



CR 90-165

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary
Box 7921
Madison, Wisconsin 53707
TELEFAX NO. 608-267-3579
TDD NO. 608-267-6897

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. LE-52-90 was duly approved and adopted by this Department on October 25, 1990. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have here-
unto set my hand and affixed the
official seal of the Department at
the Natural Resources Building in
the City of Madison, this 5th
day of December, 1990

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

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2-1-71

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING AND CREATING RULES

.....
IN THE MATTER of amending s. NR 5.09(1)(a) .
and creating s. NR 5.09(1)(h) of the Wisconsin . LE-52-90
Administrative Code pertaining to the .
enforcement of legally placed regulatory .
markers .
.....

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Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 30.74(2) and 227.11(2)(a), Stats.

Statutes interpreted: ss. 30.68(7) and 30.74(2), Stats.

This order gives clear authority for the Department to enforce federal restrictive zones below the Corps of Engineers locks and dams on the Mississippi River for Public Safety and defines what a fixed marker in the water includes.

SECTION 1. NR 5.09(1)(a) is amended to read:

NR 5.09(1)(a) "Waterway marker" is any device designed to be placed in, on or near the water to convey an official message to a boat operator on matters which may affect health, safety, or well being, except that such devices of the United States or an agency of the United States are excluded from the meaning of this definition for all purposes except for enforcement of s. 30.68(7), Stats.

SECTION 2. NR 5.09(1)(h) is created to read:

NR 5.09(1)(h) "Fixed marker in the water" includes signs placed on permanent structures within the ordinary high water mark.

The foregoing rules are approved and adopted by the State of Wisconsin Natural Resources Board on October 25, 1990.

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The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin December 4, 1990

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

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December 4, 1990

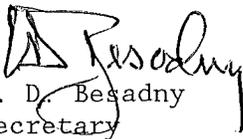
Mr. Gary L. Poulson
Assistant Revisor of Statutes
119 Martin Luther King, Jr., Blvd.

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. LE-52-90. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Transportation, Conservation and Mining pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


C. D. Besadny
Secretary

Enc.

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