

State of Wisconsin


LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 03/06/2006 (Per: MGG)





Appendix A

 The 2005 drafting file for LRB 05s0487/1

has been copied/added to the 2005 drafting file for

LRB 05s0551 (ASA1-AB923)

 The attached 2005 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

 This cover sheet was added to rear of the original 2005 drafting file. The drafting file was then returned, intact, to its folder and filed.

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB923)

Received: **01/25/2006**

Received By: **mglass**

Wanted: **Soon**

Identical to LRB:

For: **Sheryl Albers (608) 266-8531**

By/Representing: **Joyce**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Albers@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Barriers for ice holes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	mglass 01/30/2006	wjackson 01/30/2006	chaugen 01/31/2006	_____	mbarman 01/31/2006	mbarman 01/31/2006	

FE Sent For:

<END>

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB932)

Received: 01/25/2006

Received By: mglass

Wanted: Soon

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing: Joyce

This file may be shown to any legislator: NO

Drafter: mglass

May Contact:

Addl. Drafters:

Subject: Nat. Res. - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Albers@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Barriers for ice holes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	mglass	1/11/30	ch 1-31	ch 1-31 5P			

FE Sent For:

<END>

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB932)

Received: 01/25/2006

Received By: mglass

Wanted: Soon

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing: Joyce

This file may be shown to any legislator: NO

Drafter: mglass

May Contact:

Addl. Drafters:

Subject: Nat. Res. - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Albers@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Barriers for ice holes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass	1 wj 1/30	ch 1-31	ch 1-31			

FE Sent For:

<END>

Gibson-Glass, Mary

From: Waldrop, Joyce
Sent: Friday, January 20, 2006 10:40 AM
To: Gibson-Glass, Mary
Cc: Murray, John
Subject: Request for amendment to AB 923

Attachments: Aerator Bill 2005 cover letter.doc; Aerator Bill 2005.doc; Amendment to Aerator draft 060119.doc

Mary,

Representative Albers asked me to forward these three document so that you can prepare an amendment to AB 923.



Aerator Bill 2005
cover letter...



Aerator Bill
2005.doc (34 KB)



Amendment to
Aerator draft 060...

Joyce Waldrop
Chief of Staff/Committee Clerk
jwaldrop@legis.state.wi.us

Representative Sheryl Albers
50th Assembly District
Property Rights and Land Management
15 North State Capitol
PO Box 8952
Madison, WI 53708
Ph. 608/266-8531
Fax 608/282-3650

January 19, 2006

Representative Sheryl Albers
50th Assembly District
Property Rights and Land Management
15 North State Capitol
PO Box 8952
Madison, WI 53708

This paper to be used with Aerator Bill Revisions [Draft dated 01/19/2006]

Dear Sheryl,

Joyce Waldrop sent me a copy of the Aerator Bill earlier this week for comment. I have spoken with Marilyn Thiede and our aquatic biologist, Bob Langjahr, about the Bill and have made several proposed revisions, which are in the other attachment.

I will discuss the methods of public warning towards the end and I've listed two requirements. This would make the warning similar to current law with the addition of notifying lakefront owners since they may go directly from their own land to the lake and may never see the public access signs. Right now under section 167.26 (1) and 167.26 (2) the only notification required is the fencing materials that are put on the lake. There is no requirement to make a radio public service announcement or place a notice in the newspaper.

I must note that lakes that do not have aerators have no requirement to be posted, roped or otherwise barricaded. Likewise, lakes that have underground springs, causing thin ice above, also have no posting requirements. Even at Lake Virginia, if we were to turn our aerators off today, the barricading requirements of this statute would no longer apply since we would no longer be aerated.

Comments:

PAGE 1

Most of the page is self-explanatory but just a few items to note.

In paragraph 1 there is discussion of "rule making authority". This carries somewhat throughout the document as to regulations the DNR is to enact. Wherever there is reference to this I have tried to eliminate it and I will attempt to explain why. The current statute has rules that appear to have been made by the legislature and enforced by the DNR. To give the DNR authority to create detailed regulations based upon the legislation presented I believe would be a mistake due to the possibility of regulation overkill. To be useful, the new law must be simple and easy to follow and somewhat flexible due to different circumstances on different lakes.

Towards the lower middle of the page I underlined the word "statute". I'm not sure if I am using that correctly or if the word should be "Section".

Reference is made to "detrimental aquatic plants". I have replaced this terminology with that specified by our aquatic biologist that he believes is more appropriate and descriptive.

PAGE 2

The definition of a "Water quality project". I have added words that indicate that it is not limited only to the examples shown so that there may be future flexibility for unforeseen projects. I have also removed verbiage about "fish hatchery" as that falls into the category of "fish habitat" that is already stated and it appears redundant. Along with this the change is again made to "detrimental aquatic plants" as was done on page 1.

In section 4 I have attempted to add some flexibility to an extremely inflexible and generally unworkable rule. I have eliminated the 25-foot spacing, as this serves no useful purpose. The barricade is the rope and its visibility indicators and not the upright. As long as there are enough uprights to hold the rope in position between 2 1/2 and 4 1/2 feet, that should be what is important. I've also added flexibility to the rope height as it is not possible to maintain such an exacting standard that the 3 1/2 foot rule requires. In addition, I've eliminated the word "of the ice" as some ice holes may be very near the shoreline and it only makes sense to place the barricade rope over the surface of the shoreline rather than over the ice since, in this example, the ice hole may go all the way to the shoreline. It may also be possible to encompass the entire ice hole with a land-based barricade so it should be allowed.

PAGE 3

Near the top, I've added the word's "florescent" to allow for the use of that type of tape and ribbon that is so commonly used by surveyors and other construction personnel. This type of tape is usually a brilliant pink, orange or yellow and is highly visible.

Further down I removed "from the ice or water" as it is unnecessary and somewhat nonsensical as it is not possible to remove something from the ice after it has melted because, at that instant, it is no longer ice.

The remainder of this page is generally self-explanatory but the discussion of the crossed out items is deferred to page 4.

PAGE 4

The original Bill you sent to me this week contained four methods of public notice, which included: 1. Publish in the newspaper, 2. Broadcast public service announcement, 3. Post at the lake public access and 4. Mail written notices to all homeowners.

Items 1 and 2 you then leave to the DNR to regulate how often to do these items. This would be a mistake as it is easy to for them to tell me to do something when it costs them nothing. It is quite another thing for me to have to pay for it. I don't want this to be a case where the cure is worse than the disease. Each and every one of the four items shown has an expense associated with it. Items 1, 2 and 4 are recurring yearly while item 3 would be essentially a one time cost plus the yearly labor to install and insure compliance.

It seems to me that the entire purpose here is to have some sort of warning about open ice holes. Your items 3 and 4 best meet the need and, therefore, I've incorporated these into my revision, with modifications, as items 1 and 2. Simply stated, if the general public or offshore residents are not at the lake they can't fall into the hole. If they are at the lake they have to go through dedicated public access space to get on to the lake. Shoreline landowners can go directly to the lake from their property and may never see the public access warning signs. To me these two items cover the need just as well, if not better, than the current rules.

Your item 1 [Newspapers]. **Eliminate entirely.** However, if this is absolutely not possible then I would ask that it be restricted as follows:
(Publishing a notice in the newspaper most likely to give notice to the area to be affected by the creation of the ice holes. Such notice shall describe the area of the ice holes and be published once during the first two weeks of each month from December through March.)

Your item 2 [Radio/TV public service announcement] **Eliminate entirely.** This, I believe, is simply a wasted effort.

I hope that I've been able to provide useful input. Please contact me if you have any questions or concerns. I look forward to seeing this Bill enacted.

Sincerely

Jeff Fray
E7866 Virginia Street
Reedsburg, WI 53959

608-524-0414
jfray@merr.com

Revisions proposed by Jeff Fray 01/19/2006

2005 - 2006 LEGISLATURE

Page1

LRB-3565/3

2005 BILL

AN ACT to renumber 167.26 (1); to amend 167.26 (1m), 167.26 (2) and 167.26 (3); and to create 167.26 (1b) and 167.26 (2m) of the statutes; relating to: 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. These methods are generally adequate for small size areas with only a few aerators but it has become impracticable and potentially dangerous for lakes with many widely spaced aerators. Due to multiple freeze-thaw cycles and varying weather conditions persons needing to set and reset the barricades over the course of a winter are faced with dangerous ice conditions and the public may feel a false sense of security believing that only the area inside of the barricade is unsafe when, in fact, the entire surface of the lake may be unstable.

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) statute.~~ 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, or that reduce or prevent bluegreen algae and/or the release of anoxic gasses or nutrients.~~ 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.~~ The methods established for giving such notice include notices posted along the public access lake shoreline areas and providing written notice to each owner of shoreline property within the public inland lake protection and rehabilitation district or nonprofit membership corporation that is creating the ice hole.

Revisions proposed by Jeff Fray 01/19/2006

2005 - 2006 Legislature
Page2
LRB-3565/3

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:

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

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

167.26 (1b) In this section:

(a) Nonprofit membership corporation" means a corporation as described in s. 779.70 (1).

(b) Water quality project" means a project that improves water quality, including a project that improves fish habitat ~~or the quality of water in a fish hatchery,~~ or that reduces the presence of ~~detrimental aquatic plants~~ or prevents bluegreen algae and/or the release of anoxic gasses or nutrients.

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

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

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

167.26 (2) ~~Any~~ Instead of the requirements under sub. (1g), any person creating ice holes by aeration of water may, ~~in lieu of the requirements of sub. (1),~~ erect and maintain a barricade around such holes consisting of uprights, spaced ~~every 25 feet or less,~~ adequately and connected by a continuous rope, cord or similar material placed ~~3 1/2~~ between 2 1/2 and 4 1/2 feet off the surface ~~of the ice.~~ The connecting rope, cord or similar material shall have

reflectorized or fluorescent ribbon or tape or other reflectorized or fluorescent devices attached to it, so as to be

highly visible, and shall be of sufficient strength to permit retrieval of the barricade following melting of the ice. Any person erecting such barricade shall remove the barricade and all parts thereof ~~from the ice or water~~ immediately after the ice has melted.

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

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

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

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

- ~~1. Publishing one or more notices describing the location of the ice hole in the newspaper most likely to give notice to the area to be affected by the creation of the ice hole.~~
- ~~2. Broadcasting public service announcements on local television or radio in the area most likely to be affected by the creation of the ice hole.~~

BILL SECTION 5

~~3. Posting notices at public access sites on the lake for which the ice hole is created.~~

~~4. Mailing written notices to each owner of property within the public inland lake protection and rehabilitation district or to each member of the nonprofit membership corporation that is creating the ice hole.~~

~~(d) The rules shall require that the notices described under par. (b) 1. and 2. be published or broadcasted periodically throughout the time when the lake is icebound.~~

~~(e) For each ice hole created under this subsection, the department of natural resources shall specify one or more of the methods of notice promulgated under par. (c) that the public inland lake protection and rehabilitation district or nonprofit membership corporation must use in order to provide effective warnings.~~

(b) The method of public warning shall include:

1. Posting a highly visible notice within the area[s] of dedicated public access shoreline. Notice shall be placed within 20 feet of the water and at intervals of not more than 120 feet. Lettering of the notice is to be of such size as to be readable from 60 feet. The notice must indicate "DANGER - OPEN WATER", "WARNING - ICE HOLES", "DANGER - THIN ICE" or statements similar in nature. Notices shall be in place not later than December 15.

2. Provide written notice to each owner of shoreline property within the public inland lake protection and rehabilitation district or nonprofit membership corporation that is creating the ice hole, not later than December 15.

SECTION 6. 167.26 (3) of the statutes is amended to read:

~~167.26 (3) Persons barricading or marking ice holes in the manner specified in this section shall not be liable for damages suffered by persons who enter the any injury to or death of any person or damage to any property that results from creating an ice hole that is barricaded or marked area in a manner authorized under this section.~~

167.26 (3) Persons barricading, marking or noticing ice holes in the manner specified in this statute shall not be liable for any injury to or death of any person or damage to any property that results from creating ice holes.

(END)

Wps: FIX request sheet pls

2005 - 2006 LEGISLATURE

A SA
to

Tues
am

50487/1 RMR
LRB-35008
MGG
stays + WJ

2005 ASSEMBLY BILL 923

D. K. Kite
Cleaning
request sheet.

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

Region

- 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.

ASSEMBLY BILL 923

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

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 ^{ice holes} an ice hole ^{for a lake} 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~~ ^{may use alternative}
 12 ~~requirements promulgated under parts (b) and (c)~~ ^{warning methods that comply with the rules}

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.

ASSEMBLY BILL 923

SECTION 5

1 3. Posting notices at public access sites on the lake for which the ice hole is
2 created.

3 4. ^{Providing} ~~Mailing~~ written notices to each owner of ^{property} ~~property~~ within the public inland
4 lake protection and rehabilitation district or to each member of the nonprofit
5 membership corporation that is creating the ice hole.

6 (d) The rules shall require that the notices described under par. (b) 1. and 2.
7 be published or broadcasted periodically throughout the time when the lake is
8 icebound.

9 (e) For each ice hole created under this subsection, the department of natural
10 resources shall specify one or more of the methods of notice promulgated under par.

11 (c) that the public inland lake protection and rehabilitation district or nonprofit
12 membership corporation must use in order to provide effective warnings.

13 SECTION 6. 167.26 (3) of the statutes is amended to read:

14 167.26 (3) Persons barricading or marking ice holes in the manner specified in
15 this section shall not be liable for ~~damages suffered by persons who enter the any~~
16 injury to or death of any person or damage to any property that results from creating
17 an ice hole that is barricaded or marked area in a manner authorized under this
18 section.

19 (END)

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0487?ins
MGG:.....

LPS:
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1. Posting highly visible notices at each shoreline area ~~along lake~~ through which the public has access to the lake.

2. Providing a written notice ^{to} of each owner of riparian property on the lake.

(b) The notices placed by a public inland lake protection and rehabilitation district or a nonprofit membership corporation under par. (a) ¹ shall meet all of the following requirements:

1. The notices shall be placed within 20 feet of the water's edge and spaced at intervals of not more than 120 feet along the shoreline.

2. The lettering on the notices shall be of such size as to be easily readable by the public at a distance of ~~sixty~~ ⁶⁰ feet.

3. The notices shall contain the wording "DANGER-OPEN WATER" ^{EM} "WARNING-ICE HOLES" ^{EM} or "DANGER-THIN ICE" ^{EM} or wording of a similar nature.

4. The notices shall be placed no later than December 15 of each winter season.

(c) The written notices provide ^d ^{to each owner of riparian property} by a public inland lake protection and rehabilitation district or a nonprofit membership corporation shall be provided no later than December 15 of each winter ^{season} ~~season~~.

SECTION # 167.26 (3) of the statutes is renumbered and amended to read:

SECTION # 167.26 (3) of the statutes is amended to read:

167.26 (3) Persons barricading ~~or~~ marking, or posting notices for ice holes in the a manner specified in this section shall not be liable for damages suffered by persons who enter the barricaded or marked area ^{any} injury to or death of any person or damage to any property that results from creating the ice holes.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0487/?dn

MGG:.....

Wlj

As to the notice requirements under s. 167.26 (2m) (b) 1., I did not limit it just to
of riparian owners who are members of the nonprofit membership corporation or whose
property is within the boundaries of the lake district because I think an instance could
occur where there would be riparian owners who do not meet this criteria, but who
nevertheless should receive the notice.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0487/1dn
MGG:wlj:ch

January 31, 2006

As to the notice requirements under s. 167.26 (2m) (b) 1., I did not limit it to riparian owners who are members of the nonprofit membership corporation or whose property is within the boundaries of the lake district because I think an instance could occur where there would be riparian owners who do not meet this criteria, but who nevertheless should receive the notice.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBs0487/1
MGG:kjf&wlj:ch

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2005 ASSEMBLY BILL 923

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.

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

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

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

6 167.26 (1b) In this section:

7 (a) "Nonprofit membership corporation" means a corporation as described in
8 s. 779.70 (1).

9 (b) "Water quality project" means a project that improves water quality,
10 including a project that improves fish habitat or that reduces or prevents any of the
11 following:

12 1. Blue-green algae.

1 2. The release of anoxic gases or nutrients.

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

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

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

10 167.26 (2) Any Instead of the requirements under sub. (1g), any person
11 creating ice holes by aeration of water may, in lieu of the requirements of sub. (1),
12 erect and maintain a barricade around such holes consisting of uprights that are
13 spaced every 25 feet or less, at adequate intervals to maintain the barricade and that
14 are connected by a continuous rope, cord, or similar material placed 3-1/2 at least 2.5
15 feet and not more the 4.5 feet off the surface of the ice. The connecting rope, cord,
16 or similar material shall have reflectorized or fluorescent ribbon or tape or other
17 reflectorized devices attached to it, so as to be highly visible, and shall be of sufficient
18 strength to permit retrieval of the barricade following melting of the ice. Any person
19 erecting such barricade shall remove the barricade and all parts thereof ~~from the ice~~
20 ~~or water~~ immediately after the ice has melted.

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

22 167.26 (2m) (a) Instead of the requirements under subs. (1g) and (2), any public
23 inland lake protection and rehabilitation district or any nonprofit membership
24 corporation that is creating ice holes for a lake by aeration of water for purposes of

1 a water quality project that has been approved by the department of natural
2 resources may provide alternative warning methods by doing all of the following:

3 1. Posting highly visible notices at each shoreline area through which the
4 public has access to the lake.

5 2. Providing a written notice to each owner of riparian property on the lake.

6 (b) The notices placed by a public inland lake protection and rehabilitation
7 district or a nonprofit membership corporation under par. (a) 1. shall meet all of the
8 following requirements:

9 1. The notices shall be placed within 20 feet of the water's edge and spaced at
10 intervals of not more than 120 feet along the shoreline.

11 2. The lettering on the notices shall be of such size as to be easily readable by
12 the public at a distance of 60 feet.

13 3. The notices shall contain the wording "DANGER—OPEN WATER,"
14 "WARNING—ICE HOLES," or "DANGER—THIN ICE" or wording of a similar
15 nature.

16 4. The notices shall be placed no later than December 15 of each winter season.

17 (c) The written notices provided to each owner of riparian property by a public
18 inland lake protection and rehabilitation district or a nonprofit membership
19 corporation shall be provided no later than December 15 of each winter season.

20 SECTION 6. 167.26 (3) of the statutes is amended to read:

21 167.26 (3) Persons barricading ~~or~~, marking, or posting notices for ice holes in
22 ~~the a~~ manner specified in this section shall not be liable for ~~damages suffered by~~
23 ~~persons who enter the barricaded or marked area~~ injury to or death of any person or
24 damage to any property that results from creating the ice holes.

25

(END)