

Horsehead Lake Protection and Rehabilitation District #1

Commissioner Minutes as of 4/6/2024

The Horsehead Lake Protection and Rehabilitation District (HLPRD) commissioner meeting was called to order by Chairman Dusten Tornow at approximately 10:00 AM.

Members present:

Chairperson:	Dusten Tornow
Treasurer:	David Averbeck
Secretary:	Kevin Collins
Town Board Commissioner:	Lenore Lopez
County Board Commissioner:	Jim Winkler

- This meeting was conducted virtually via Zoom. All referenced documents in the meeting notes can be found on the web shared storage Google Drive (<https://drive.google.com/drive/folders/1G19zCafcsZJFGR5SJup1n8YAIL7cD1K7?usp=sharing>). You can request access to the files by contacting the HLPRD secretary and providing your email address.
- Motion to approve the meeting agenda by Dave Averbeck, seconded by Jim Winkler, approved.
- Motion to accept the Nov. 18th, 2023 meeting notes was by Dave Averbeck, seconded by Jim Winkler, approved unanimously.

Reports:

- Chairperson:
 - Dusten expressed concern with the hazard of open water to snowmobilers using Horsehead Lake, the new aerators and the effectiveness of aerator warning signs. The warmer winter and early ice off the lake seemed to mitigate the problem.
 - Sent out a note indicating that his work will be relocating him to Austin, TX. He does not believe that it will affect his responsibility to HLPRD, but will let the commissioners know if that changes. He is hoping to escape the Texas heat and spend as much time as possible during the summers at the lake.
 - Dusten has put us on the weed harvester's schedule for this year. Weed harvesting permit should be good for one more year. *(future 2025 action item is applying for a new permit)*
- Secretary:
 - Kevin sent out a letter to all of the residents for the permit application for "REMOTE DO MONITOR on HORSEHEAD LAKE", # [WP-IP-NO-2024-44-X01-25T16-53-08](#) via email and USPS MAIL at the end of March. Waiting for public notice period to close (around the end of April). Following the comment period, the DNR will decide whether they will issue the permit.
 - Kevin is monitoring the WI wake boat legislation.
 - Kevin sent out a formal notice via USPS MAIL to all residents of HLPRD regarding open water warning associated with the aerators as required by WI statute 167.26(2m) following the November 2023 commissioner meeting.

- Kevin has worked with the Clean Lake Monitoring Network to set up a method to record when the lake first becomes covered with ice (ICE ON) and when the lake becomes ice free (ICE OFF). This was from local records collected by various residents and aggregated into a spreadsheet. Historically, data notation was just for the final ICE OFF. This year, we had 3 occasions where the lake froze, thawed and refroze.
- Treasurer:
 - Dave provided the November 1 to March 31 budget income and spending adjustments listed below.

Budget summary:

1. Period operating expense spend = \$2965.29 in the following categories:
 1. Admin & Operations = \$494.04
 2. Information & Education = \$470.12
 3. Lake Management = \$2001.13 (bulk of this was for power)
2. Capital spending (Aerator 2 project) = \$24,534.97 (\$22,200.00 was the final payment for the aerator equipment & installation)
3. Total Period spend = \$27,500.26
4. Period income = \$34,411.17 (+\$20,000.00 aerator grants, \$1300.00 AIS plan final grant payment , \$13,000.00 in tax settlements & interest)
5. Income - spend = \$6910.91
6. Period beginning assets = \$44,263.52
7. Period ending assets = \$51,174.43
8. Asset increase = \$6910.91
9. Income - spend = asset increase => budget balances

Aerator budget summary:

1. Total project spend to date = \$64,356.60
2. Total project Funding to date = \$83,717 (grant payments, loan & aerator portion of January & Feb tax settlements)
3. Future expenses: Remote Dissolved Oxygen sensors \$4,000.00
4. Total spending forecasted for FY 23/24 = \$68,622.60
5. Total funding forecasted for FY 23/24 = \$88,800.00

Jim stated that he will be reporting aerator project spend and funding to the County Conservation Committee.

Dusten had asked if we could redistribute the funds for the fish stocking and aquatic studies to the capital costs of the aerator study. Dave stated that we cannot move money around without a special appropriation meeting with the district members so they can approve the change.

Dave also mentioned that we will not get the final 10% of the aerator grant until 2027 as we have to report 5 years of operation as part of the permit process.

Dave made a motion to approve the \$20,000.00 prepayment on the aerator loan. Kevin seconded. There was no discussion and all present approved the motion.

Dave made a motion to approve the budget as amended (above), Jim seconded. All approved.

Action item from last meeting, Dusten suggested that we put a paragraph about the changes in property values and mil rate in the next newsletter.

- Citizen’s Input Opportunity:
 - None

Business items

- ACT 62 Allowing Lake District Official Notifications to be sent by EMAIL
 - In the past, we were required by law to send out all official notifications (annual meeting notice, budget, etc.) to the district members by USPS MAIL. Act 62 allows that Lake Districts can now send official notifications via email. However, there is a requirement that the email addresses be maintained by the district. The district would have to document and prove that they maintained appropriate records. After discussion, it was decided that the cost of mailings and material is not significant enough to offset the time and effort in developing and maintaining an email database.
- Add signatories to HPLRD bank account.
 - Currently, Dave and his wife, Kathy, are the only authorized signatories. Dave suggested that Dusten be added. Dave will investigate the process of adding Dusten to authorized signatories. Dave moved that Kathy Averbeck be removed and Dusten be added to the bank authorized signatories. Jim seconded the motion. Approved unanimously.
- Lake Study calendar and execution of requirements
 - Carryover from last meeting. Dave reported on Aquatic Plant Management project which was completed last year (2023) with work being done in 2022. Part of the project included a review of the Horsehead Lake Comprehensive Management Plan. He reported the following:

Survey / Mgmt Plan Type	Frequency	Year Done	Next plan
Floating leaf / emergent plant mapping survey	10 years	2017	2027
Early season aquatic invasive species survey	2-3 years	2007,2013, 2017, 2022	2025
Point Intercept	5 years	2007, 2017,2022	2027-2028
Comprehensive Lake Management Plan	10 years	2020	2030
Aquatic Plant Management Plan	5 years	2023	2028

- Jo Barlament at Onterra stated that we may not need to complete a new Comprehensive Lake Management plan, if we keep the Aquatic Plant Management Plan up to date. Dave’s suggestion would be that we engage the DNR to confirm that we have a correct assessment of our requirements. Dusten asked if Dave would come up with a schedule to provide to the DNR. Dave stated that Debbie requested that we would do a point-intercept this year, it’s not required, her rationale was to find problems as early as possible.
- *Dave took the action item to build a schedule for next meeting.*

- *Do we need to review the Aquatic Plant Management Plan findings and recommendations for next meeting?*
- Wakeboard boat concerns and ordinance process.
 - Kevin pointed out that the original proposed legislation followed the National Marine Manufacturers Association (NMMA) suggestions that wake boats be treated similar to personal watercraft. A second proposal was submitted by Sen Jacques Andre with more restrictions, only on lakes larger than 1500 acres, no closer than 700 ft to shore and water depth greater than 20 ft. A third proposal (SB 1077) asked for funds to study the wake boat impacts to be conducted by the University of WI for the period of 2025-2027.
 - Kevin and Lenore noted that the town of Farmington wake ordinance resulted in a lawsuit and the town is in the process of rescinding their ordinance and reintroducing a new ordinance with another town.
 - Jim announced that the town of Newbold put an ordinance together, presented and was approved by the DNR. Today, a public hearing is being held for citizen feedback. Appendix A.
 - Lenore started a process for Lake Tomahawk to create a wake enhanced boat ordinance and she needs HLPRD support. This will cover all the lakes that are wholly within the town limits. Informational session will be presented by the LAST WILDERNESS ALLIANCE on May 8th. She will keep us updated and asked that attendance or emails would be appreciated.
 - Lenore stated that Winchester, WI has a wake boat ordinance. Appendix B.
 - Dusten stated our path forward would be use any ordinance created by Lake Tomahawk. Dusten also stated that enforcement of ordinances could be a problem, like that of snowmobilers on private properties, but signage generally dissuades most users from violation. *Action item, Kevin will send out email on behalf of HLPRD supporting Lake Tom ordinance?*
 - Jim pointed out that the county has an advisory ordinance that was worked on with the land conservation/UW extension committee. This advisory was tabled until this spring by some of county supervisors from the northern part of the county. Jim felt that depth should be included in the ordinance.
- Remote Dissolved Oxygen (DO) Monitoring
 - Kevin is waiting for the DNR to approve the permit following the public comment period. He sent an email to the Onset Hobo representative asking to confirm the pricing of the DO monitoring equipment and support (approximately \$4000.00). He is looking to put the monitor in the lake from November thru May. Kevin contacted Frank Parisio, NYC Env. Dept., to determine the reason that Frank gave a negative review of the HOBO sensors. Frank stated that there was a learning curve with operating the monitors as well as limited support from Onset. After the first year, the monitors were operating successfully. Frank provided information on needed accessories, an anti-fouling guard and zero calibration solution.
 - Dave's and Dusten's concern is that do we need to mark the location of the sensor and notify residents. *It was decided to defer how to do this to later date.*

- Speed/Distance around island and loon nesting signs
 - Kevin pointed out that there is less than 400 ft. between the peninsula and the island, therefore it is a no-wake zone for personal water craft. Dusten will continue to mention this in the newsletter and monitor compliance.
- Aerator status
 - Dusten asked if we should set a date for turning off the aerators. Dave explained that the DNR wanted HLPD to turn on aerators after ice is on the lake and before ice off. Dave negotiated with the DNR that we should turn on the aerators before ice because the lines could freeze up. Sometimes we leave the aerators on well after ice off because Dave isn't up at the lake during the winter. Dusten suggested keeping tabs on dates. He also pointed out that he used a drone to spot the aerators during the winter and the aerators looked very effective.
- Fish Stocking
 - Dusten forwarded a note from the DNR, in response to his permit application request, that we take a year off from stocking. Nathan Lederman (DNR) felt that with the mild winter and the small size of fish available for stocking, that we should let nature run its course this year. It was decided to wait until annual meeting to get a vote. Dave made a motion to defer fish stocking until next year. Kevin seconded. All in favor. Dave made a motion to have a vote on the fish moratorium at the annual meeting. Kevin seconded. All in favor.
- Mailing notification to district members on new Aerator
 - Kevin sent this notice with a map to all members via USPS MAIL following the November commissioner meeting.
- Comments from Town Commissioner
 - Lenore reiterated that we should visit the Last Wilderness Alliance website to get information on wake boat regulations and status. <https://lastwildernessalliance.org/updates/wake-boats-the-hidden-damage>.
 - Lenore also pointed out that we have a new bakery in town, located where the ATV rental used to be. Owner is from Rhinelander.
- Oneida County Board member comments
 - Land Conservation committee had an item of discussion regarding PFAS. Snowden Lake near Stella, WI was found to have PFAS in the water. Does HLPD feel the need to determine if PFAS is in the water of the lake? Dusten stated that we care about PFAS from a health standpoint. Kevin pointed out that PFAS testing costs is over \$500 and if we find PFAS in the lake what would we do about it? Jim will keep digging into the PFAS issue. Dusten summarized that we will keep it as an item of concern.
 - Jim reported that this is his last meeting with HLPD as he will be off the Oneida County board. We will be informed of the new Oneida county commissioner.
 - Send minutes to Michele Sadauskas (msadauskas@oneidacountywi.gov)

The next commissioner meeting is July 6th. This meeting was adjourned at 12:25.

Respectfully submitted,

Kevin Collins
Horsehead Lake P&R District #1

Appendix A.

NOTICE OF PUBLIC HEARING TOWN OF NEWBOLD

NOTICE is hereby given that on Saturday, April 6, 2024, at 10:00 a.m., at the Newbold Community Center, 4608 Apperson Drive, Rhinelander, Wisconsin 54501, a PUBLIC HEARING will be held in consideration of the PROPOSED AMENDED ORDINANCE:

CHAPTER 11.09, BOATING REGULATIONS RESTRICTING CERTAIN ARTIFICIAL ENHANCED WAKES

(1) *Applicability and Enforcement:* The provisions of this ordinance shall apply to all waters within the Town of Newbold, Oneida County, Wisconsin that are under 1500 acres, including the following lakes spanning town boundaries but with over 60% of their shoreline in Newbold: Mildred Lake, Pickerel Lake (61-acre border lake), Townline Lake, and Paradise Lake. This ordinance shall be enforced by a certified law enforcement officer pursuant to definition 164.01, Wis. Stats., "law enforcement officer" means any person employed by the state or by a city, village, town, or county for the purpose of detecting and preventing crime and enforcing laws or ordinances, who is authorized to make arrests for violations of the laws or ordinances which he or she is employed to enforce.

(2) *Certain Artificial Wake Enhancement Prohibited.*

- a) *Prohibited Equipment.* No person may use or employ water sacks, fins, ballast tanks, ballast bags, mechanical fins, and similar devices to cause a boat to operate in a bow-high manner, or which increases or enhances a boat's wake.
- b) *Prohibited Operation.* No person may operate a boat in an artificially bow-high manner, having the effect of increasing the boat's wake. Such prohibited operation shall include wake enhancement by use of water sacks, fins, ballast tanks, ballast bags, mechanical fins, and similar devices, or continuous operation at transition speed (the speed below planing speed in which a boat is operating in plowing mode).
- c) *Certain Operations Excluded.* In no event shall any of the following operations be deemed a violation of this Ordinance, provided such operations do not use or employ water sacks, fins, ballast tanks, ballast bags, mechanical fins, and similar devices: i) water skiing, ii) tubing, iii) wake boarding employing a tow rope; iv) brief transition operation to empty a boat of water, or v) brief transition operation of a boat accelerating into a planing condition.

(3) *Penalty.*

- (1) Wisconsin state boating penalties as found in s. 30.80, Wis. Stats., and deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conferences, are hereby adopted by reference, except all references to fines are amended to forfeitures and all references to imprisonment are deleted.
- (2) To the extent that the penalty for any violation of this Ordinance is not

Appendix B.

ORDINANCE 2024-01
TOWN OF WINCHESTER ARTIFICIAL WAKE ORDINANCE
TOWN OF WINCHESTER, VILAS COUNTY WISCONSIN

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Winchester Artificial Wake Ordinance. The purpose of this ordinance is to protect the health of the lakes for the benefit of all and to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests. There exist within the Town numerous natural lakes which have seen minimal development and are overall very healthy as indicated by the Comprehensive Management Plan. The Comprehensive Management Plan management action includes "support riparian property owners and lake groups in preserving natural and restoring highly developed shorelines."

SECTION II – AUTHORITY

In the interest of public health, safety, and/or welfare, including the public's interest in preserving natural resources, the Town of Winchester has the authority to enact ordinances covering waters within its jurisdiction if the ordinances are not contrary to or inconsistent with Chapter 30, Wis. Stats., and they relate to the equipment, use, or operation of boats or to any activity regulated by Sections 30.60 to 30.71. The town board has the general authority under its village powers under ss. 60.10(2)(c), 60.22(3), and 61.34(1) Wis. stats., to adopt this Ordinance. The Town Board also has the authority under Section 30.77 Wis stats to adopt local ordinances regulating boating and it is the intent of the Town Board to exercise that power in adopting this Ordinance.

SECTION III – ADOPTION AND ABROGATION

- A. This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by Town Board of artificial wake enhancement in the lakes under the jurisdiction of the Town of Winchester.
- B. The Town submitted a draft of this ordinance to the Wisconsin DNR for advisory review at least 60 days prior to passage, pursuant to 30.77(3)(d), Wis. Stats.; and the Town Board, after considering public comments and any DNR suggestions, determines that adopting this