

DEPARTMENT OF NATURAL RESOURCES

Chapter NR 1

NATURAL RESOURCES BOARD POLICIES

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NR 1.01 Great Lakes fishery management. (1) In accordance with the Conservation Act (23.09, Wis. Stats.) and other legislative direction, the policy of the natural resources board is to provide a flexible system for the protection, development and utilization of the waters and fish populations of the Great Lakes for the maximum public benefit.

(a) Since management of the Great Lakes is a matter of intrastate, interstate, federal and international interest, cooperation shall be sought in developing management objectives and measures for stocks of common concern.

(b) The Great Lakes fisheries are to be considered part of a diverse community in the environment of man. It is the policy of the natural resources board to promote efforts which will maintain and enhance the quality of this community and its environment.

(c) Management of the fishery resources shall be based on a sound understanding of the dynamics of interacting fish stocks. To this end, it is the policy of the natural resources board to encourage research, inventories of the resource base, and collection of harvest and utilization statistics on which to base management decisions.

(d) The fishery resources of the Great Lakes, though renewable, experience dynamic changes and are limited. The resources shall be managed in accordance with sound biological principles to attain optimum sustainable utilization. Management measures may include but are not limited to seasons, bag and quota limits, limitations on the type and amount of fishing gear, limitation as to participation in the fisheries and allocation of allowable harvest among various users.

History: Cr. Register, March, 1976, No. 243, eff. 4-1-76.

NR 1.10 Deer management. (1) The Wisconsin deer herd shall be managed according to the following objectives:

(a) Keeping the herd in balance with its range and at densities that are compatible with agriculture, forestry and highway safety; and maintaining current levels of recreational opportunities for hunting and observation of deer in the wild.

(b) A statewide over-winter population goal of about 575,000 deer which is biologically capable of allowing a legal hunting harvest of 90,000 to 130,000 deer annually. Over-winter deer population goals for each management unit or either sex area are prescribed in Wis. Adm. Code section NR 10.24.

(2) Hunting seasons will be designed to harvest the annual surplus of deer with the objective of maintaining the population at the goals established for each unit or either sex area and discouraging abrupt increases in hunter densities.

(a) Basic types of seasons for hunting adult bucks or deer of any age or sex shall be established for designated areas of the state.

(b) When it is necessary to harvest additional deer to maintain unit population goals, deer hunting party permits authorized under section 29.107, Wis. Stats., shall be issued by the department in numbers determined by the natural resources board.

(3) Deer habitat management shall be accomplished under the forest wildlife habitat program.

(a) The objective shall be to conduct a program to maintain quality habitat for deer to achieve the over-winter population goal.

(b) Specific habitat management measures shall be employed on public lands other than designated wilderness areas and wild rivers consistent with long-term forest management plans.

(4) Surveys and research shall be conducted to provide technical information necessary to establish population estimates, harvest recommendations and habitat management needs and guidelines.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75.

NR 1.11 Deer-proof fencing. (1) Section 29.595, Wis. Stats., provides for capturing or destroying deer doing damage, payment of damage claims, and erection of deer-proof fences. Fencing to abate deer damage may be authorized when all of the following criteria are met: (a) The area to be fenced is in use for long-term, stationary crops only (fruit orchards and nurseries).

(b) Deer damage to the area to be fenced has occurred for the 2 immediately preceding years.

(c) Future damage by deer on the area is predicted by the department.

(d) The owner demonstrates that other control remedies have been tried and found unsuccessful. (Shooting permit control, repellents, scare devices and lesser types of fencing.)

(e) Total fence costs to the state are less than the estimated damage payments for the ensuing 5 years.

(f) The producer of crops agrees to erect the fence and maintain it so long as the fenced lands are subject to deer damage.

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(4) The department shall submit to the board at each meeting a report of the status of all options and pending land acquisitions showing the date of each option.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75; am. Register, April, 1976, No. 244, eff. 5-1-76.

NR 1.42 Acquisition of state forest land. (1) Within established state forest boundaries, the department shall acquire suitable forest lands for the purpose of better blocking, consolidation of ownership and improvement of management possibilities. In the acquisition program, the department shall:

(a) Acquire by purchase or by exchange suitable publicly owned lands.

(b) Acquire by purchase suitable privately owned lands.

(c) Acquire suitable privately owned lands within the forest boundary by exchange for state-owned lands located outside the forest boundary which are no longer needed for conservation purposes.

(2) Outside established state forest boundaries, the department shall acquire lands for forestry purposes only when such lands are needed for specific purposes.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75.

NR 1.43 Acquisition of fish and game lands adjacent to water.

(1) Lands on certain streams and lakes have been designated for acquisition by the board. Adequate land area, associated with the water, shall be acquired in connection with the acquisition of water frontage for preservation or recreational purposes.

(2) The width of parcels to be acquired on areas adjoining the water shall be based on the management objective of the project, the quality of the water or habitat, the opportunities for scenic enhancement or preservation, the level of public use, and the topography of the area, all with the purpose of protecting the water, the land and the associated flora and fauna.

(3) The boundaries of all land acquisition projects involving water frontage, shall extend a distance of a minimum of 150 feet from the shoreline, except for perpendicular access or where narrower strips of land will provide adequate access and habitat protection due to specific physical conditions, such as the presence of roads, favorable topography or land use conditions.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75; am. (3) , Register, April, 1976, No. 244, eff. 5-1-76.

NR 1.44 Cooperation with county, town and municipal boards on land acquisition. The department shall inform county, town and municipal boards of proposed boundaries of land purchase projects in their areas. If these boards officially object, they shall be afforded an opportunity for personal appearances to present such objections to the board before a final decision on the proposed acquisition is made.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75.

NR 1.45 Disposition of state forest lands. (1) State forest lands and other state-owned islands within state forest boundaries and

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lands which provide desirable public access to waters may be sold for the following purposes only:

- (a) To a local unit of government when required for a public use.
- (b) To others for the purpose of making land adjustments due to occupancy resulting from errors of survey.
- (c) To convey good quality, arable land.
- (d) To settle land title disputes.
- (e) To public utilities and co-operative associations when needed for power and telephone substations, transformers, booster stations and similar installations.
- (f) To dispose of land no longer needed for conservation purposes.

(2) State forest lands outside state forest boundaries which the natural resources board determines are no longer necessary for the state's use for conservation purposes shall be disposed of in accordance with the following priorities:

- (a) Sale to or exchange with a unit of government.
- (b) Sale to others.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75.

NR 1.46 Disposition of state fish and game lands. (1) State-owned fish and game management lands may be sold only when the natural resources board determines such lands are no longer necessary for the state's use for conservation purposes and only in accordance with the following priorities:

- (a) Sale to or exchange with another unit of government when the lands to be conveyed are required for another public purpose or the lands received in exchange are required for department project purposes.
- (b) Sale to others.

(2) When such lands are to be sold to other than a unit of government, the sale shall be conducted by public auction or sealed bids.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75.

NR 1.47 Disposition of state park lands. (1) State-owned lands within state park boundaries shall not be sold or otherwise disposed of.

(2) State-owned lands outside state park boundaries and not within any other department project which serve no project purpose may be sold when the natural resources board determines such lands are no longer necessary for the state's use for conservation purposes and then shall be disposed of only in accordance with the following priorities:

- (a) Sale to or exchange with a local unit of government when required for a public use.
- (b) Exchange with others to consolidate state ownership within a park boundary.

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(c) Sale to others.

(3) Restrictions may be imposed on lands disposed of to insure aesthetic park settings or compatible adjacent land uses.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75.

NR 1.48 Leasing department lands. (1) New leases:

(a) No new leases for private use shall be executed.

(b) Short-term use permits for public use or public benefit may be issued in accordance with the statutes.

(2) Existing leases:

(a) No existing leases shall be extended or renewed.

(b) Acquisition of the rights of the lessees and tenants prior to the expiration date of such tenancies shall be made by the state when the consideration therefor is commensurate with public benefits.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75.

NR 1.485 Granting easements. (1) Each conveyance across state lands for a right-of-way for public or private roads, public utility lines, other public purposes, or for flowage rights where such use does not conflict with the planned development by the department, may be granted by the department, but shall be presented to the board for approval if unusual circumstances or material impairment of project values are involved.

(2) A complete record of such conveyances shall be maintained by the department.

(3) Compensation shall be determined by appraisal. The loss of any project values shall be considered in establishing the value of such easement.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75.

NR 1.49 Trespass. (1) The natural resources board may cure unintentional trespasses by purchase or sale where practicable subject to state laws relating to purchase, sale, lease or exchange of lands not withstanding any other provisions of NR 1.

(2) Improvements may be removed and any trespass terminated, or legal eviction action may be taken, where a trespasser on state-owned land under the jurisdiction of the department of natural resources has been found by the natural resources board to have been guilty of willful, intentional or negligent conduct with respect to such trespass.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75.

NR 1.50 Policy on issuance of environmental pollution orders.

(1) **DEFINITIONS.** (a) "Department" means the department of natural resources.

(b) "Board" means the natural resources board.

(c) "Air pollution" means the presence in the atmosphere of one or more air contaminants in such quantities and of such duration as is or tends to be injurious to human health or welfare, animal or plant life,

or property, or would unreasonably interfere with the enjoyment of life or property.

(d) "Water pollution" includes contaminating or rendering unclean or impure the waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.

(e) "Rule" means a regulation, standard, statement of policy or general order (including the amendment or repeal of any of the foregoing), of general application and having the effect of law, issued by the department to implement, interpret or make specific legislation enforced or administered by the department or to govern the organization or procedure of the department.

(f) "General orders" of the department are rules and mean orders issued by the department applicable throughout the state for the construction, use and operation of practicable and available systems, methods and means for preventing and abating environmental pollution.

(g) "Special orders" of the department mean orders issued by the department applicable to and directing specific persons to secure operating results in the control of environmental pollution within the time or times prescribed in the orders.

(h) "Emergency orders" of the department mean temporary orders issued by the department under emergency conditions of environmental pollution.

(2) **RULES.** Rules and general orders shall be adopted in accordance with the provisions of chapter 227, Wis. Stats. The notice of hearing on each rule requiring a hearing shall include the express terms or an informative summary of the proposed rules.

(3) **SPECIAL ORDERS.** (a) *Water pollution.* Special orders shall be issued by the department only after a hearing held for the purpose of ascertaining whether such orders are necessary for controlling or abating environmental pollution. Each proposed special order shall be served upon the persons affected thereby together with the notice of hearing thereon. The notice of hearing shall also be published as a class 1 notice in a newspaper having wide distribution in the area. Not less than 10 days notice specifying the time and place of the hearing shall be given by the department. The hearing shall be conducted in accordance with and be governed by chapter 227, Wis. Stats. After the hearing, the proposed special order may be set aside or it may be modified, amended or affirmed in whole or in part and a special order issued accordingly.

(b) *Air pollution and solid waste.* 1. In issuing special orders for air pollution and solid waste the department may follow the procedure set forth in paragraph (a) or

2. The department may serve on alleged violators a notice of alleged violation specifying the statute or rule allegedly violated and findings of fact on which the violation is based. An order shall accompany said notice. The order shall become effective unless the person named in the order requests in writing a hearing within 10 days of the service of the order. If a hearing is requested, the order shall be suspended.

After the hearing is closed, the department shall affirm, amend or rescind the order.

(4) **EMERGENCY ORDERS.** Emergency orders may be issued by the department without a hearing whenever the department determines that a condition of imminent or actual water or air pollution exists which requires immediate action. The emergency orders shall specify the time and place of hearing thereon, not more than 24 hours after service of the order on the persons affected thereby in the case of air pollution, and as soon as practicable but not more than 20 days after service of the order on the persons affected thereby in cases of water pollution. Before the close of the hearing, and not more than 24 hours after the commencement thereof, the board, in air pollution cases, shall affirm, modify or set aside the emergency order or issue a special order. In the case of water pollution the department shall modify or rescind the temporary emergency order or issue a special order after the close of the hearing.

(5) **NOTICES.** All notices given by the department hereunder shall be served personally or by mail, and shall be deemed to have been served upon deposit in the United States mails addressed to the last known address of the person to whom addressed, with postage prepaid thereon. All petitions and notices to the department shall be served by delivery thereof to the Department of Natural Resources, Pyare Square Building, 4610 University Avenue, Madison, Wisconsin 53701.

History: Cr. Register, February, 1971, No. 194, eff. 3-1-72.