where it drains into Tamarack Lake, then into Lower Long Lake (C on appendix map). They occasionally add to the height of this dam raising the level of the lake permanently. As a result Henneman Lake is approximately two feet higher than it was ten years ago. This past summer the beavers added about six to eight inches to their dam. In addition, rainfall was above average, or evaporation below average for the year.

Since there is virtually no natural wave action on the lake each increase in lake level adds considerable nutrients into the lake. Heavy rains, and wake producing boat traffic, exacerbate this process. Although Henneman Lake's natural populations of panfish and bass are probably not vulnerable to eradication by the algae blooms, and resultant loss of dissolved oxygen in the lake, the trout population surely is.

If increased nutrients persist in leaching into the lake it is probable that trout may experience a massive die-off. The lake then may no longer be a viable body of water to receive subsequent plantings of the fish if they are unable to survive. A degraded fishery would particularly impact the day users of the lake, many who fish especially for the rainbow trout. A slow-no-wake ordinance would not eliminate the problems attendant with the raising level of the Henneman Lake, but may reduce the absolute amount of nutrients introduced into the lake from the shoreline enough to ensure the long term suitability of the lake as a trout habitat.

II. A slow-no-wake ordinance would adversely impact the following users.

1) The use of Henneman Lake would be effectively denied to those who engage in water-skiing, or operate personal watercraft. Although no property owner on the lake currently engages in these activities on the lake, and no owner has *ever seen* a water-skier or personal watercraft on Henneman Lake (at least the last fourteen years), the use of the lake for these purposes is not inconceivable.

The small sixty acre size of Henneman Lake, and its narrowness, mitigate against day users coming to the lake for these activities since there are many larger lakes within a few miles. For this reason non-property owners would not be unduly burdened by a slow-no-wake ordinance. Future property owners would of course not be able to use the lake for these purposes.

2) A slow-no-wake ordinance may also inconvenience current lake users. Most users of the lake do not operate wake producing craft, but many do. It is true that the lake can be traversed quite quickly at slow speed but current users are not mandated to do so.

A slow-no-wake ordinance would not be an absolute denial of use to those who operate their boats at high speed, but they may consider it an unreasonable infringement on a freedom previously enjoyed. It is possible that some individuals will no longer choose to use the lake for this reason.

The current residents of the lake, with few exceptions, do not currently own craft capable of producing wakes. Those that do would no longer be able to do so. These property owners are, however, among those most actively seeking to have the slow-no-wake ordinance adopted.

III. What will happen to the Henneman Lake if slow-no-wake ordinance is not adopted.

There will probably be no immediate impact on the Henneman Lake, or its users, if this ordinance is not adopted. The continuing possibility of a collision between boats operating on the lake will remain, and possibly increase, as the lake becomes more congested, and boats become more powerful.

The quality of Henneman Lake as a natural habitat will in all likelihood continue to decline. Most observers speculate that the absolute number of boats on the lake increase each year. It is possible that the loons, and other aquatic birds, are developing more tolerance for human activities, but it is doubtful that they will be able to continue using the lake for nesting in the future. The loons, in particular, are very sensitive to stress from the wake, and noise, stemming from operation of power boats on the lake.

The water quality of Henneman Lake will continue its decline in the short term. Absent the removal, or reduction, in beaver populations on the lake, which is unlikely, the lake will continue to rise, and nutrients will continue to enter the lake in historically unusual quantities. The increasing number of boats on the lake will contribute to the shoreline erosion, increased algae infestation, and reduced levels of dissolved oxygen in the lake. It is not known at what point this will harm the fish population but Henneman Lake will grow less attractive for humans to swim in.

IV. Summary of arguments against adoption of slow-no-wake ordinance.

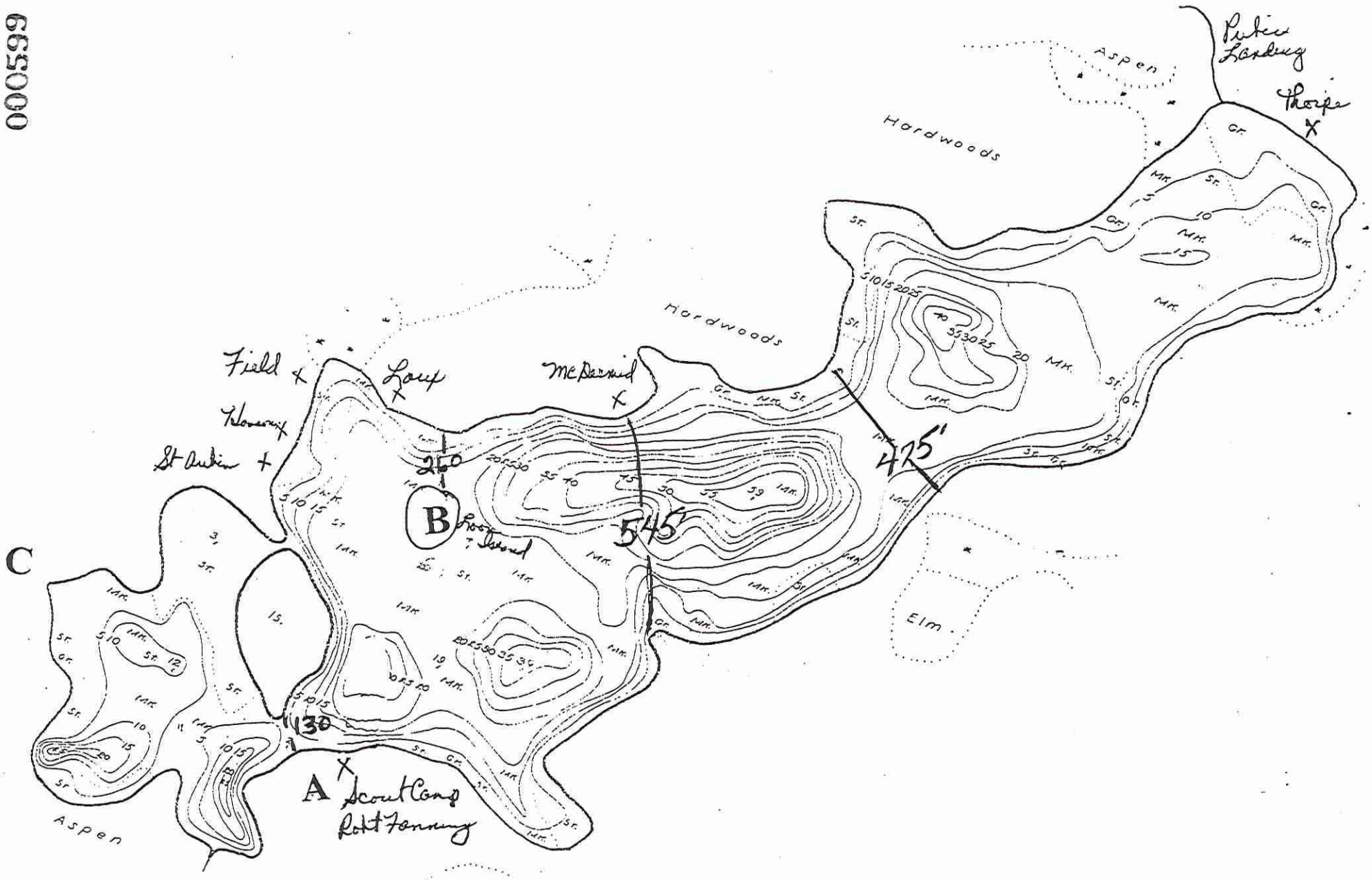
Potential water skiers and owners of personal watercraft would object to the adoption of the ordinance because it would result in an absolute reduction of sixty acres in which to engage in their activities. Those interested in acquiring property on the lake would also be dissuaded from purchase if they wished to pursue either of these sports. Theoretically this could make the property currently held by owners on the lake marginally less valuable or conveyable.

Owners of wake capable boats that currently use the lake, or may wish to do so in the future would not be absolutely restricted from doing so, but may feel that they were being unreasonably encumbered. Although the inconvenience would be minimal some may see lake restrictions as an unwelcome precedent that could be imposed on other lakes.

V. Conclusion

The adoption of a slow-no-wake ordinance would result in no net decrease of boaters on Henneman Lake. The overwhelming majority of users of the lake are attracted to it by the quietude afforded by its small size and comparatively undeveloped state. The loons, and other wildlife, provide a rustic setting for canoeing, sightseeing and similar activities. Given the conditions prevailing on the lake, a slow-no-wake ordinance would maintain the status quo, and not result in the exclusion of any current, or probable user. Boating safety would also be enhanced, and the threat of injury minimized.

 LAKE SURVEY MAP OF Henneman 32N 8W MAP 1



This is the only contour map of this lake available produced from original charts of Wisconsin Conservation Dept., Madison.