

1983 Assembly Bill 844

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1983 Wisconsin Act 421

AN ACT to create 30.204 of the statutes, relating to authorizing a lake acidification experiment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Legislative findings. The legislature finds that:

(1) Wisconsin has over 14,000 lakes which constitute a valuable natural resource of the state and for which the state has special responsibilities under the public trust doctrine.

(2) More than one-half of the lakes are located in the northern one-third of the state and the majority of these lakes are classified as acid sensitive.

(3) Of the lakes in northern Wisconsin, 30% are considered susceptible to increasing acidity due to a phenomenon commonly referred to as acid rain.

(4) The lakes in northern Wisconsin are situated in a unique geologic and hydrologic setting which warrants specialized research.

(5) While some research has been conducted concerning the impact of acid rain by studying how aquatic ecologic systems differ in relation to existing levels of acidity in various lakes, there is a need for experimental research under controlled conditions in order to determine the precise levels of acidity which produce specific responses or changes in a lake's aquatic life such as responses or changes in fish, phytoplankton, zooplankton, benthic invertebrates and macrophytes.

(6) Experimental research on lake acidification under controlled conditions where one part of a lake is gradually acidified with acids similar to but stronger than those currently found in precipitation would enable scientists to determine the levels of acidity which produce responses or changes in aquatic life, to detect subtle changes in the lake's ecology associated with increasing acidification, to establish a list of symptoms associated with lake acidification, to forecast changes and responses which are likely to occur at slower rates in other lakes and to plan possible treatments or responses to lake acidification.

(7) Information gathered from a controlled lake acidification experiment on a lake classified as highly susceptible to increasing acidity due to acid rain could be directly applied to similar lakes and also would benefit other lakes. This information will assist

the state in protecting the navigable waters for the benefit of the people, in managing fish and other wildlife resources, in providing for better recreational and commercial opportunities and in controlling or mitigating the damage to the environment caused by acid rain.

(8) It is in the public interest to determine at what levels of acidity detrimental effects are detected in lakes.

(9) In order to preserve for the benefit of the people forever the enjoyment of the navigable waters, it is necessary to restrict access to and navigation on a specific lake for a limited period of time for the purpose of conducting a controlled acid lake experiment in order to obtain information of benefit to a great number of lakes for a long period of time.

(10) While a controlled acid lake experiment will have an adverse impact on the lake where the experiment is conducted, this impact can be minimized and mitigated by careful selection of the lake, by rigorous control and supervision of the experiment and by restoring to the fullest extent possible given available technology the acidity of the lake at its original level and reestablish aquatic life at the conclusion of the experiment.

(11) While a controlled acid lake experiment will have an adverse impact on the lake where the experiment is conducted, this adverse impact is outweighed by the positive impact that information and benefits derived from this experiment will have on a great number of lakes for a long period of time.

(12) Little Rock lake in the town of Arbor Vitae, Vilas county, is particularly suitable for acidification experiments because of the following characteristics:

(a) It consists of 2 lobes separated by a narrows, making it amenable to separation and controlled, partial acidification.

(b) It is particularly sensitive to acidification, having a natural alkalinity level of zero.

(c) The soil beneath and surrounding the lake is glacial till, which has acid-neutralizing capacity and minimizes the possibility of groundwater contamination.

(d) The land surrounding the lake is state-owned, with no intensive development and minimal public use.

SECTION 2. 30.204 of the statutes is created to read:

30.204 Lake acidification experiment. (1) **AUTHORIZATION.** Between the effective date of this act and January 1, 1992, the department is authorized to conduct a lake acidification experiment on the lake specified under sub. (2).

(2) **LAKE SELECTION.** The department shall select Little Rock lake in the town of Arbor Vitae, Vilas county, township 41 north, range 6 east, for the lake acidification experiment.

(3) **EXPERIMENT.** In conducting the lake acidification experiment, the department shall deny access to and prohibit navigation on the lake by posted notice, may place a barrier or dyke across the lake, may place chemicals or other substances in the lake and may take other actions necessary for the experiment.

(4) **RESTORATION.** Prior to artificially acidifying the lake, the department shall establish an escrow account containing sufficient funds to restore the lake as provided under this subsection or to restore the lake in case of an unanticipated event which necessitates the restoration prior to completion of the experiment. At the conclusion of the lake acidification experiment, the department shall restore the lake's original acid level and reestablish aquatic life to the fullest extent possible given available technology.

(5) **EXEMPTION FROM CERTAIN STATUTES AND RULES.** Activities of the department in conducting the lake acidification experiment are exempt from any prohibition, restriction, requirement, permit, license, approval, authorization, fee, notice, hearing, procedure or penalty specified under ss. 29.29 (3), 30.01 to 30.03, 30.06 to 30.16, 30.18 to

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30.29, 30.50 to 30.99, 59.971, 87.30, 144.01 to 144.27, 144.43 to 144.79 or 144.952 to 144.99 or ch. 147 or specified in any rule promulgated, order issued or ordinance adopted under any of those sections or that chapter.

(6) COMPLIANCE WITH ENVIRONMENTAL IMPACT STATUTE. The department shall comply with the requirements under s. 1.11 in conducting the experiment authorized by this section. The department shall initiate compliance by preparing and reviewing, under the procedures it has established under s. 1.11, an environmental assessment for this experiment.
