

Legend Lake Protection & Rehabilitation District

This handbook is designed to

- A. answer typical questions about a Lake District,
- B. explain how it is organized and operated and
- C. explain how it differs from a Property Owners Association or Lake Association.

Organization

The Legend Lake Protection and Rehabilitation District (LLP&RD) was formed in August of 1992 by a positive vote of the Menominee County Board after accepting a petition by the Legend Lake Committee to form a Lake District. This gives the LLP&RD many of the powers of a County Board. The LLP&RD Board of Commissioners consists of five (5) members elected by the electors of the Lake District who attend the Annual Meeting. Two (2) commissioners are appointed; one (1) to represent the Town of Menominee and one (1) to represent the County of Menominee. The appointed commissioners serve at the pleasure of the Menominee Town Board Chairman and Menominee County Board Chairman respectively. Each of the elected commissioners serves a three (3) year term.

Responsibilities

1. Maintain dams #1 and #3. Dam#2 was on Big Blacksmith Lake and was removed to expand the system to the end at Dam #3.
2. Place regulatory buoys as determined by the WDNR.
3. Harvest aquatic plants for navigation with a WDNR permit.
4. Educate lake users via the following:
 - Invasive species control - Clean Boats, Clean Water
 - Boating Safety Class
 - Lake Faire - bi-annual
 - Invasive ID cards at the Legend Lake Lodge Office
 - Guest speakers at Annual Meeting
 - Articles in the Smoke Signals newsletter
 - Informational bulletin boards at boat launches
 - Provide "Slow-No-Wake" maps of the lake system
 - Attend Annual Lakes Convention
 - Publish Lake District Handbook
 - Survey Legend Lake's boat population
 - Maintain an informational web site - www.legendlake.info
5. Enforce septic pumping ordinance & maintain pumping records for each lot
6. Control Eurasian Water Milfoil with chemicals

7. Monitor for invasive species in the lake system
8. Operate a Fish Committee for enhancing fish species
9. Operate a Grant/Communication Committee
10. Operate the Adopt-a-Shore program:
 - recruit and train volunteers
11. Operate a volunteer chemical testing program
12. Operate a volunteer "Self Help Monitoring" program

Invasive Species Control

Property owners have a vested interest in controlling invasive plants and animals in and around their lake. An invasive plant or animal is one that is not native to the lake and destroys the eco-system by eliminating habitat or growing more aggressively than native plants, crowding them out.

An example of an invasive water plant is the Eurasian Water Milfoil that has caused so much trouble in Legend Lake the past few years. Eurasian Water Milfoil [EWM] affects boating, swimming, and fishing with dense mats of plant growth. It has cost the Legend Lake Protection and Rehabilitation District members over \$1 Million dollars to bring it under control. As it is transported by boaters from other infested lakes, the cost of control will be ongoing.

The Lake District's duty is not only to control this invasive plant, but further, to educate users of Legend Lake on their part in preventing it's spread.

For example, riparian owners should know that hand pulling EWM on your lake frontage or Beach Club and discarding the plants far from the shore will help control the spread of it. Boaters should know that driving their boat through a patch of it in the lake chops up small fragments that will start a new colony.

Other invasive species can be introduced or transported by visiting boaters and fishermen. All boaters visiting Legend Lake should inspect their boats and trailers for any "hitchhikers"; aquatic plants or animals that are riding along in bilge water, live wells, bait buckets, motor cooling systems, boat hulls or trailers. The LLP&RD operates a program called "Clean Boats-Clean Waters" that provides trained inspectors to help visitors keep their boats, and Legend Lake, free of invasive species.

Invasive invaders of Legend Lake include: Eurasian Water Milfoil, curly leaf pond weed, and zebra mussels. Many more are nearby and may

become a problem in the future. Identification cards are available at the Legend Lake Lodge and the Menominee County Conservation building that help identify invasive plants and animals. Learning to identify these invasive plants and animals can help prevent or minimize an infestation. Boaters and owners should keep an eye open for these culprits. If an invasive species is suspected but it's identity is uncertain, a sample, in water in a plastic bag, can be taken to the Menominee County Conservation office for identification.

Non aquatic (land based) invasive plants that have been found around Legend Lake include European buckthorn, purple loosestrife, spotted knapweed, and garlic mustard. Owners should learn to identify these plants and destroy them on their property.

The following section provides answers to some frequently asked questions regarding Lake Districts . While not all issues are covered, this section provides a basic understanding and provides resources to obtain further information in greater detail.

Question. WHAT IS A DISTRICT?

Answer. A lake district is a governmental body formed to protect and improve inland lakes.

Details. A lake district is a special purpose unit of government with statutory responsibilities to the resource, local citizens and taxpayers. Like all government entities, the powers and operations of a lake district are set by law with legal responsibilities and consequences designed to ensure that the rights and interests of the public are protected. The first districts came into existence in 1974 with the passing of Chapter 33 of the Wisconsin State Statutes. There are approximately 200 lake districts in Wisconsin today. Since then, lake districts have shown that small public institutions can achieve remarkable results when it comes to lake management. A key to Lake District success is a core of dedicated volunteer leaders willing to learn and work hard to maintain their lake. Through the work of these individuals, Wisconsin communities have identified and addressed threats to water quality, restored habitat, improved recreational boating and generally enhanced the vitality of inland lakes in the state.

Question. WHAT IS A "PUBLIC INLAND LAKE"?

Answer. A public inland lake is any lake, flowage or reservoir that can be accessed without trespassing on private property.

Details. In Wisconsin, lake districts may only be formed on lakes that are publicly accessible. Lake districts are formed to undertake the protection, rehabilitation and recreational improvement of all or part of one or more public inland lakes. A "public inland lake" is a lake, reservoir or flowage within the boundaries of the State that is "accessible to the public via contiguous public lands or easements giving public access." The access need not be developed with docking, launching or parking facilities. If a public user can reach the lake without trespassing on private land, the lake is a public inland lake.

Question. WHAT IS A LAKE DISTRICT 'S PURPOSE?

Answer. The purpose of a district is to maintain, protect, and improve the quality of a lake and it's watershed for the mutual good of the members and the lake environment.

Question. HOW IS A LAKE DISTRICT FORMED?

Answer. A lake district can be formed in one of four ways:

- **by 51% of the landowners in the proposed district petitioning the county or town board**
- **by owners of 51% of the land in the proposed district petitioning the county or town board**
- **by resolution of a village board or city council**
- **by conversion of a town sanitary district**

Question. WHO IS INCLUDED?

Answer. The boundaries usually include the property of all riparian owners (owners whose property includes lake frontage) and can include off-lake property that benefits from the lake or affects the lake's watershed.

Details. The district may include all or part of a lake or more than one lake. A city or village must give its approval to be included in a district.

Question. HOW IS A LAKE DISTRICT RUN?

Answer. Residents who live in the district and are eligible voters and all property owners have a vote in the affairs of the district.

Details. Within a lake district, all property owners share in the cost of management activities. A lake district is a true example of participatory democracy. This is accomplished at an annual meeting which must be held between May 22 and September 8 each year. Major decisions of annual meetings can include:

- election of commissioners
- approval of budgets
- approval of contracts or projects costing over \$10,000

Question. HOW IS A LAKE DISTRICT FINANCED?

Answer. A district receives its operating funds from property owner contribution or grants.

Details. Property owners living within the boundaries of a lake district are required by law to pay the fees. The amount of those fees is voted on by the members at the annual meeting. This fee is usually a part of your property tax bill and may come in the form of a mill levy (it can be no more than 2.5 mill and is often much less (some districts

have no fees of any sort), a special assessment, or user charge. Borrowing or grant programs can also be used to raise money if approved at the annual meeting.

The following are true:

- Special assessments can be found on your property tax bill as a line item
- Grants have been awarded to the LLPRD from various state and national organizations. These grants were used to offset the cost of Eurasian Milfoil eradication
- Borrowing is done in the case of major repairs such as the recent dam repairs

Question. WHAT CAN A LAKE DISTRICT DO?

Answer. A district has a wide variety of operations available to it.

Details. If so delegated by a town, village or the district will have the authority to adopt lake use regulations. These may include regulations of boating equipment use or operation, aircraft use and travel on ice-bound lakes. A district also has the authority to:

- Make contracts, purchase or sell land
- Disburse money
- Take out loans
- Apply for and accept grants
- Sue and be sued
- Develop and carry out surveys or studies
- Manage aquatic plants
- Aerate a lake
- Control erosion
- Dredge
- Control dams
- Monitor water quality.
- Enhance recreational boating and boater safety through
 - ♦ Boating ordinances
 - ♦ Operation of water safety patrols
 - ♦ Boating safety classes

- Develop water trails
- Develop informational/educational tools

Permits are needed from the DNR for some of these operations. The district has no authority to control land use.

Question. WHO RUNS A LAKE DISTRICT?

Answer. A district is run by a group of 5-7 appointed or elected commissioners.

Details. Normally, a lake district's day-to-day activities are carried out by a board of 5 to 7 commissioners. One is appointed by the county and one by the town. The remaining commissioners are elected by the membership. One elected commissioner must be a resident unless no resident is willing to serve, and the others must be either residents or property owners in the district. *An exception to this convention could be granted if the district was formed by the resolution of a town or village board or city council. Then the governing body itself serves as the board of commissioners.* At all times, the powers of the commissioners are subject to the decisions of the membership at the annual meeting. The commissioners must meet quarterly, and open meeting laws apply.

Commissioners can:

- Manage fiscal matters
- Maintain working relations and cooperation with government and agency officials
- Develop plans, goals, research and surveys for protection and rehabilitation of the lake

Question. WHO CAN VOTE?

Answer. To vote at annual meetings of the lake district, a voter must be a U.S. citizen over 18 years of age who is either:

- An elector (a qualified voter who resides in the

- district)
- An owner of property within the district:
- A person whose name appears as an owner of real property on the tax rolls
- A person who owns title to real property even though the person's name does not appear on the tax roll (i.e. a spouse)
- A person who is the official representative, officer or employee authorized to vote on behalf of a trust, foundation, corporation, association or other organization owning real property in the district

Question. WHO IS A QUALIFIED PROPERTY OWNER?

Answer. Any taxpayer or other person who can otherwise provide evidence of ownership is considered "qualified."

Details. In order to determine the qualifications of property owners for voting purposes, the district should obtain a copy of the tax roll and have it available at the annual meeting. Persons whose names appear on the tax roll are qualified to vote. If a person is not named on the tax roll, it is up to that person to provide evidence to the district that he or she is an owner of property or a designated representative of an organizational property owner. Wisconsin law does not define what evidence of ownership is sufficient for a person not named on the tax roll or for an official representative of an organization. Some lake districts require prospective voters who are not named on the tax roll to provide either: (1) a copy of a deed indicating ownership of the property; or (2) a letter on the stationery of an organization owning property which clearly authorizes the person to vote on behalf of that organization. Notification of district policy regarding proof of eligibility to vote should be included in the notice of the annual or special meeting.

Question. HOW ARE OWNER'S VOTES CAST?

Answer. Each qualified voter is entitled to cast one vote at the annual meeting.

Details. Ownership of more than one parcel of real estate within the district does not entitle the owner to more than one vote. Corporations, governmental bodies and other organizational owners are treated as single owners with one vote.

Commissioners appointed by the county or town/village/city are eligible to vote at the annual meeting only if they qualify as lake district property owners or electors. The only voting procedures specified are (1) that elections of commissioners must be done by secret ballot, (2) that absentee ballots or proxies are not permitted and (3) that there is no quorum requirement for an annual meeting.

Question. WHAT ARE THE STATUTORY RESPONSIBILITIES?

Answer. Various laws have been enacted to encourage good government in Wisconsin. These laws include ethical standards for government officials, requirements for all meetings to be open to the public, and guaranteed access to public records. Lake district commissioners as well as residents within a district should make sure they fully understand the public obligations undertaken by those serving on the board of commissioners.

Details. To assist communities and governmental bodies in meeting the requirements of these laws, the Wisconsin Attorney General's Office (Department of Justice) produces compliance guides and resources on open meetings and public record requirements.

Ethics for local government officials:
Wis. Stat. § 19.59
Open meetings: Wis. Stat. § 19.81-19.98
Public records: Wis. Stat. § 19.31-19.39

Question. WHERE CAN I OBTAIN MORE INFORMATION ON ANY SUBJECT RELATED TO THE HEALTH AND PROTECTION OF LEGEND LAKE?

Answer. Many resources exist for a variety of subjects, including shoreland restoration and protection, lake health, boating laws, zoning restrictions and more.

Details.

Wisconsin Department of Justice
P.O.Box7857
Madison, WI 53707-7857
Phone: 608-266-1221
www.doj.state.wi.us

Wisconsin Department of Natural Resources
Shawano Ranger Station
647 Lakeland Rd.
Shawano, WI 54166
715-524-2183
www.dnr.wi.gov

Menominee County, Wisconsin
Conservation Office
W3269 Courthouse Lane
Keshena, WI 54135
715-799-3701

Legend Lake Protection & Rehabilitation District
Legend Lake Lodge
N1024 Old South Branch Road
P.O. Box 95
Keshena, WI 54135
715-799-3080
www.legendlake.info

Legend Lake Property Owners Association
Legend Lake Lodge
N1024 Old South Branch Road
P.O. Box 759
Keshena, WI 54135
715-799-3317
www.legendlake.info