



Romney Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

ICE SHANTY REMOVAL DATES

House Bill 4452 as introduced First Analysis (9-25-97)

Sponsor: Rep. Michael Prusi
**House Committee: Conservation,
Environment and Recreation**

THE APPARENT PROBLEM:

Public Act 274 of 1993 established an ice fishing shanties act. (The act was later repealed and its provisions incorporated into Public Acts 451 of 1994 and 57 of 1995, which recodified the laws relating to the environment and natural resources.) The 1993 legislation required that the owners of ice fishing shanties remove their shanties before the ice thaws at the end of winter, and the final removal dates are staggered throughout the state's geographic regions to coincide with the anticipated dates at which ice thaws in each zone. The removal dates range from February 20th on Lake St. Clair to March 31st in the Upper Peninsula. After these dates, ice shanties may be placed on the ice, but must be removed nightly.

Some problems have surfaced since Public Act 274 was passed. First, apparently, some lakes are still frozen at the time of the final date established for the removal of ice shanties. For example, on April 1st of 1995, some lakes in the Upper Peninsula were still covered with three feet of ice, according to the Department of Natural Resources (DNR). Therefore, many people continue to fish from their ice shanties on a daily basis after the date established as a final deadline. However, some anglers, such as senior citizens, may not have the ability to remove their ice shanties each night if they leave them on the ice after the date established for their removal. Consequently, legislation was proposed (House Bill 6060 of 1996) that would have granted the DNR some latitude in this matter by allowing it to issue extension orders each season, depending on weather conditions. However, the bill also included an amendment that would have deleted the removal date for ice shanties in the Upper Peninsula, and was vetoed by the governor for this reason. The legislation has been reintroduced without this provision.

THE CONTENT OF THE BILL:

Currently, under the Natural Resources and Environmental Protection Act (NREPA), a person who erects an ice fishing shanty on a lake must remove the

shanty by March 31, if it is located within the Upper Peninsula; March 15, if it is located within northern and central lower Michigan; and March 1 for all other areas; and after those dates, fishing shanties may be used on a daily basis if they are removed at the conclusion of the day. These provisions do not apply to Lake St. Clair. For that lake, the act specifies that ice shanties must be removed before sundown on the first Sunday after February 20, and on a daily basis following that date. House Bill 4452 would amend NREPA to permit the Department of Natural Resources (DNR) to issue an extension of these dates based on weather conditions.

Under the bill, an extension order could apply for only one single ice fishing season, and the department could issue a subsequent order amending or revoking the extension order. An order issued under this provision would not relieve a person placing a fishing shanty of the responsibility of assuring that ice conditions were safe. Further, the state would not be liable for damages for an ice shanty built under a DNR order under this provision.

House Bill 4452 would also extend -- from March 31 to April 21 -- the date on which ice shanties must be removed from lakes within, or adjacent to, the Upper Peninsula. In addition, the bill would amend the act to permit the DNR, as well as local units of government, to remove a fishing shanty from the ice in situations where a person had failed to remove it by the specified date.

MCL 324.46503 et al.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill has no fiscal implications. (9-17-96)

ARGUMENTS:

For:

House Bill 4452 (9-25-97)

The act establishing final dates for the removal of ice shanties was necessary, since, in the past, local

governments bore the cost of removing abandoned ice shanties that had been allowed to sink. However, it has become obvious that it is impossible to predict precisely when the ice on lakes will thaw each spring. The bill would allow the Department of Natural Resources (DNR) some leeway in the matter by allowing DNR staff to examine the weather conditions in each area where there are lakes with ice shanties, and to grant extensions to ice shanty owners if a lake is still frozen.

Against:

Implied, but not specified, in House Bill 4452 is the assumption that the DNR will notify the public when fishing is to be allowed from ice shanties on certain lakes after the date established as a final deadline. Otherwise, few will learn that extensions may be granted. The bill should include a provision that would permit the department to issue public service announcements in these situations.

Response:

Some might object to the spending of taxpayers' money to inform anglers of the availability of extensions. Instead, the burden should be on anglers to call DNR offices to obtain the information.

POSITIONS:

There are no positions on the bill.

Analyst: R. Young

#