

2005 ASSEMBLY BILL 923

January 17, 2006 – Introduced by Representative ALBERS. Referred to Committee on Natural Resources.

1 **AN ACT to renumber 167.26 (1); to amend 167.26 (1m), 167.26 (2) and 167.26**
2 **(3); and to create 167.26 (1b) and 167.26 (2m) of the statutes; relating to:**
3 **warning methods for ice holes in lakes and granting rule-making authority.**

Analysis by the Legislative Reference Bureau

Under current law, a person who creates an ice hole in a lake by aeration of water must either place around the hole a fence made either of fence board or of plastic roll fencing or a barricade consisting of uprights and a continuous rope or similar material.

This bill allows public inland lake protection and rehabilitation districts (lake districts) and certain nonprofit membership corporations organized in the state that create ice holes in lakes by aerating water to use warning methods other than the ones described above if they comply with rules and requirements established by the Department of Natural Resources (DNR). These alternative warning methods are allowed only if an ice hole is being created for the water quality project that has been approved by DNR. Water quality projects may include projects that improve fish habitats or that reduce detrimental aquatic plants. The lake district or organization creating the ice hole must give public notice to the area most likely to be affected by the placement of the ice hole. The methods established by DNR rule for giving such notice include public notices in newspapers or on television or radio, notices posted at access sites on the lake, and notices mailed to each lake district property owner or to each member of the corporation creating the ice hole. DNR specifies one or more methods of notice that must be given for each ice hole created.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 167.26 (1) of the statutes is renumbered 167.26 (1g).

2 **SECTION 2.** 167.26 (1b) of the statutes is created to read:

3 167.26 **(1b)** In this section:

4 (a) Nonprofit membership corporation” means a corporation as described in s.
5 779.70 (1).

6 (b) Water quality project” means a project that improves water quality,
7 including a project that improves fish habitat or the quality of water in a fish
8 hatchery, or that reduces the presence of detrimental aquatic plants.

9 **SECTION 3.** 167.26 (1m) of the statutes is amended to read:

10 167.26 **(1m)** Instead of the requirements under sub. (1) (1g), any person who
11 removes ice or causes its removal from Lake Butte des Morts, Lake Poygan, Lake
12 Winnebago or Lake Winneconne for the spearing of sturgeon may mark the opening
13 made by the removal without using fencing if the person uses at least 2 strips of wood
14 that protrude at least 3 feet above the surface of the ice. The strips of wood may not
15 exceed approximately 1.5 inches in width and approximately 0.25 inch in thickness.

16 **SECTION 4.** 167.26 (2) of the statutes is amended to read:

17 167.26 **(2)** Any Instead of the requirements under sub. (1g), any person
18 creating ice holes by aeration of water may, ~~in lieu of the requirements of sub. (1),~~
19 erect and maintain a barricade around such holes consisting of uprights spaced every
20 25 feet or less, connected by a continuous rope, cord or similar material placed 3 1/2
21 feet off the surface of the ice. The connecting rope, cord or similar material shall have

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1 reflectorized ribbon or tape or other reflectorized devices attached to it, so as to be
2 highly visible, and shall be of sufficient strength to permit retrieval of the barricade
3 following melting of the ice. Any person erecting such barricade shall remove the
4 barricade and all parts thereof from the ice or water immediately after the ice has
5 melted.

6 **SECTION 5.** 167.26 (2m) of the statutes is created to read:

7 167.26 **(2m)** (a) Instead of the requirements under subs. (1g) and (2), any public
8 inland lake protection and rehabilitation district or any nonprofit membership
9 corporation that is creating an ice hole by aeration of water on a lake for purposes
10 of a water quality project that has been approved by the department of natural
11 resources may use alternative warning methods that comply with the rules
12 promulgated under pars. (b) and (c).

13 (b) The department of natural resources shall promulgate rules specifying the
14 types of warning methods that may be used under par. (a). The warning methods
15 shall allow for the use of high visibility methods and structures or items that are
16 easily recovered after the ice has melted.

17 (c) The department of natural resources shall promulgate rules specifying the
18 methods of notice that a public inland lake protection and rehabilitation district or
19 any nonprofit membership corporation may use to warn the public as to the location
20 of an ice hole on a given lake. The methods of notice shall include the following:

21 1. Publishing one or more notices describing the location of the ice hole in the
22 newspaper most likely to give notice to the area to be affected by the creation of the
23 ice hole.

24 2. Broadcasting public service announcements on local television or radio in the
25 area most likely to be affected by the creation of the ice hole.

