

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

*Joint Committee for
Review of
Administrative Rules
(JCR-AR)*

Sample:

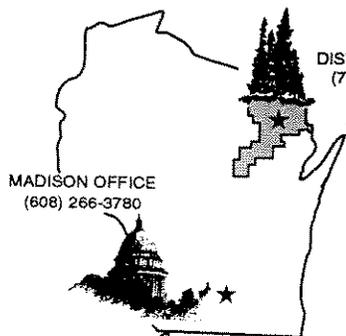
- Record of Comm. Proceedings
- 97hrAC-EdR_RCP_pt01a
- 97hrAC-EdR_RCP_pt01b
- 97hrAC-EdR_RCP_pt02

- Appointments ... Appt
-
- Clearinghouse Rules ... CRule
-
- Committee Hearings ... CH
-
- Committee Reports ... CR
-
- Executive Sessions ... ES
-
- Hearing Records ... HR
-
- Miscellaneous ... Misc
- 97hr_JCR-AR_Misc_pt20a
- Record of Comm. Proceedings ... RCP
-

JCRAR -

6/30 /
HERRIDGE

From the Desk of...



MADISON OFFICE
(608) 266-3780

DISTRICT OFFICE
(715) 696-3513

**LORRAINE M.
SERATTI**
STATE REPRESENTATIVE
36TH ASSEMBLY DISTRICT

DATE:

TO:

Les
6/25/98

JUN 25 1998

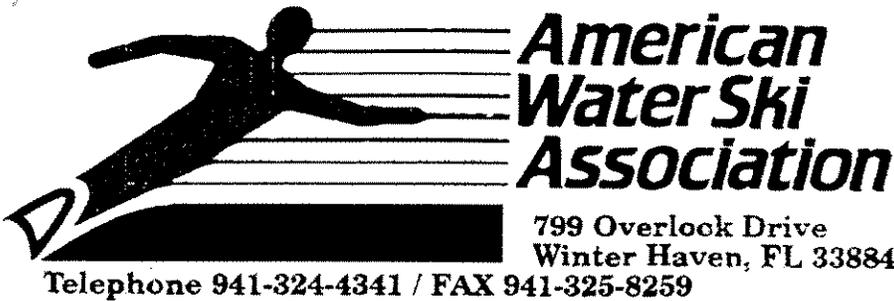
- Materials as you requested
- Thought this might be of interest to you
- For your information
- I would appreciate your comments

Remarks:

cc: Steve

P.O. Box 8953 • State Capitol • Madison, WI 53708-8953
(608) 266-3780 • Fax: (608) 267-0790 • Toll-Free: 1 (888) 534-0036

Printed on recycled paper with soy based ink.



8 May 1996

Mr. George Meyer, Secretary
Department of Natural Resources
101 South Webster Street
Box 7921
Madison, Wisconsin 53707-7921

Dear Mr. Meyer:

The Twin Bridge Ski Team, a show ski club affiliated with the American Water Ski Association (AWSA), has kept AWSA informed about its application to construct a pier and performance platform measuring 22 feet x 30 feet and about objections to the same by the Wisconsin Department of Natural Resources.

The American Water Ski Association, which is the non-profit national governing body for organized water skiing, supports the Twin Bridge Ski Team's proposed pier and performance platform. We feel that the proposed facilities are important to both the performance capabilities and safety of the ski team's members. Safety has always been a paramount concern of AWSA, and given the scope of the Twin Bridge Ski Team's performances, we feel that a performance dock area smaller than 22 feet x 30 feet could create serious safety problems for the performing skiers and other participants. We note in the Findings of Fact on this issue, which were signed by an Administrative Law Judge on September 11, 1995, that the 1994 edition of the National Show Ski Association (NSSA, an AWSA Sport Division) Rule Book — Rule 9.08 regarding starting dock (performance platform) sizes — was cited as justification for denying a permit for a larger performance platform. The size noted in the 1994 Rule Book — 12 feet x 24 feet — was established as a *minimum* acceptable size and in no way should be used as a maximum allowable size. Indeed, the *minimum* size recommended for show ski platforms has been increased to 20 feet x 36 feet in the current NSSA Rule Book. Various factors — the number of team skiers in a performance, the type of acts performed, the number of towboats used — may well require a larger performance platform to adequately carry out the show ski team's production and, *most important*, to guarantee the safety of performing skiers. We would note that many of the performance platforms used by show teams in Wisconsin and other states are 16 feet x 32 feet and larger in size.

MEYER/page two

We are aware that the Wisconsin DNR and members of the Wisconsin Water Ski Federation have had a cooperative relationship in past years. And we encourage the DNR to reconsider its opposition to the proposed Twin Bridge Ski Team performance platform and allow construction of a facility that we feel would be a more reasonable and safer size given its intended purpose.

Again, safety is our main concern here. We hope that our Wisconsin members and the DNR can come to a satisfactory resolution of this issue without going through the process of a legal appeal. Please contact me if I can be of assistance in providing additional information.

Sincerely,



Don Cullimore
Director of Communications & Public Affairs

cc: Duke Waldrop, AWSA Executive Director
Steve McDermeit, AWSA Associate Executive Director
Sherman Schraft, President, National Show Ski Association
Bob Marx, President, Wisconsin Water Ski Federation
Pete Pfankuch, Twin Bridge Ski Team
Hon. John Gard, Member, Wisconsin State Legislature
Robert Rosenberger, Wisconsin DNR



NATIONAL SHOW SKI ASSOCIATION
AWSA, 799 Overlook Drive, Winter Haven, FL 33884
Phone: (813) 324-4341 / Fax: (813) 325-8259



To: Sirs

From: Bob Marx NSSA Region Representative
WSF President Elect

Subject: Piers Utilized for Water Ski Shows

Date: June 6, 1995

Dear Sirs,

The proposed Design Requirements for Piers Utilized for Water Ski Shows shows a maximum allowable dimension of the starting dock of 12 feet by 24 feet. The proposal also states the largest events may have over 20 skiers on the dock at one time including safety personnel. This 12 X 24 size is the minimum recommended by the show rules of the National Show Ski Association.

The size of the starting dock at the National Tournament for the past several years has been 30 X 16, 35 X 20, and 32 X 16 feet at the past three tournaments. We have had more than 20 skiers on the starting dock at one time in many shows as they put their larger pyramid acts on the water. In addition, many of the ballet lines are nearly that size. These are just two of the acts that all clubs perform. As was noted in the report, additional safety personnel are on the dock during each act. With 24 feet of dock space, this does not permit these types of acts to be skied without asking for any space for a margin of safety.

We would suggest a larger allowable size for competition. This would allow for a size that would enable shows to be skied with a large number of skiers and a margin of safety. The individual clubs will want to practice on a home site pier of this size so that they may prepare for competitions at the state, regional, and national levels with no compromise to the safety of the skiers or other personnel. It is very dangerous to add skiers to an act who have not practiced as a unit due to a restricted pier size. In an attempt to score higher at a tournament, this would likely happen.

Thank you for your consideration.


Robert Marx
3720 Lake Ave
Wisconsin Rapids, WI 54494

JUN 6 '95 16:49 FR

TD 9-17158547501

P.01/01

ATTN: Pete

715-854-7501

EXT 2939



NATIONAL SHOW SKI ASSOCIATION
 AWSA, 799 Overlook Drive, Winter Haven, FL 33884
 Phone: (813) 324-4341 / Fax (813) 325-8259



May 30, 1995

COPY

Robert Rosenberger
 P.O. Box 16
 Marinette, WI 54143

Dear Mr. Rosenberger:

As the Wisconsin Region Director of the National Show Ski Association and as President of the Rock Aqua Jay Water Ski Club in Janesville, Wisconsin, I would like to express my support of the Twin Bridge Show Ski Team's desire for a dock permit. Although the size of the dock (22'x30') is larger than the recommendation by the DNR (24'x12'). I feel it meets the needs of the Twin Bridge Ski Club and is not of any abnormal size as to be a problem.

It is my understanding that the 12'x24' recommended size of the docks is not a "set in stone" size but a basic size that was taken from the National Show Ski Association. Different clubs have different needs as to the size of their docks. Many clubs have more than one dock and can get by with a smaller main dock. It is my understanding that the Twin Bridge main dock is the only one they use so many acts are taking off in different directions. This causes terrific traffic problems with skiers carrying skis and ropes and all setting up at the same time as well as acts returning to the dock after their act to retrieve ropes and such.

At the National Water Ski Show Tournament to be held in Janesville, four (4) docks will be available to the clubs to use during their presentation. If Twin Bridge is expected to prepare for this tournament with just one 12'x24' dock at their home site they would be at a tremendous disadvantage when it comes to competing in the national tournament.

It is also my understanding that the different local government units support the ski club in their application for a dock permit. While I can see the State's interest in the issue, I feel the local government bodies can offer much needed input into the process. If they feel there is no problem in the size of the dock, I feel their voice should weight heavily in the decision making process.

Thank you for taking the time to read my comments in the matter. I am always available to offer further assistance if needed. Feel free to contact me at 608-756-0555 or at 145 Waveland Road, Janesville, WI 53545.

Sincerely,



NATIONAL SHOW SKI ASSOCIATION
AWSA, 799 Overlook Drive, Winter Haven, FL 33884
Phone: (813) 324-4341 / Fax: (813) 325-8259



Robert Rosenberger
DNR
P.O. Box 16
Marinette, WI 54143

Dear Robert:

As a Wisconsin Region rep on the National Show Ski Association board, I would like to ask that you reconsider your findings on the take off dock for the Twin Bridge Ski Team. Since the team not only performs shows for the home crowd, but also compete in tournaments, they should use a dock that is comparable in size to what they would use in tournaments.

Some tournament sites have separate rope docks, some have bigger docks to accommodate pulling in ropes behind the back drop. When taking multiple skiers off the dock, a bigger dock is need for this for safety reasons as well as having enough room to perform the acts the right way.

Again I ask that you reconsider that Twin Bridge have a smaller dock, as this will put the team at a great disadvantage. Thank you for your consideration in this matter.

Sincerely,

Terry Pastorski
Wisconsin Region NSSA rep

President
James Babcock
1006 S. 5th Avenue
Wausau, WI 54401
715/845-1417

Vice-President
John Kennedy
1517 Sunny Circle
Waukesha, WI 53188
414/542-6807

Treasurer
& Membership Committee
Key Babcock
1006 S. 5th Avenue
Wausau, WI 54401
715/845-1417

Secretary
Terry Pastorski
216 S. Locust St.
Green Bay, WI 54303
414/499-4943

Wisconsin Water Ski Federation

Executive Director
Paul H. Dross, P.O. Box 144, North Lake, WI 53064 414/966-3SKI



June 5, 1995

Dear Pete;

In answering your request on what is the position of the Wisconsin Water Ski Federation in regards to starting dock sizes, the following is the position as best I can interpret it.

The Wisconsin Water Ski Federation does not want to see a maximum size set for every show club in the State. This would prove to be a hardship and/or a safety problem for some clubs if the size were to be set too small for what they do during the skiing year. On the other hand not all show clubs in this State need the same size starting docks. There are clubs that have well over 200 member and some as small as 20 or so. Not all show sights are the same, this may determine the size, shape or even the angle of placement at their sights.

The ski clubs looking to get a permit for their starting dock should be able to show to all parties just why they are asking for the size they feel they need. If all parties involved in the permit process at every club location could sit together to talk and see each others side, this permit process would go very smoothly.

Wisconsin is the number one State in the Nation for show skiing. We entertain a lot of people in this State during the Summer. If you look at an average show club with 70 to 80 members, two tow boats and you'll see a ratio of skiers to boats that's not matched anyplace else in this State. We keep a lot of families playing together and a lot of children/young adults involved in a good clean sport. With all this good, the problem of getting a needed sized starting dock should be kept very small.

Sincerely,

James E. Babcock, President

Bob Marx - new Pres.



Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS

Petition of the Department of Natural Resources to Revoke Permit No. 3-LM-84-308, Issued to Robert Kalke and the Boy Scouts of America and Now Claimed by Jack Scheels, for a Ski Jump on the Bed of Lake Noquebay, Town of Lake, Marinette County, Wisconsin

Case No. 3-LM-84-308

NOTICE OF INVESTIGATION AND RESCHEDULED PUBLIC HEARING

PLEASE TAKE NOTICE that the hearing scheduled in the above captioned matter for June 3 and 4, 1998, has been rescheduled. The hearing will now be held on **July 16, 1998 at 1:00 p.m. and continued on July 17, 1998, if necessary.** The location has also been changed and will now be held in the **County Board Room - 3rd Floor of the Marinette County Courthouse, 1926 Hall Avenue, Marinette, Wisconsin.**

Dated at Madison, Wisconsin on May 15, 1998.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, Wisconsin 53705
Telephone: (608) 266-7709
FAX: (608) 267-2744

By: Mark J. Kaiser
MARK J. KAISER
ADMINISTRATIVE LAW JUDGE



Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS

Petition of the Department of Natural Resources to Revoke Permit No. 3-LM-84-308, Issued to Robert Kalke and the Boy Scouts of America and Now Claimed by Jack Scheels, for a Ski Jump on the Bed of Lake Noquebay, Town of Lake, Marinette County, Wisconsin

Case No. 3-LM-84-308

NOTICE OF INVESTIGATION AND PUBLIC HEARING

The Department of Natural Resources issued Permit No. 3-LM-84-308 to Robert Kalke and the Boy Scouts of America in 1984. The permit is for a ski jump on the bed of Lake Noquebay, at or near the SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 7, Township 32 North, Range 21 East, Town of Lake, Marinette County, Wisconsin. Jack Scheels, Box 45, Crivitz, Wisconsin, now alleges that he holds this permit by virtue of the purchase of a portion of riparian property originally associated with the ski jump, and subsequent deeds and transfers.

The Department of Natural Resources Northeastern Region staff conducted field investigations and allege that the situation surrounding the permit has dramatically changed since the permit was first issued. To wit, the location of the ski jump is different than originally permitted; the riparian zone of Mr. Scheels is 150 feet wide compared to 1600 feet wide of the original permittees; the use has changed from public to private; the ski jump has created navigation and water use conflicts with the public and adjoining riparians; environmental concerns have arisen since the original permit was issued, including impacts upon endangered and special status species; and public safety concerns exist regarding lighting of the structure. Thus, the Department contends that the ski jump as currently placed and operated interferes with the rights and interest of the public on Lake Noquebay and is detrimental to the public interest in violation of Chapter 30 of the Wisconsin Statutes and requests that the permit for the ski jump be revoked.

The Department further alleges the maintenance of said ski jump in Lake Noquebay is in violation of secs. 30.12, 30.135 and 30.15, Stats., and Ch. NR 326, Wis. Admin. Code, and should be declared to be a public nuisance pursuant to sec. 30.294, Stats.

NOTICE IS HEREBY GIVEN that the State of Wisconsin Division of Hearings and Appeals will hold a public hearing pursuant to sec. 30.03(4)(a), Stats., to determine whether the permit for the aforesaid ski jump should be revoked. The hearing may result in an order

3-LM-84-308

Page 2

permit for the aforesaid ski jump should be revoked. The hearing may result in an order revoking the permit for the ski jump, or the issuance of an order enjoining the placement of the ski jump and abating the maintenance of the ski jump in its current configuration, and directing the Respondent to perform or refrain from performing such acts as may be necessary to fully protect and effectuate the interests of the public in these navigable waters.

NOTICE IS FURTHER GIVEN that the hearing will be held on **Wednesday, June 3, 1998 at 1:00 p.m.** at the U.W. Marinette, Main Building, Room 104, 750 West Bay Shore Street, Marinette, Wisconsin. The hearing will be continued on **Thursday, June 4, 1998**, if necessary, at the same location

The hearing is a Class 2 contested case pursuant to sec. 227.01(3)(b), Stats., and the fair play provisions of Ch. 227, Stats., will apply. The procedures relating to contested cases set forth in Ch. NR 2, Wis. Admin. Code, will be followed. The procedure that will be followed at the public hearing will closely resemble that normally followed at court hearing. All parties are advised that they have the right to seek the aid and assistance of legal counsel and to be represented by legal counsel at the public hearing.

Pursuant to the Americans With Disabilities Act, reasonable accommodations will be made to any qualified individual upon request. Please call the Division of Hearings and Appeals at (608) 266-3865 with specific information on your request at least 10 days before the date of the scheduled hearing.

Dated at Madison, Wisconsin on April 29, 1998.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, Wisconsin 53705
Telephone: (608) 266-7709
FAX: (608) 267-2744

By: Mark Kaiser
MARK J. KAISER
ADMINISTRATIVE LAW JUDGE

PERMITS

1995-96 WISCONSIN WATER SKI FEDERATION CLUB LISTINGS

- ✓ + *Tom Haferman*
Aqua Skiers, Inc.
- P.O. Box 412
Wisconsin Rapids, WI 54495
- ✓ + + *John Kennedy*
Badgerland Water Ski Shows, Inc.
P.O. Box 607
Merton, WI 53056
- ✓ *Charles Voo*
Brown's Lake Water Ski Club
- P.O. Box 84
Burlington, WI 53105
- ✓ + + *Cubini Bunn*
Chain Skimmers Water Ski Team
P. O. Box 214
Eagle River, WI 54521
- ✓ + + *Dave Muehl*
Isthmus Water Ski Club, Ltd.
- 921 Moorland Rd.
Madison, WI 53713
- ✓ *Bart Diehl*
Lauderdale Lakes Aqua Skiers
- P.O. Box 936
Elkhorn, WI 53121
- ✓ + + *Suane Schulze*
River City Water Skiers
P.O. Box 3106
LaCrosse, WI 54602
- ✓ *Roger Keyes* *Dismissed*
Shawano Ski Sharks, Inc.
- P.O. Box 411
Shawano, WI 54166
- ✓ * *Mike Nango*
Ski Sprites Water Shows, Inc.
P.O. Box 1746
Eau Claire, WI 54702
- ✓ * ~~*Paul Janney*~~
Twin Bridge Ski Club, Inc.
+ Rt. 1 Box 120
Crivitz, WI 54414
- ✓ *Doug Aird*
Waterbogs
- 6925 Cliffside Dr.
Racine, WI 53402
- ✓ *John Brandt*
Webfooters Water Shows, Inc.
- P.O. Box 374
Fremont, WI 54940
- ✓ * *Vaughn Welling*
Aquanuts Water Shows, Inc.
- P.O. Box 118
Twin Lakes, WI 53181
- ✓ + *Jeff Casper*
Beaverland Must Skis
W9276 Hwy G
Beaver Dam, WI 53916
- ✓ *Jim Lenchi*
Chain-O-Lakes Water Ski Club, Inc.
P.O. Box 185
King, WI 54946
- ✓ + *Jeff Mulsan*
Crivitz Ski Cats, Inc.
Rt. #1, Box 22
Crivitz, WI 54114
- ✓ + + *Mike Biever*
Kwanamots
1960 Rambling Lane Dr.
Rhineland, WI 54501
- ✓ *Randy Straub*
Mad City Ski Team 837-7858
- P.O. Box 56065
Madison, WI 53705
- ✓ + *Daniel Snelby - Gerry Lutting*
Rock Aqua Jays Water Ski
P.O. Box 754
Janesville, WI 53547
- ✓ + *Ron Cook*
Shermalot Water Ski Club, Inc.
1146 Queens Way
Nekoosa, WI 54457
- ✓ *Tom Stenstrup*
Skiing Patriots, Inc. *- Wickman*
- P.O. Box 181
Oconto, WI 54153
- ✓ *Terry Paszorski*
Waterboard Warriors, Inc.
- P.O. Box 11532
Green Bay, WI 54307
- ✓ + + *Jim Babcock - Gary Damp*
Wausau Water Ski Shows, Inc.
P.O. Box 533
Wausau, WI 54402-0533
- ✓ *Mike Pascavis*
Whitewater Lake Sports Club, Inc.
- P.O. Box 434
Whitewater, WI 53190

+ + PERMIT ON FILE
 + PERMIT APPLICATION PENDING
 * OPERATING W/O PERMIT W/DNR APPROVAL

Terry Paszorski
 1-414-499-4943

Water Ski Club Permit Analysis

Club	Location	Permit Status	Structure(s)	Dimensions
Kwahamots	Lake Mohawksin Tomahawk	Granted May 27, 1983	Ski jump	W - 20 feet maximum, 14 feet minimum L - 24 feet H - 6 feet 155 feet from shore, in 10- 12 feet of water
Aqua Skiers	Biron Flowage Wisconsin River Wood County	Granted March 18, 1982	Ski Jump	W - 14 feet L - 24 feet H - 6 feet 15 feet of water
Central Wisconsin Water Ski Show	Lake DuBay, Wisconsin River	<u>Pending</u>	Ski jump	W - 24 feet maximum 14 feet minimum L - 24 feet H - 6 feet 150 feet from shore in 10 feet of water
Shermalot Water Ski Club	Lake Arrowhead, Adams County	<u>Pending</u>	Performance Platform	W - 9 feet L - 30 feet Connected to shore by 9 foot by 4 foot access pier, in 2 to 4 feet of water

Club	Location	Permit Status	Structure(s)	Dimensions
Shermalot Water Ski Club	Lake Arrowhead, Adams County	Granted December 7, 1983	Performance Platform	W - 8 L - 24 feet
			Ski jump	W - 18 feet maximum 14 feet minimum L - 25 feet H - 6 feet 170 feet from shore in 18 feet of water
Rock Aqua Jays Water Ski Club	Rock River	Granted March 14, 1985	Ski jump	W - 30 maximum 14 minimum L - 24 feet H - 5 ½ feet 120 feet from shore in 12-15 feet of water
City of Madison Parks Division	Lake Monona	Granted April 19, 1983	Ski jump	W - 23 maximum 14 minimum H - 8 feet L - 18 feet 275 feet from shore
Lake Mendota Ski Club	Lake Mendota	Granted November 17, 1980	Ski jump	W - 14 feet L - 24 feet H - 6 feet 300 feet from shore in 8-10 feet of water

Club	Location	Permit Status	Structure(s)	Dimensions
City of Madison Parks Division - Capital City Ski Team	Lake Mendota	Granted July 2, 1981	Ski jump 1	W - 19 feet L - 22 feet H - 6 feet 165 feet from shore in 40 feet of water
		Granted September 26, 1983	Ski jump 2	W - 12 feet L - 24 feet H - 6 feet 200 feet from shore in 40 feet of water
(Note - they had two jumps going at the same time!)				
Wausaqua Water Ski Show	Lake Wausau Marathon County	Granted April 29, 1997	Two performance platforms - attached	1- 24x16 2 - 24-14 8 feet offshore connected to shore
River City Water Skiers	Black River LaCrosse	<u>Pending</u>	Ski jump 1	24 x 26 x 6
Skiing Patriots	Oconto River Oconto	Withdrawn	Ski jump - 1	8 x 20
Shawano Ski Sharks	Wolf River	Dismissed	Piers & Stage	huge

Page 4

Twin Bridge Ski Club	High Falls Flowage	Granted June 8, 1993	Ski jump 1	16 x 20 x 8
Twin Bridge Ski Club	High Falls Flowage	Granted August, 1997	Platform Dock	21 x 30 30 x 4
Crivitz Ski Cats	Lake Noquebay	Granted December 20, 1986	Ski jump 1 Boat Jump	23 x 22 20 x 9
Crivitz Ski Cats	Lake Noquebay	WITHDRAWN	Platform	14 x 22
Chain Skimmers Water Ski Team	Pleasant Lake Eagle River	Granted June 13, 1980	Boat Ramp	12 x 25
Chain Skimmers		Granted July 25, 1983	Ski jump 1	14 x 20

June 26, 1997

1997-99 Budget Quarterly Implementation Report
Quarterly Implementation Report 4/30/98

1. Topic: Regulation of Waterski Platforms and Jumps; Boat Shelters and Hoists.
2. Lead Bureau: Fisheries Management and Habitat Protection
3. Bureau Contact: Paul Cunningham, FH/4, 7-7502
4. Other Bureaus Affected: Watershed Management (impacts on shoreland zoning)
5. Link to Secretary's Issue(s): Land use (relation between extent of shallow water structures and number of upland units)
6. Implementation Objectives / Timetable:

Interim guidance - 12/1/97

Rule development:

Staff work group 1/31/98

External work group 3/98 thru 6/98 (end date based on group consensus)

NRB process: pink sheet 6/98; yellow sheet 8/98; green sheet 1/99)

7. Brief Summary of Progress Made Since Last Report:

- Featured a technical session at the 1998 Fisheries and Habitat Statewide Training Session entitled, *Riparian Habitat Management For Lakeshores*. This Session focused on 1) identification of development trends, 2) quantification of habitat loss, 3) measurement of impacts to aquatic fauna associated with cumulative levels of lakeshore development, and 4) tools for riparian habitat protection and restoration.
- Conducted a working session at the 1998 Fisheries and Habitat Statewide Training entitled, *Waterway Protection - New Issues*. Here Water Management Specialists discussed new legislation, and identified a full spectrum of issues (problems and needs) related to shoreline structures. Outcomes from this workshop are being condensed and summarized.
- Guidance to be sent to Shallow Water Structure Workgroup for review - 5/98 *attached*
- Over the next quarter the Shallow Water Structures workgroup will; 1) finalize the guidance, 2) Prepare draft of administrative code, 3) In cooperation with the WMS staff prioritize policy issues identified at the statewide training workshop.

8. New DNR Resources in the Budget: None
9. Distribution of Funding and Positions: NA
10. Indicate Adjustments to the Current Workplan that Will Result from Implementation of This Issue: Adjustments are necessary but specifics are not yet known
11. Statutory Language Changes: Commitment to statutory permit requirement for boat hoists.

JUN 04 1998

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: June 2, 1998 FILE REF: Ch. 75 Water Regulation Handbook
TO: Water Regulation Handbook Holders
FROM: Paul Cunningham, FH/4
Mary Ellen Vollbrecht, FH/6
CC: FH Board
SUBJECT: Program Guidance Concerning Permit Application Determinations for Water Ski Jumps and Platforms

Issue

This memo helps guide determinations of when we would require a permit application. The determination is intended to be rapid - NOT a complete analysis to answer whether a permit will be issued. Factors will be similar, but permit decisions will rely on more rigorous information, examination, and analysis to ensure recognition of all rights, public and private. Specifically, this guidance identifies criteria or conditions upon which: 1) the platform or jump may interfere with public rights in navigable water; 2) may interfere with rights of other riparians; and 3) is a site that does not ensure adequate water depth and clearance for safe skiing.

Authority

30.135 Regulation of water ski platforms and jumps. (1) WHEN PERMIT REQUIRED. (a) A riparian proprietor may place a water ski platform or water ski jump in a navigable water way without obtaining a permit if all of the follow requirements are met:

- 1. The platform or jump does not interfere with public rights in navigable waters.*
- 2. The platform or jump does not interfere with rights of other riparian proprietors.*
- 3. The platform or jump is located at a site that ensures adequate water depth and clearance for safe water skiing.*

(b) If the department determines that any of the requirements under par. (a) are not met, the riparian owner shall submit a permit application to the department [...].

There have been a number of appellate court decisions which address the relationship between the public rights in a waterway and uses by riparian owners and groups which desire to use surface waters for activities such as water ski performances. The two most pertinent cases are *Sterlingworth v. DNR*, 205 Wis. 2d 702(Ct. App.,1996) and *State v. Village of Lake Delton*, 93 Wis. 2d 78 (Ct. App.,1978).

Sterlingworth provides a recent summary of three key concepts -- reasonable use,

cumulative impact, and the role of agency guidance. **The Court stated:**

"[E] very ...right which a riparian owner acquires, as such to the waters..by his land, is restricted always to that which is a reasonable use, and these terms are to be measured and determined by the extent and capacity of the [lake], the uses to which it has been put, and the rights that other riparian owners on the same [lake] also have."

Whether it is one, nine, or ninety boat slips, each slip allows one more boat which inevitably risks further damage to the environment and impairs the public's interest in the lakes. [...] For this very reason, the consideration of "cumulative impact" must be taken into account."

"Even though the DNR's guidelines do not have the force and effect of law... and are not controlling on the courts... the guidelines illustrate DNR's experience and expertise in regulating piers under s.30.12, Stats. When an agency has particular competence or expertise on an issue, we will sustain its legal conclusions if they are reasonable... . We will also accord special deference to the agency's decision if it is intertwined with value and policy determinations... ."

The impacts as discussed in *Sterlingworth* must be balanced in view of Court of Appeals decision in **Village of Lake Delton**, where the court reviewed a local ordinance authorizing use of surface water by a water ski show and a challenge of such use by individuals who desired to exercise their public right to fish at the same time as the show was scheduled. **The Court stated:**

"In our view a regulation [here, the local ordinance authorizing the show] which apportions the use of a given space of water to the single use and user which the space can reasonably accommodate at a single time reflects the obvious law of physics that two objects cannot be in the same place at the same time. While from one perspective such a regulation confers a temporary privilege on the user, from another it merely provides a mechanism through which the user may exercise his right, held in common with all citizens, to use public property for a legitimate purpose. The issue in any event does not turn upon the elusive and semantical distinction between "rights" and "privileges." For the appropriate questions, as the Supreme court has made clear in the cases previously discussed, are whether the regulation has a legitimate public purpose and , if so, whether the means it employs to accomplish the purpose are reasonable. Under the circumstances of this case, we conclude that both questions must be answered in the affirmative."

Rationale

Water skiing, including recreational and exhibition skiing, is clearly an incident of navigation and can provide public benefit. Navigational structures, including ski jumps and platforms, and associated uses have impacts on fish and wildlife habitat, can resuspend sediments causing water quality impacts, affect natural scenic beauty,

and can affect other navigation, or other riparians. Statute and common law indicate intent to balance these rights.

Guidance

Structures can be placed without a permit if all of the following six conditions are met: 1) The sponsor, events and use of structure have public benefit; 2) They are not an impediment to navigation or its incidents; 3) They do not impact shallow water habitat, cause or increase shore erosion, degrade water quality, or disturb fish and wildlife; 4) They do not harm natural scenic beauty; 5) They do not have significant, cumulative impacts; and 6) They do not interfere with the rights of other riparians.

Typically the location will determine whether a permit is required. Where the initial review indicates that construction specifications (e.g., lighting, marking buoys) will avoid or minimize public interest impacts, then a permit application should be required so that permit conditions can be applied.

The remainder of guidance details the factors to be considered and when impacts are likely. Factors highlighted with an asterisk can provide the quickest determination.

Determining interference with public interest in navigable waters.

Sponsor, events, and use of the structure--these factors help determine the balance between public and riparian uses. *A "No" answer to any of the three asterisked questions/points will require a permit application. "No" to any of the other questions may necessitate a permit application.*

Will the structure and its associated use provide significant public recreational benefit? Factors such as projected frequency of use, audience size, club affiliation (e.g. WWSF, NSSA, AWSA), shall be considered when determining if public benefit is significant.

Will events associated with the structure be open to the public with out charge or for a reasonable fee?

* Is the structure utilized solely to support water skiing events and not be utilized as a "deck" when ski shows are not occurring? Indicators include furniture, angling equipment, enclosing railings.

Is the sponsor a state recognized ski organization/club? Ski jumps and ski platforms that serve only single riparian typically interfere with the public interest. *

* Does the size of the ski platform conform to the Department's reasonable use guideline of 12 ft. X 24 ft (Ch. 75, 4/4/94 Memo--Piers Utilized for Ski Shows)?

Impacts on navigation and incidents of navigation-- A "Yes" to the asterisked question will require a permit application. "Yes" to any of the other questions may necessitate a permit application.

Will use of the structure create safety problems? Is the site within 100 feet of a marked swimming area, public boat landing, dock, anchored raft, pier, or buoy restricted area?* (Ch. 70-26)

Does the structure materially obstruct navigation? Is the color, shape, and lighting of the structure detrimental to safe navigation, at night as well (Ch. 70-26)?

Are there significant conflicts (at the site or lake-wide) with other recreational users of the lake? Quality recreational experiences are most often obtained by "not managing for all boating experiences in one ecosystem " but by diversifying recreational settings. Many recreational users of certain waters have come to expect a recreational experience in quiet and less disturbed lake or river. Likewise, certain waters are typified by more active recreational activities.

Impacts on Littoral Zone Habitat, Flora, and Fauna -- Boating can have negative impacts in shallow areas, specifically sediment and nutrient re-suspension, decreased water clarity, shoreline erosion, physical disturbance of fish and wildlife, and loss of aquatic plants. A "Yes" answer to the asterisked questions will require permit application. "Yes" to any of the other questions may necessitate a permit application.

Will the activity associated with the structure simplify or fragment habitat?

There are strong positive relationships between habitat quality and the abundance of many desirable fish species. Fish habitat is complex and contains woody cover, overhanging cover, emergent and submergent plants, a diversity of depths, and a diversity of bottom substrates. More complex habitats are superior to simple habitats as evidenced by increased abundance of many fish species.

Is the activity associated with the structure located in areas that will be susceptible to sediment resuspension or located in areas where boats will directly damage plant beds by cutting of plant shoots and sediment scouring? Are boats (i.e. taking off) at the skier lift site found in waters ≤ 10 feet deep?* Propellers from outboard engines create turbulence and wake that can impinge upon bottom sediments at depths down to ten feet. The extent of disturbance depends upon propeller size, speed of operation, draft of the boat, and sediment characteristics. Motor boats reduce plant growth primarily through scouring of the sediment substrate and direct cutting. Motorboat enclosure experiments conducted by DNR researchers have found roughly three times the plant biomass in motorboat-excluded plots compared to plant biomass in plots exposed to motorboat activity.

Does the lake contain exotic aquatic plants such as eurasian water milfoil? Sediment disturbance in near-shore areas may affect plant species composition by allow exotic species like milfoil to flourish at these disturbed sites.

Is the structure located in an area where exotic plants which spread by fragmentation of leaves and shoots exist (i.e. eurasian water milfoil)? Direct damage of plant shoots from propeller scour and cutting can facilitate the spread of milfoil to new sites.

*Is the structure located in or adjacent to a designated sensitive area?

*Will placement and activity associated with the structure significantly impact spawning and nursery habitats via direct damage, sediment suspension, or wake turbulence? Permit reviews should also evaluate the importance of the macrophyte beds as nursery habitat for littoral zone fishes.

Will increased boating activity in the area associated with the structure result in significant nearshore erosion beyond existing background levels? Consider site location, lake orientation, fetch distance, etc.

Will the increased boating activity associated with the structure result in a significant direct disturbance to fish or wildlife?

Impacts on Natural Scenic Beauty--A "yes" answer to the asterisked question requires a permit application. Yes to any of the other questions may necessitate a permit application.

Is development near the site less than the NR326 standard? (Developed shorelines are those where there are at least five principal structures including at least one on the applicants property which are located within 500 feet of the proposed shelter site and are visually intrusive as viewed from the water, NR326.055(4)(f)). Less developed areas of the lake or less developed lakes in general will experience greater impacts on natural scenic beauty from the structure and it's activity than other more developed areas or lakes.

Will the structure and the increased associated boating significantly lower natural scenic beauty near the area or lake-wide? Consider compatibility--the relationship between the structure, it's associated activity and the other adjacent land/water uses. Is this activity appropriate for this setting? Consider the Impact of additional structures on the natural beauty of areas that have already experienced some degree of development.

Cumulative/lake-wide impacts--Cumulative impacts of increased power boating can result in lake-wide changes. These criteria can be used to assess the significance of the structure (and associated activity) to cumulative lake impact. Water chemistry, lake morphometry, and lake size (or areas of lakes) are sufficient evidence for potential lake-wide impacts and may justify the need for a permit application. A "Yes" answer to the asterisked questions will require permit application. "Yes" to any of the other questions may necessitate a permit application.

What is the depth and size of the waterbody? Is the waterbody <1,000 acres and at least 80% of its surface area less than 10 feet deep (or mean depth of the lake ≤ 12 ft.)? * Impacts of motor boats are most prevalent in small shallow lakes, or shallow areas of deep lakes.

What are the water chemistry and sediment conditions? Boats have the potential to stimulate algal growth in lakes with soft-water and easily suspended sediments. Decreased water clarity can negatively impact lakes in many ways. Aside from the decreased enjoyment by lake users, reduced water clarity can limit the light available to submersed aquatic plants and upset the food web dynamics in lakes by affecting behavior or reproductive success of invertebrates, fish, and waterfowl. Numerous studies have documented increased turbidity or suspended solids directly related to motorboat activity. Impacts of motor boats will be greatest on small, shallow lakes with soft-water sediments (high clay, low calcium).

What is the nutrient condition of the waterbody? Consider the nutrient gradient, particularly for shallow lakes. The nutrient gradient represents a continuum of nutrient input rates. The possibility of rapid transition between alternative states of habitat (macrophyte- or phytoplankton dominance) occurs through the middle of the gradient. At low nutrient input rates, levels are not sufficient to support extensive macrophyte growth. At high nutrient input rates, extreme algal turbidity prevents development of submersed macrophytes. Submersed macrophytes attain their greatest importance through the middle of the nutrient loading gradient. Over time, water quality may suffer as sediment disturbance and plant bed destruction increase nutrient inputs to the lake and fuel algal growth. At sufficient levels, lake-wide impacts can occur; a shallow lake can abruptly shift from macrophyte dominance to algae dominance. Shallow lakes with moderate-high nutrient conditions are most vulnerable to lake-wide habitat changes (alternative stable states).

Determining Interference of Rights of Other Riparians

A "No" answer will result in request for a permit application.

Are the structures located in front of the "applicant's" riparian zone of influence?*

Specific objections from neighbors that detail how the ski jump/performance platform, and associated uses interfere (ie. hours of operation, etc.) with other riparians may also necessitate a permit application.

Related Guidance:

Piers Utilized for Water Ski Shows-4/4/95
Handbook CH. 70-26, Water Ski Jumps

Drafted by: Paul Cunningham, FH/4
Mary Ellen Vollbrecht, FH/6

Reviewed by: Mike Cain, LC/5

Section 1139zm. 30.135 of the statutes is created to read:

30.135 Regulation of water ski platforms and jumps. (1) **WHEN PERMIT REQUIRED.** (a) A riparian proprietor may place a water ski platform or water ski jump in a navigable waterway without obtaining a permit if all of the following requirements are met:

1. The platform or jump does not interfere with public rights in navigable waters.
2. The platform or jump does not interfere with rights of other riparian proprietors.
3. The platform or jump is located at a site that ensures adequate water depth and clearance for safe water skiing.

(b) If the department determines that any of the requirements under par. (a) are not met, the riparian owner shall submit a permit application to the department.

(2) **NOTICE AND HEARING PROCEDURE.** (a) Upon receipt of a complete permit application, the department shall either order a hearing or provide notice stating that it will proceed on the application without a hearing unless a substantive written objection to issuance of the permit is received within 30 days after publication of the notice. The department shall provide a copy of the notice to the applicant for the permit, the clerk of each municipality in which the water ski platform or water ski jump is to be located and to any other person required by law to receive notice. The department may provide notice to other persons as it considers appropriate. The applicant shall publish the notice as a class 1 notice under ch. 985 in a newspaper designated by the department that is likely to give notice in the area affected. The applicant shall file proof of publication with the department.

(b) If the department receives no substantive written objection to the permit and proceeds on the permit application without a hearing, the department shall approve or disapprove the permit within 5 days after the date that the 30-day period under par. (a) expires.

(c) If the department orders a hearing on the permit application, the hearing shall be scheduled within 30 days after the date on which the department orders the hearing. The division of hearings and appeals shall mail copies of the written notice of the hearing at least 10 days before the hearing to each person provided the notice under par. (a). The division of hearings and appeals shall mail the copies at least 10 days before the hearing except that it shall mail the copy to the applicant for the permit at least 20 days before the hearing. The applicant shall publish the notice as a class 1 notice under ch. 985 in a newspaper designated by the department that is likely to give notice in the area affected. The applicant shall file proof of the publication with the

hearing examiner at or prior to the hearing.

(3) **RULES.** (a) The department shall promulgate a rule listing specific reasons that will support a substantive written objection to the placement of a water ski platform or water ski jump.

(b) The department shall promulgate rules specifying the information that shall be disclosed in an notice under sub. (2) (a). The disclosed information shall include all of the following:

1. A statement explaining what constitutes a substantive written objection and the list of specific reasons that support a substantive written objection that is promulgated under par. (a).

2. The fact that the department may decide to proceed on the application without a hearing.

3. The fact that a decision to proceed on an application without a hearing under subd. 2. is subject to review under ch. 227.

(4) **EXEMPTION.** Section 30.02 does not apply to permit applications submitted under this section.



State of Wisconsin \ DEPARTMENT OF HEALTH AND SOCIAL SERVICES

December 3, 1991

DIVISION OF HEALTH
MAIL ADDRESS:
1 WEST WILSON STREET
P.O. BOX 309
MADISON, WI 53701-0309

Sheila Barr
Otter Creek Inn
2536 Hillcrest Parkway
ALTOONA WI 54720

Non-Approval Letter

Dear Ms. Barr:

The Department of Health and Social Services has reviewed plans and/or specifications received on December 2, 1991 for the licensure of the existing swimming pool at Otter Creek Inn.

Additional information regarding the following code related items must be provided in the form of revised plans and/or specifications **in triplicate**:

HSS 171.04 - Plans must have the seal of a Wisconsin Registered Architect or Engineer. They must be submitted in triplicate and must be accompanied by DOH 7210, Application for Plan Review. A check for \$225.00 (fees for a skimmer pool) must accompany the submittal.

Based on the drawing submitted, the following items need additional information or will need to be altered for plan approval and before the permit to operate is released:

Please supply the date the pool was built, we will try to review the pool with the code in effect at the time of construction.

HSS 171.06 - Show the potable water supply and its backflow prevention.

HSS 171.08 - The slope of the bottom does not conform to the requirements in the code. A diving hopper configuration must comply to the measurements shown on Table 17.08 and Figure 1. Provide a better idea of the slope of the bottom in the shallow end.

HSS 171.08 - Provide a safety rope at the breakpoint between the shallow and the deep portions of the pool.

HSS 171.08 - Show more detail of the vertical wall/floor juncture with any radius, if provided.

HSS 171.08 - Two handrails on each side of the steps shall be provided.

HSS 171.08 - Depth markings shall be provided on the pool deck and pool wall as required in the code.

HSS 171.09 - Show the deck surface and slope for drainage. The required deck area (6 feet), may not be overhung by trees. There must be at least the required deck area plus 5 feet of additional deck between the pool and any landscaping, if the landscaping is inside the pool enclosure. Enclosed is the policy on landscaping. This is more lenient than in the past.

HSS 171.10 - Show the required pool enclosure. A security-type 5 foot fence with a self-closing gate shall be provided.

HSS 171.11 - The skimmers must be NSF approved. Provide a model number and an equalizer line and the proper equalizer line valve and float valve to meet NSF approval.

✓ HSS 171.11 - The pump and filters must be large enough to provide a maximum 6 hour turnover. The pump curve and the reading off the flowmeter indicate that the recirculation rate is slightly low. The filter is too small for a 65 gpm or higher turnover rate. Provide an NSF approved filter.

HSS 171.11 - Show where the backwash is disposed of.

✓ HSS 171.11 - The inlets are inadequate for this size pool. A minimum of 8 are required. These are spaced no more than 15 feet apart around the pool. One must be provided within 5 feet of each corner.

HSS 171.12 - Equipment for continuous disinfection of the pool water shall be provided.

HSS 171.16 - A waiver request must be submitted for the toilet room requirements. A form is enclosed.

We may have some flexibility on some items, but much of what is mentioned must be corrected or information provided to determine compliance. Enclosed are copies of our construction and operations code (HSS 171 & 172), a pool plan application form, a waiver form, and a toilet/shower facility waiver form.

If you have questions or comments concerning the above items, you may contact Charles Boettcher, Division of Health, P. O. Box 309, Madison, WI 53701-0309, phone no. 608-266-9443.

Sincerely,



Elmo K. Smyth, R.S., Interim Supervisor
Environmental Sanitation Unit
Bureau of Public Health

bah

Enclosures

cc: ✓ Gary Johnson - Eau Claire City-County Health Department
Charles A. Boettcher, Environmental Sanitation Unit

Tommy G. Thompson
Governor

Linda Stewart
Secretary



State of Wisconsin

Department of Workforce Development

OFFICE OF THE SECRETARY
201 East Washington Avenue
P.O. Box 7946
Madison, WI 53707-7946
Telephone: (608) 266-9427
Fax: (608) 266-1784
<http://www.dwd.state.wi.us/>

June 3, 1998

The Honorable Robert Welch
State Senator
Co-Chair, Joint Committee for
Review of Administrative Rules
1 East Main Street, Room 201
Madison WI 53702

The Honorable Glenn Grothman
State Representative
Co-Chair, Joint Committee for
Review of Administrative Rules
125 West, State Capitol
Madison WI 53702

Re: Emergency rule affecting DWD 290.15 and 290.155, Wis.
Adm. Code, relating to threshold costs for the application
of prevailing wage rates to public works projects
(Permanent Rule - CR 98-032)

Dear Senator Welch and Representative Grothman:

I am writing to request a 60 day extension of this emergency rule, which became effective on February 13, 1998. Without an extension, the emergency rule will expire on July 12, 1998.

The purpose of this rule is to adjust the threshold limits for the application of prevailing wage rates to public works projects, in accordance with the increases in construction costs. A public hearing on the permanent rule was held on March 27, 1998. The rule was submitted for legislative review on May 18, 1998.

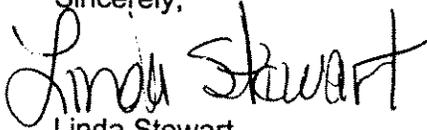
If the emergency rule is not extended, the old limits will again become effective until the conclusion of the regular rulemaking process. The practical effect of this would be that, for several months, a single-trade project costing more than \$30,000 but less than \$32,000, or a multi-trade project costing more than \$150,000 but less than \$160,000, would not be exempt from the requirement to get a prevailing wage rate determination. A public works project begun in this cost range, while the emergency rule has lapsed, would need to comply with the old thresholds in Wisconsin's prevailing wage laws, even though increased national construction costs indicate that a higher threshold is appropriate. There was only one appearance at the public hearing (for information) and DWD has not made any substantive changes to the text of the proposed rule.



Senator Welch and Representative Grothman
Page 2

Thank you for your consideration of this request. Please contact Katie Mnuk, DWD's Legislative Liaison, at 267-3200 if you have any questions concerning this rule extension.

Sincerely,

A handwritten signature in black ink that reads "Linda Stewart". The signature is written in a cursive, flowing style.

Linda Stewart
Secretary



Public Service Commission of Wisconsin

Joseph P. Mettner, Chairman

610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

The Honorable Glenn Grothman, Cochair
Joint Committee for Review of Administrative Rules
The State Assembly
State Capitol, Room 125 West
P.O. Box 8952
Madison, WI 53708-8952

The Honorable Robert Welch, Cochair
Joint Committee for Review of Administrative Rules
The State Senate
1 East Main, Room 201
P.O. Box 7882
Madison, WI 53707-7882

ROUTE TO:

BOB _____ BF _____

LW _____ ML _____

FILE _____ TOSS _____

RETURN _____

Re: Rules to Establish an Educational Telecommunications Access Program (Per TEACH WI)

1-AC-169

Request to Extend the Effective Date of Emergency TEACH Rules

Dear Representative Grothman and Senator Welch:

The Public Service Commission of Wisconsin (Commission) requests that the current emergency rules establishing the Educational Telecommunications Access Program, as part of the Technology for Educational Achievement in Wisconsin (TEACH WI) be extended for 60 days.

Part of the establishment of TEACH WI included the establishment of a program to support improved technology for educational institutions and public libraries. The Commission was mandated by § 9141 of 1997 Act 27 to promulgate rules for this program and to do so on an emergency basis. That same section of Act 27, exempted the Commission from the finding of emergency required by § 227.24, Stats. The Commission adopted the emergency rules (modifying certain parts of ch. PSC 160, Wis. Admin. Code, and creating ch. PSC 161, Wis. Admin. Code) on February 24, 1998. On that same date, the Commission approved a scoping statement as required by §227.135, Stats., with respect to the proposal of the Commission to commence a rule making proceeding, under the usual ch. 227, Stats., rule making procedures, to promulgate permanent rules as mandated by § 196.218(4r)(b), Stats.

The emergency rules were effective on February 27, 1998. They will expire on July 26, 1998 without further action.

The Honorable Glenn Grothman
The Honorable Robert Welch
Docket 1-AC-169
Page 2

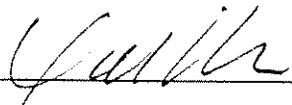
When the Commission adopted the required emergency rules, it also began the process to promulgate permanent rules on the Educational Telecommunications Access Program. A notice of investigation and hearing and proposed order creating permanent rules was approved on March 26, 1998, and was issued on March 27, 1998. On April 23, 1998, the Commission received a report on the proposed rules from the Legislative Rules Clearinghouse. A public hearing on the emergency rules and the proposed permanent rules was held on May 5, 1998. Comments in writing were accepted until May 15, 1998. Commission staff is reviewing and preparing recommendations for the Commission in response to the Rules Clearinghouse recommendations and questions and to the comments filed in the proceeding. Staff is also consulting with the Department of Administration and the TEACH Board, as required by the § 196.218(4r)(b), Stats., on potential modifications to the proposed permanent rules. A further draft of the permanent rules will be released, we expect, in early July.

It is not possible for the permanent rules to be in effect before the emergency rules expire. To avoid a gap in the administration of this program, the Commission respectfully requests that the Joint Committee for Review of Administrative Rules extend the effective period for the emergency rules in §§ PSC 160.05, 160.11(6), and 160.17, and ch. PSC 161, Wis. Admin. Code, for 60 days, to September 24, 1998.

If there are questions on this matter, please contact Mary Stevens, Legal Counsel, Telecommunications Division, at 266-1125.

Dated at Madison, Wisconsin, June 16, 1998

By the Commission:

 For LLD

Lynda L. Dorr
Secretary to the Commission

LLD:GAE:lep:reb:g:\letter orders\pending\teach extension letter order 6-98

cc: Records Management/File
Records Management/Orders
Mark Bugher, Secretary, Department of Administration
Doris Hanson, Executive Director, TEACH WI
Gary Poulson, Deputy Revisor of Statutes

See attached Notice of Appeal Rights.

Notice of Appeal Rights

Notice is hereby given that a person aggrieved by the foregoing decision has the right to file a petition for judicial review as provided in s. 227.53, Stats. The petition must be filed within 30 days after the date of mailing of this decision. That date is shown on the first page. If there is no date on the first page, the date of mailing is shown immediately above the signature line. The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

Notice is further given that, if the foregoing decision is an order following a proceeding which is a contested case as defined in s. 227.01(3), Stats., a person aggrieved by the order has the further right to file one petition for rehearing as provided in s. 227.49, Stats. The petition must be filed within 20 days of the date of mailing of this decision.

If this decision is an order after rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not an option.

This general notice is for the purpose of ensuring compliance with s. 227.48(2), Stats., and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.