TOWN OF THREE LAKES
ESTABLISHMENT OF EMERGENCY INVASIVE SPECIES CONTROL ZONE

Section I. **Purpose.** This emergency ordinance is enacted under authority of §30.77(3)(a), WisStats, to protect and preserve the public's interest in the outstanding natural resources and environment of the Three Lakes Chain of Lakes from degradation by the invasive Eurasian Water Milfoil (EWM).

Section II. **Background.** EWM is a non-native invasive aquatic plant that, when established, rapidly spreads and can form large impenetrable mats which severely inhibit or preclude boating, swimming, and fishing. Uncontrolled infestations have greatly reduced lake use and riparian property values elsewhere in Wisconsin and the U.S. EWM was found in the Eagle River Chain downstream of the Burnt Rollways Dam in the early 1990's. It was subsequently found in the Three Lakes Chain in the Long Lake channel just upstream of the dam but has not been found, so far, elsewhere in the Three Lakes Chain. Despite intensive control efforts beginning in 2005, EWM has spread upstream in the channel. If not controlled, EWM will eventually clog the channel and spread into the rest of the Three Lakes Chain with consequent severe impact on the value and enjoyment of these incomparable public waters. Motorized watercraft activities are the proximate cause of the spread of EWM upstream against water flow. Control measures include removal of plants found on boats, exclusion of motorized watercraft from near-surface beds of EWM infected areas, and chemical treatment of EWM beds . Effective chemical treatment is possible only in the spring, in near still water conditions, and when the EWM growth begins before native water plants begin growth.

Section III. **Definitions.** Definitions provided in NR 5.001, Wisconsin Administrative Code, are hereby adopted by reference. Supplementary definitions applicable to this ordinance are:

Non-motorized Watercraft. Boats as defined in NR 5.001, including, but not limited to, canoes, kayaks, sail boats, rafts, and fishing boats, not moved by propulsion machinery.

Motorized Watercraft. Boats as defined in NR 5.001 moved by propulsion machinery whether propeller, fan, or water jet driven.

Slow-No-Wake. Moving at the slowest possible speed while maintaining steerage control.

Section IV. **Establishment and Boundaries of EWM Control Zone.** Effective immediately, an EWM control zone is established in the Long Lake channel. The side boundaries of the control zone shall be the ordinary high water mark (OHWM) on the banks of the channel and as extended across the mouth of Lower Ninemile Creek. The downstream boundary shall be the spillway on the Burnt Rollways Dam. The upstream boundary shall be a line between and approximately perpendicular to the OHWM on either bank at the junction of the channel with Long Lake proper, the line to cross the center of navigation of the channel at coordinates N 45 52.944 W 089 08.720. However, the Three Lakes Town Chairman may, with 36 hour public notice in accordance with Section VII(b) below, change the control zone boundaries based on infestation locations, control treatment requirements, or for other good cause, after obtaining advice as provided in Section V below.

Section V. **Temporary Prohibition of Motorized Boating in the EWM Control Zone.** To facilitate effective chemical treatment and control of spread of EWM infestation, operation of motorized watercraft may be temporarily prohibited in the EWM control zone by the Three Lakes Town Chairman, except as allowed by Section VI below, for at least one week to a maximum of three months, when necessary due to appearance of near-surface weed beds in the control zone, exigencies of weather and/or water flow at the dam, chemical treatment procedures, or for other good cause. In taking such action, the Chairman may consider operational and technical advice from the Three Lakes Waterfront Association board of directors, AIS control contractors, and the Wisconsin Department of Natural Resources.

Section VI. **Restrictions on Boating in the EWM Control Zone.**

a. Except when permitted under b. below, all watercraft movement in the EWM control zone is indefinitely restricted to operation at slow-no-wake speed, shall avoid all identified EWM infestations and treatment areas, and shall comply with all waterway markers, signs, and buoys.

b. Operation of motorized watercraft in the control zone is permitted at faster than slow-no-wake speed in emergencies, for EWM treatment and control, and for enforcement of this ordinance or other boating regulations.

c. During the temporary motorized boating prohibition period imposed under Section V, owners of riparian property abutting the control zone, and their guests, nevertheless may transit the control zone with motorized watercraft for travel to and from portions of the Three Lakes Chain outside of the control zone. Transit must be in compliance with a. above and e. below, and only for direct ingress and regress to that owner's property.

d. Non-motorized watercraft may transit the control zone at any time in compliance with a. above and e. below.

e. Operators of all watercraft in the control zone, immediately upon leaving it, shall visually inspect the hull, transom, and propulsion machinery. This inspection shall be conducted at full stop when leaving the control zone by water, or on land immediately when taken directly out of the water from the control zone. All aquatic plants regardless of species found on or in the boat or an associated trailer shall be totally removed and properly disposed of on land.

f. The provisions of this section shall remain in force indefinitely and shall not automatically expire at the end of the temporary motorized boating prohibition period provided in Section V above.

Section VII. **Public Notice and EWM Control Zone Marking.**

a. The Town Clerk shall cause this ordinance to be posted on the town website and published in the next available edition of the town official newspaper. A copy shall be mailed to all known marinas and riparian restaurants in the Town of Three Lakes, to the Three Lakes Area Chamber of Commerce and Visitors Center, Eagle River Chamber of Commerce and Visitors Center, Vilas County Unified Lower Eagle River Chain of Lakes Commission, the Wisconsin Department of Natural Resources in Rhinelander, and to the Wisconsin Valley Improvement Company, and all other owners of riparian properties abutting the control zone at their current tax roll addresses.

b. Notification of any change to control boundaries, or imposition or removal of a prohibition on motorized boating, shall be disseminated by mail, fax, or email within 36 hours to the recipients identified ~~as~~ in a. above.

c. The town crew shall place and maintain appropriate buoys, signs, and markers to notify waterway users of the restrictions of this ordinance.

Section VIII. **State Boating Laws and Regulations Adopted.** State boating laws as found in §30.50 to §30.71 and §30.742, WisStats, and NR 5, Wisconsin Administrative Code, are hereby adopted by reference.

Section IX. **Enforcement and Penalties.** Qualified law enforcement officials employed or contracted by the Town of Three Lakes shall issue citations for violations in accordance with §66.0113, WisStats. Deposits as established in the Uniform Deposit and Bail Schedule adopted by the Wisconsin Judicial Conference are hereby adopted by reference with all references to fines amended to read forfeitures and all references to imprisonment deleted.

Section X. **Severability.** The provisions of this ordinance shall be severable. It is expressly declared that the Three Lakes Town Board of Supervisors 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 and circumstances shall not be affected.

Section XI. **Effective Date and Conflicting Ordinance(s) Superseded.** This ordinance shall become effective upon passage and enforceable the day after publication. Any conflicting provision of any previously adopted Town of Three Lakes ordinance is superseded on the effective date of this ordinance.

Passed this 14th day of January, 2009.

Warren Stebbeds Jr., Town Chairman

Warren Stebbeds Jr.
(Signature of Town Chair)

Courtney Peterson, Town Clerk

Courtney Peterson
(Signature of Town Clerk)

Adopted: 1/14/09
Effective: 1/20/09
Published: 1/20/09