

## Chapter NR 1

## NATURAL RESOURCES BOARD POLICIES

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NR 1.01 Management of fisheries and aquatic resources (1) To meet its responsibilities established by statute, department programs shall be based on scientific management principles which emphasize the protection, perpetuation, development, and use of all desirable aquatic species.

(2) The goal of fish management is to provide opportunities for the optimum use and enjoyment of Wisconsin's aquatic resources, both sport and commercial. A healthy and diverse environment is essential to meet this goal and shall be promoted through management programs.

(3) Aquatic resources include both nongame and game species of fish, other aquatic animals and their habitats. Endangered and threatened species form a special group that will be managed according to ch. NR 27 and s. 29.415, Stats.

(4) To assure its effectiveness, the management program shall be based upon a close working relationship among all functions of the department, other governmental agencies, federally recognized Indian tribes, and the public. The department will keep interested parties informed of policies, plans and management. To anticipate change and meet future demand,

the department shall engage in long-range planning of management programs.

(5) Financing the department's fish and aquatic resource management program through, in large part, user fees, particularly license fees and excise taxes on selected equipment purchased by sport and commercial fishers, is an established principle. Although user fees collected for a specific purpose are targeted at that purpose, they provide significant indirect benefits for a wide range of wildlife and users. When beneficiaries are a broader or different segment of the public, other funding sources will be sought.

(6) Wisconsin law enunciates a trust doctrine which secures the right of all Wisconsin citizens to quality, non-polluted waters and holds that waters are the common property of all citizens. Fish management programs will vigorously uphold the doctrine that citizens have a right to use in common the waters of the state and these waters shall be maintained free of pollution.

(7) With access to Wisconsin's lakes and streams a prerequisite for their use by the public, the acquisition and development of public access to waters should be accelerated, particularly in the more populous areas of the state.

(8) Wild and wilderness lakes and streams are a special and limited resource providing unique settings for enjoyment of fishing and other outdoor activities. Additional efforts are required to designate lakes and streams for this status. Special management methods that increase fishing quality shall be encouraged on these waters. Such methods may include trophy fishing, regulated harvest, special seasons, and controlled entry.

(9) Sport fishing should remain a true amateur sport which combines the pleasures and skills of angling with wildlife and scenic enjoyment, contemplation, and other subtle pleasures, not competition. Recent trends toward commercialization of sport fishing through contests and tournaments will be closely monitored. Appropriate action within the existing authority will be taken to control excesses.

History: Cr. Register, March, 1976, No. 243, eff. 4-1-76; r. and recr. Register, February, 1980, No. 290, eff. 3-1-80.

**NR 1.015 Management of wildlife, preamble.** (1) The conservation act (s. 23.09 (1), Stats.) requires the department of natural resources to provide an adequate and flexible system for the protection, development and use of forests, fish and game, lakes, streams, plant life, flowers and other outdoor resources in this state. Specific authorities and missions of the department for wildlife protection and use besides the general authority are:

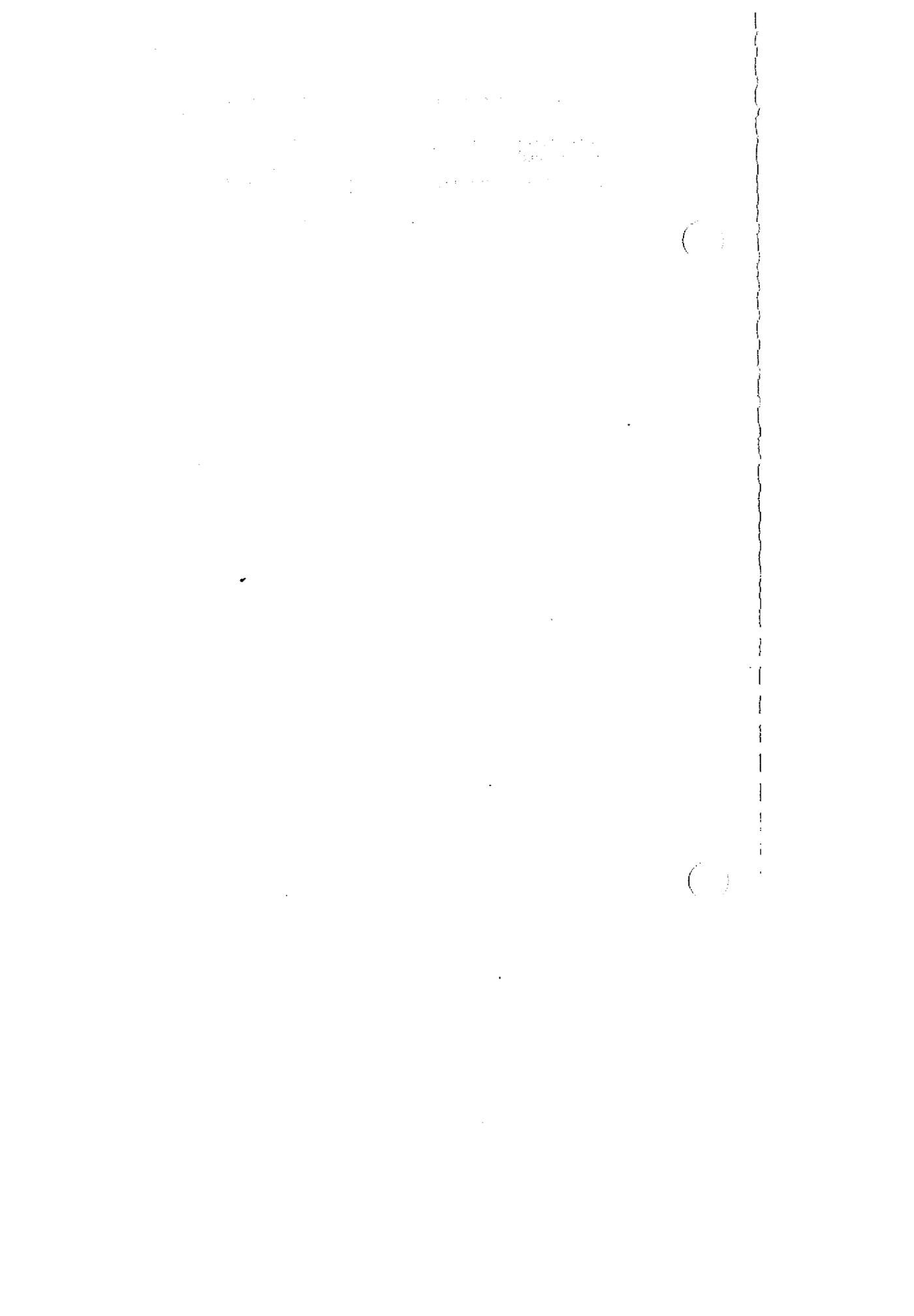
- (a) Protect and manage nongame species, particularly endangered, threatened and uncommon species;
- (b) Acquire and lease lands;
- (c) Conduct research and surveys;
- (d) Establish long-range resource management plans and priorities;
- (e) Manage wildlife habitat on public land;

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(f) Provide regulations to govern the harvest of game species and fur-bearing mammals;

(g) Establish resource management information and education programs; and

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(e) In its liaison activities with federal, local and other state agencies and in the absence of regulatory authority, the department shall strongly recommend avoidance of wetland areas and concur with their use or alteration only when necessary to minimize the overall environmental impacts of a proposal. In such cases, the recommended amount of wetland use or alteration shall be held to the minimum.

(f) The department, in evaluating the wetland effects of proposed actions, shall not recognize the conveyance of land (or other consideration) to local units of government, the state of Wisconsin or the federal government as off-setting the adverse impacts of the proposal and shall only consider the net effects of the action by itself.

(g) The department shall ensure that its proposals for administrative rules and for legislation include appropriate provisions, consistent with this rule, except as otherwise provided by law.

(h) The department shall cooperate with appropriate governmental units, the public and private groups to further the protection and enhancement of wetlands and to provide opportunities for education on wetland values and ecology.

(i) For its activities subject to the requirements of this rule, the department shall establish procedures, within the existing decision-making framework, to cause evaluations to be made and decisions rendered in accordance with the standards described in sub. (5). The department shall also take steps to ensure that its decisions altering or affecting wetlands are documented and available for review. The department shall, in selecting a course of action, indicate how impacts on wetlands were considered in the decision-making process.

(7) **MONITORING AND REPORTING.** The board intends that the department shall evaluate and monitor its own progress in achieving the objectives of this rule and shall establish procedures, subject to board approval, for reporting such progress to the board.

History: Cr. Register, March, 1978, No. 267, eff. 4-1-78; r. and rec. Register, January, 1980, No. 289, eff. 2-1-80; am. (4) (c) and cr. (4) (d), Register, June, 1984, No. 342, eff. 7-1-84.

**NR 1.98 Public and private source funding of research. (1) PREAMBLE.**

(a) It is the policy of the department of natural resources to seek the best, most current scientific information available on which to base its management and regulatory decisions. In keeping with this policy, the department operates a research program, through the bureau of research, which conducts and oversees research in natural resource management and environmental protection.

(b) It is the policy and statutory obligation of the department to make management and regulatory decisions to protect and enhance the natural resources of Wisconsin and the public's interests in and rights to those natural resources.

(c) It is the policy and statutory obligation of the department to conduct its actions in an open and publicly accessible manner to facilitate public involvement, understanding and acceptance, and in accordance with the public records and open meeting laws of Wisconsin.

(d) It is the policy of the department to accept donations of land, money, time, equipment and human effort to support department pro-

grams under the authority provided in s. 23.09 (2) (o), Stats., "to accept and administer gifts, grants, bequests, and devises".

(2) **PURPOSE.** To assure that the authority provided in s. 23.09 (2) (k), Stats., is exercised in a manner consistent with the department's mission and policies and with applicable statutory obligations and ethical requirements, the department finds it appropriate to adopt these guidelines for the receipt of such public or private source funding.

(3) **DEFINITIONS.** (a) "Public or private source" means any organization, entity or individual outside of the department of natural resources, and includes public and private sector entities which are regulated, either directly or indirectly, by the department. This term does not include the department of natural resources, the Wisconsin state legislature, or the agencies of the federal government.

(b) "Public or private source funds" or "public or private source funding" or "funds from public or private sources" means anything of value, including money, time, land, equipment or human effort, which is offered to the department to support, in whole or in part, research efforts.

(c) "Anonymous funds" are those from an unidentified source. This term does not include funds from a private, non-profit foundation when the original source is unidentified.

(4) **CRITERIA FOR CONSIDERATION OF PUBLIC OR PRIVATE SOURCE FUNDING.** (a) The natural resources board may accept funds from public or private sources to support research needs in the department. These public or private source funds may be specifically designated by the source to support a particular research project or subject area for research, or may be undesignated in which case the funds may be applied to research needs on a priority basis as determined by the department.

(b) The decision to accept public or private source funding shall be made by the natural resources board in public session with opportunity for public scrutiny and input in the following manner:

1. Public or private source funds which have a value of \$5000 or more shall be accepted only by the natural resources board.

2. Public or private source funds which have a value of less than \$5000 may be accepted by the secretary without the approval of the natural resources board. The secretary may bring any proposal with a value of less than \$5000 to the natural resources board for action if he or she deems it appropriate to do so. The provisions of pars. (c) and (d) apply to any funds accepted by the secretary.

(c) Before accepting an offer of public or private source funding, the natural resources board shall ensure that all of the following conditions have been met:

1. The resource project to be supported is a high priority for the department and merits the expenditure of department time and resources.

2. The department, not the public or private source, will control the design and conduct of the study, the interpretation of the data and the write-up of the results. The department will be fully responsible for any decisions as to how, if at all, the research results will be used by the department.

3. No assurance has been given by the department to the public or private source about the content of the research results nor the regulatory application of those results.

4. The public or private source has not imposed any conditions on the offer of funds which would control the department's conduct of the research project or the research program, or commit the department to any particular action, including any particular exercise of discretion in its regulatory or management decisions or programs.

5. All research shall be conducted in a manner consistent with the requirements of the public records law.

6. The department has not agreed to assume any liability on behalf of the public or private source which the department would not otherwise be responsible for in the conduct of the research.

(d) The natural resources board may impose such other restrictions on the receipt of funds from a public or private source as it deems appropriate to comply with the intent of this policy. Such restrictions may include, but are not limited to, restrictions on the amount of funds which shall be accepted from a given public or private source in a given period of time.

(e) Notwithstanding satisfaction of all the conditions in par. (c), the natural resources board may refuse the offer of public or private source funding for other reasons deemed pertinent by the board.

Note: For example, if the board believes that the fact of the public or private source funding will be so controversial as to render the research results challengeable it may refuse to accept the public or private source funding.

(f) The department shall keep records of all such public or private source funds so that they are available for audit at any time by the natural resources board or the public. The department shall prepare an annual report of all such funds. The report shall specify, at a minimum, the source of the funds, the total project cost, the amount per source if multiple sources of funds, the entity which conducted the research, and a summary of the project. The department may include other information which it believes will facilitate full public disclosure.

(g) The department shall, to the extent possible, seek the advice and opinions of qualified reviewers in the design and implementation of its research projects.

(5) SOLICITATION OF PUBLIC OR PRIVATE SOURCE FUNDS. (a) The department may solicit funds from public or private sources to lend support to research efforts in the department.

(b) The secretary shall designate a person or persons to be responsible for such solicitation. Such person may not hold a position in any of the department's regulatory programs.

(c) Any funds solicited from public or private sources are subject to the provisions of sub. (4).

(6) FUNDS FROM ANONYMOUS SOURCES. Except for amounts deposited in gift boxes at state parks, the department may not accept anonymous funds.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

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