

Chapter NR 6

SNOWMOBILE STANDARDS CERTIFICATION

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NR 6.01 Purpose. The purpose of this chapter is to establish procedures for certification of snowmobile equipment standards pursuant to section 350.09, Wis. Stats.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

NR 6.02 Applicability. The provisions of this chapter are applicable to all snowmobiles which are manufactured, sold or offered for sale within the state of Wisconsin.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

NR 6.03 Definitions. (1) "Snowmobile" has the meaning designated in section 340.01 (58a), Wis. Stats.

(2) "Department" means the department of natural resources.

(3) "Sound level" (noise) means total noise emission from the entire snowmobile.

(4) "Headlamp" has the meaning designated in section 340.01 (21), Wis. Stats.

(5) "Tail lamp" has the meaning designated in section 340.01 (66), Wis. Stats.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

NR 6.04 Severability. Should any section, paragraph, phrase, sentence, clause, or word of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

NR 6.05 Department approval. (1) No snowmobile manufactured after January 1, 1977 may be sold or offered for sale by any manufacturer, distributor or dealer in the state of Wisconsin unless such snowmobile is constructed so as to meet the requirements of section 350.09, Wis. Stats. Proof of compliance with the foregoing requirements shall be in the form of either:

(a) A Snowmobile Safety and Certification Committee, Inc. certified label conspicuously attached to the snowmobile, showing that such snowmobile meets the requirements of section 350.09, Wis. Stats., or

(b) A letter from the applicant to the Wisconsin Department of Natural Resources, Box 7921, Madison, Wisconsin 53707 (attention: Snowmobile Safety Section) listing the following information on each model of snowmobile:

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1. The description and model number of the snowmobile to be approved;

2. A copy of the test results required by Wis. Adm. Code section NR 6.08 done by an independent testing laboratory currently engaged in the examination, testing and evaluation of noise control devices and which maintains or employs adequate staff and facilities to perform such function;

3. A certificate certifying that the snowmobile has been tested in accordance with Wis. Adm. Code section NR 6.08 and meets the requirements of section 350.09, Wis. Stats.

(2) The certification and test reporting procedure followed shall be approved by the department, provided that:

(a) The snowmobile has a S.S.C.C. label conspicuously attached, showing that said snowmobile meets the requirements of section 350.09, Wis. Stats., and has been tested in accordance with the provisions of Wis. Adm. Code section NR 6.08, or

(b) Certification has been obtained from an independent testing laboratory as defined in NR 6.05(1)(b)2., and said certification and test report states that the equipment has been tested in accordance with the provisions of Wis. Adm. Code section NR 6.08. The certification shall be accompanied by a full and complete test report setting forth the specifications and the general conditions under which the test was conducted.

(3) Upon receipt of a copy of an acceptable certification under sub. (2)(b), the department shall by letter notify the applicant that the snowmobile has been approved and that it may legally be manufactured, imported, offered for sale and sold in the state of Wisconsin.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

NR 6.06 Modification. No manufacturer shall modify a snowmobile on which approval has been issued so as to change its conformance with the requirements of section 350.09, Wis. Stats., without resubmission of the modified snowmobile for approval in the same manner as required for the original snowmobile.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

NR 6.07 Inspection. The department may, in order to insure compliance with the requirements contained in section 350.09, Wis. Stats., and Wis. Adm. Code section NR 6.08 inspect during normal business hours any snowmobile manufacturing plants and any snowmobile being offered for sale in the state of Wisconsin by commercial dealers.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

NR 6.08 Testing criteria. Testing criteria are as follows:

(1) **SOUND LEVEL LIMIT.** (a) The total vehicle noise produced by every snowmobile manufactured after July 1, 1972 and offered for sale or sold in the state of Wisconsin shall not exceed 82 dB on an A weighted network at 50 feet when measured in accordance with the procedures required herein.

(b) The total vehicle noise produced by every snowmobile manufactured after July 1, 1975 and offered for sale or sold in the state of Wisconsin shall not exceed 78 dB on an A weighted network at 50 feet when measured in accordance with the procedures required herein.

(c) The sound level requirements and testing criteria of the Society of Automotive Engineers Technical Report J192a, as amended 1975, shall be adhered to in certifying compliance with snowmobile sound level requirements.

(2) **HEADLAMP REQUIREMENTS.** After February 12, 1970 the headlamp(s) on a snowmobile may be of the single beam or multi-beam type; in either case, the headlamp requirements and testing criteria of the Society of Automotive Engineers Technical Report J280, as amended 1973, shall be adhered to.

(3) **TAIL LAMP REQUIREMENTS.** After February 12, 1970 the tail lamp(s) on a snowmobile shall adhere to the tail lamp requirements and testing criteria of the Society of Automotive Engineers Technical Report J279, as amended 1972.

(4) Copies and amendments of the 1975 Society of Automotive Engineers Technical Report J192a, entitled "Exterior Sound Levels for Snowmobiles"; 1973 Society of Automotive Engineers Technical Report J280, entitled "Snowmobile Headlamps"; and 1972 Society of Automotive Engineers Technical Report J279, entitled "Snowmobile Tail Lamps", are available for inspection in the following offices:

(a) The Department of Natural Resources, 4610 University Avenue, Madison, Wisconsin;

(b) The Office of the Secretary of State, Capitol, Madison, Wisconsin;

(c) The Office of the Revisor of Statutes, Capitol, Madison, Wisconsin. Copies may also be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, Pennsylvania 15096.

(5) Copies of the Snowmobile Safety and Certification Committee, Inc. minimum safety standards for snowmobile product manufacture, entitled "Safety Standards for Snowmobile Product Certification" October 15, 1974, are available for inspection in the following offices:

(a) The Department of Natural Resources, 4610 University Avenue, Madison, Wisconsin;

(b) The Office of the Secretary of State, Capitol, Madison, Wisconsin;

(c) The Office of the Revisor of Statutes, Capitol, Madison, Wisconsin. Copies may also be obtained from the Snowmobile Safety and Certification Committee, Inc., Suite 850 South, 1800 M Street, NW, Washington, D. C. 20036.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

NR 19.05 Release of exotic species. (1) It shall be unlawful for any person, persons, firm or corporation to introduce or release or cause to be introduced or released in any manner into the inland or outlying waters, forests or fields of this state any variety or species of wild animal, hybrid of a wild animal, and any bird or fish or the eggs or spawn thereof, that are not native to the state without first applying for and receiving a permit from the department or its duly authorized agents. Such permit shall be granted only after a thorough investigation by the department, its agents, conservation wardens or forest rangers concerning the conditions under which such wild animals, hybrids of wild animals, or birds or fish, or the eggs or spawn thereof, are to be introduced or released and to establish to a certainty that such introduction or release will not be detrimental in any manner to the conservation of the natural resources of the state.

(2) It shall be unlawful for any person or persons to introduce, place, plant, or release, or cause to be introduced, placed, planted, or released in any manner in the publicly owned or controlled inland waters of the state of Wisconsin any fish, fish fingerlings, fish fry, or fish spawn except brook, brown or rainbow trout or spawn thereof procured from a person holding a class A or B license under section 29.52 (4) (a) or (b), Wis. Stats., unless such release or plantings are supervised and authorized or permitted by written permit by the department, its duly authorized agents or representatives.

(3) Nothing in the provisions of this section shall be applicable to the department, or its duly authorized agents wherein after investigation they deem it advisable or necessary to cause the release of any animals, birds or fish of any variety or species.

History: 1-2-56; am. (2), Register, October, 1969, No. 166, eff. 1-1-70; renun. from WCD 19.05 to be NR 19.06, and am. (1), (2) and (3), Register, April, 1971, No. 184, eff. 5-1-71.

NR 19.06 Fish nets and traps. (1) It shall be unlawful for any person or persons to take, catch or kill fish or fish for fish of any species when such fish are being held in any fish net, fish holding net, fish trap, fish pond, either artificial or natural, or any structure or net placed in any of the waters of the state by the department or under its authority for the purpose of taking or holding fish therein at any time, or for any person or persons to lift, molest, cut or destroy any fish net, fish holding net, fish trap, fish pond, or any structure or net placed in any of the waters of the state by the department or under its authority for the purpose of taking or holding fish therein.

(2) It shall be unlawful for any person or persons to take, catch, capture or kill fish or pursue fish in any fishing operations within 500 feet above or 500 feet below any net, dam or weir wherein the state of Wisconsin is fishing or holding fish for commercial, scientific, or biological purposes, when the area is properly posted by the department.

(3) No provisions in this section shall prohibit the department, its agents, deputy conservation wardens or representatives of the division of fish, game and enforcement of such department from taking any of the fish mentioned in any of the sections of this order at any time or from lifting, setting, or transferring any nets or structures used in

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holding or capturing fish, wherein they deem it advisable and necessary to promote the department fish management program.

History: 1-2-56; am. (1), Register, December, 1960, No. 60, eff. 1-1-61; am. (1), Register, December, 1961, No. 72, eff. 1-1-62; renum from WCD 19.06 to be NR 19.06 and am. (1), (2) and (3), Register, April, 1971, No. 184, eff. 5-1-71.

NR 19.07 Shooting preserves. (1) **LAND OWNERSHIP OR LEASES.** Any person making application to the department for a shooting preserve license must file with the department a verified copy of any lease of lands contained in the area for which they are making application for a shooting preserve license after the area has been inspected and found eligible for license. In the event the person making application for a shooting preserve license is owner of the land, he shall file with the department a sworn affidavit stating that he is the owner of such lands and has legal title to them.

(2) **SEASON FOR TAKING PHEASANTS AND QUAIL.** The season for taking pheasants and quail on shooting preserves shall begin September 15 and shall end on the last day of February. Shooting hours shall be as provided in Wis. Adm. Code section NR 10.06.

(3) **HUNTING LICENSE REQUIREMENTS.** No person hunting upon a licensed shooting preserve may be required to hold a hunting license for hunting those game species for which the preserve has been licensed under this section.

(4) **AVAILABILITY OF RULES.** Shooting preserve licensees shall have available for review of each person hunting, taking, catching, or killing pheasants or quail on the licensed shooting preserve areas a copy of the rules of the department regulating such shooting preserve.

(5) **SIZE AND LOCATION OF AREAS.** No shooting preserve license shall be issued after the effective date of this section (December 1, 1969), other than for those already in operation, for any land area larger than 640 acres or smaller than 80 acres, or for any area less than one-quarter mile from the exterior boundaries of a planned or approved state or federal wildlife area, public hunting ground or refuge which is managed in whole or in part for pheasants or quail. All lands under one license shall be contiguous.

(6) **INVESTIGATION BEFORE LICENSING.** The department shall make such investigations necessary to determine that all provisions of section 29.573, Wis. Stats., and this section are complied with. All licenses are subject to the approval of the secretary and investigations for new licenses will be made only during the period beginning January 1 and ending August 31 of each year.

(7) **POSTING AND FENCING REQUIREMENTS.** (a) All shooting preserve signs posted around licensed shooting preserve areas shall be purchased from the department.

(b) Boundaries of the area licensed shall be posted in either of the following manners at the discretion of the licensee:

1. Signs shall be placed at intervals of not more than 400' along the boundary lines of such area, and in addition, such boundary lines shall be clearly defined by at least one strand of wire; or

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2. Wherever such boundary lines are not defined by one or more strands of wire, the posting of signs shall be at intervals of not more than 200' along the boundary lines of such areas.

(c) Exceptions. Variations in posting and in fence construction other than specified shall be submitted to the secretary and may be approved by the secretary if found to comply with the intent and purpose of these rules. Whenever the strand of wire or fence is not required, posting of signs shall be at intervals of not more than 200' along the boundary lines of such areas.

(8) STOCKING PROCEDURE, TAGGING AND CREDITS. (a) All licensed shooting preserves shall be required to make a yearly minimum stocking of pheasants and/or quail in the ratio of not less than one pheasant and/or one quail for each 4 acres of the area licensed, except that the minimum stocking requirement for any shooting preserve in excess of 640 acres licensed prior to the effective date of this section (December 1, 1959), shall be 160 pheasants and/or quail. Failure to comply with the minimum stocking requirements during each licensed year shall automatically prohibit the renewal of the license, and also prohibit the licensing of any of the lands involved in any new license for a period of one year. Shooting preserves licensed prior to the effective date of this section (December 1, 1959), shall be subject to the minimum stocking requirement beginning July 1, 1960.

(b) All pheasants and quail liberated shall be of high-quality stock, fully feathered, and not less than 12 weeks of age. For the purpose of assuring high-quality stock, pheasants and quail shall not be debeaked more than $\frac{1}{4}$ inch and not less than 2 weeks prior to release. Brailed pheasants and quail shall have the brail removed not less than 2 weeks prior to release. Pheasants and quail shall not be held in crates or other containers more than 24 hours prior to release. Upon written certification by the department representative, listing the number and varieties of pheasants stocked, or placed in holding pens (see (e) below) and the date of such stocking or holding, shooting preserve seals shall be furnished by the department at a cost of 5 cents each to the licensee at a ratio of 75% of the total birds certified. All shooting preserve seals and seal credits shall expire on March 1.

(c) Upon leaving preserve no person shall have in possession or under control any dead pheasant or quail of any species or varieties showing indications that they have been shot, unless the proper shooting preserve seal has been attached. Such seals shall be supplied by the department at a cost of 5 cents each. This regulation will apply both during the general open season for pheasants and quail and during the special pheasant and quail season prescribed in this section for licensed shooting preserves.

(d) Whenever a shooting preserve licensee indicates to the department the desire to stock pheasants or quail on a shooting preserve area, the licensee shall notify an authorized representative of the department who shall certify to all pheasants and quail liberated. Such representative shall thereafter notify the department in writing of the number and varieties stocked and the day and date when such stocking occurred, except as provided in paragraph (e).

(e) Any shooting preserve shall be authorized to retain and stock pheasants and quail from an approved holding pen provided such

birds have been counted and certified by a department representative. The licensee agrees to stock all pheasants and quail so retained.

(f) A daily record shall be kept by the licensee of all pheasant and quail stocking and harvesting, including stocking or removal from holding pens. Such daily records and inspection of the licensed area, holding pen, and pheasants and quail, shall be open to representatives of the department at any time. Reports shall be filed with the department on forms and on dates as specified by the department.

(10) **DOG TRIALS OR DOG TRAINING ON LICENSED SHOOTING PRESERVES.** During the closed season for the taking of pheasants and quail within the boundaries of a licensed shooting preserve, a dog trial or dog training permit may be issued under the provisions of sections NR 17.01 and 17.02, Wis. Adm. Code. Pheasants and quail released or taken under the provisions of such permit shall be tagged as provided, but shall not be required to be additionally tagged with a shooting preserve tag, nor shall any of the stocking procedures, tagging, or credits of shooting preserve code section NR 19.07 (8) apply under such permit.

History: 1-2-56; r. and recr. Register, November, 1959, No. 47, eff. 12-1-59; r. and recr. (7), Register, August, 1961, No. 68, eff. 9-1-61; am. (2), (7), (a) and (b); and (8) (b) and (e), Register, January, 1964, No. 97, eff. 2-1-64; am. (8) (b) and (d) and cr. (10), Register, February, 1968, No. 146, eff. 3-1-68; renun. from WCD 19.07 to be NR 19.07 and am. (1), (3), (4), (6), (7) (a) and (c), (8) (b), (c), (d), (e) and (f), (9) and (10), Register, April, 1971, No. 184, eff. 5-1-71; emerg. am. (2) eff. 8-9-72; am. (2), (5), (6), (8), (b), (c) and (e), r. (9), Register, September, 1972, No. 201, eff. 10-1-72; am. (2), (4), (5), (8) and (10), r. and recr. (3), Register, February, 1977, No. 264, eff. 3-1-77.

NR 19.08 Tagging canned pheasants. Pheasants produced on licensed game farms pursuant to section 29.574, Wis. Stats., and processed in cans shall be tagged by the licensee in the following manner: each such can containing a pheasant produced on a licensed game farm pursuant to said section 29.574 shall be marked and tagged by having embossed in either lid thereof the following legend: "WIS. L. G. F. NO. ", including in such legend the license number of the license issued to the licensee pursuant to said section 29.574.

History: 1-2-56; renun. from WCD 19.08 to be NR 19.08, Register, April, 1971, No. 184, eff. 5-1-71.

NR 19.09 Wild rice conservation. (1) A closed season is established for the harvesting or gathering of wild rice in the following described areas at all times except as hereinafter provided and it is unlawful for any person to harvest or gather wild rice in any manner or at any time during such closed season.

(2) The secretary is authorized and directed, after determining by investigation and study that the wild rice is ripe, to designate the open season for harvesting or gathering wild rice in each of the hereinafter following described areas. Such open season in any such area to begin not earlier than August 15 and to continue in effect for not more than 60 days. Such open season in any such area as designated by the secretary pursuant to this subsection shall be put into effect by posting of proper notice of such open season on the shores of, and at places of public access to, the lakes and streams in which such open season is effective at least 48 hours before the beginning of such open season.

(a) **Ashland county.** All waters north of highway 2 including outlying waters.

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(d) It shall be unlawful for any person to fish with or leave any fish line or lines unattended in any waters; it shall be unlawful for any person to take any fish by snagging or fouling in any manner unless otherwise specifically provided. Any such fish illegally taken other than in the mouth by snagging or fouling must be immediately returned to the water. It is also unlawful for any person to fish with the aid or use of any firearm or pellet gun in any manner or by any means other than angling or trolling. Dip nets (landing nets) 3 feet or less in diameter and a gaff may be used for the purpose of landing fish legally hooked.

(e) No person shall use as bait or possess or release any minnows or other fish except trout on any waters or shores of such waters which have been chemically treated for trout management and which are so identified and designated by signs posted on the shores thereof by the department of natural resources.

(ee) No person shall place minnow traps in waters which have been chemically treated to reestablish a trout fishery.

(f) No person shall use minnows as bait while fishing through the ice in Green Lake, Green Lake county except where the lake is 50 feet or less in depth.

(g) No person may sort fish of a particular species after the legal bag limit is filled. Any such fish taken after the legal bag limit is filled must be released immediately.

(2) No person shall, except as expressly provided, possess or control on any of the inland waters or shores of inland waters at any time any gun, bow and arrow, spear, net or similar device that might be used for the purpose of taking, catching or killing fish.

(3) It shall be lawful to take rough fish by hand at any time in all waters.

(4) (a) It is unlawful as prescribed in subsection (2) to take, catch or kill fish in the counties of Ashland (except in the Bad river as provided in paragraph (e)), Bayfield, Iron, Oconto (in that portion of the county west of highway #141 only), Oneida, Pierce, Price, Sawyer and Vilas counties and except that rough fish may be taken sunrise to sunset with bow and arrow from the Saturday nearest May 20 to July 1 each year in Iron county.

(b) It shall be lawful to take rough fish by means of spear or spear fishing by the method commonly known as skin diving or bow and arrow from April 21 to March 1, inclusive, sunrise to sunset in the inland waters or from shores of inland waters of Brown, Buffalo, Calumet (except during a sturgeon spearing season in any specified water), Chippewa, Clark, Door, Dunn, Eau Claire, Florence, Fond du Lac (except during a sturgeon spearing season in any specified water), Forest, Green Lake, Jackson, Juneau, Kewaunee, La Crosse, Langlade, Lincoln, Manitowoc, Marathon (except that spearing is prohibited in the Big Eau Pleine flowage from the dam upstream to highway 97 from November 1 to April 20), Marinette, Monroe, Oconto (in that portion of the county east of highway 141 only),

Outagamie (except during the sturgeon spearing season in any specified water), Pepin, Portage, St. Croix, Shawano, Trempealeau, Winnebago (except Waukau creek and during a sturgeon spearing season in any specified water), and Wood.

(c) It shall be lawful for any person to take rough fish by means of spears or by spear fishing by the method commonly known as skin diving or bow and arrow at any time of the year, sunrise to sunset, in the inland waters or from shores of inland waters of the counties of Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Kenosha, Lafayette, Marquette, Milwaukee, Ozaukee, Racine, Richland, Rock, Sauk (except it is illegal to spear fish while skin diving or with bow and arrow in Devil's lake), Sheboygan, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara (except during a sturgeon spearing season in any specified water), and in Waukau creek in Winnebago county.

(d) It is lawful to take white bass, yellow bass (striped), rock bass, crappie, bluegill, perch, pumpkinseed (sunfish) and bullheads with the use of spears and spearguns by skin diving and scuba diving in all waters where spearing for rough fish is permitted subject to the same seasons prescribed in subsection (4) (a), (b), (c) and (e) and subject to bag limits prescribed in section NR 20.03, Wis. Adm. Code.

(e) It shall be lawful for any person to take rough fish by means of spears or by spear fishing by the method commonly known as skin diving or bow and arrow, sunrise to sunset, from the Saturday nearest May 20 to November 1, inclusive, on the inland waters or from shores of inland waters in the counties of Burnett, Douglas, Rusk, Taylor, Washburn, Polk and Barron. Burbot (but no other species) may also be speared from sunset to sunrise in the Amnicon and Nemadji rivers and the Black river upstream to the Minneapolis, St. Paul and Sault Ste. Marie railroad bridge from December 15 to January 15, inclusive, in Douglas county and the Bad river, Ashland county.

(5) (a) The possession or use of a gun, bow and arrow, spear or similar device for the taking, catching or killing of fish in or on any stream containing trout is prohibited at all times except as indicated in subsection (5) (b) and (c).

(b) Suckers and carp may be speared, sunrise to sunset only, from Saturday nearest March 15 to, but not including the Saturday nearest May 1, in the following trout waters in Waushara county:

2. Willow creek between the point where the two branches of said stream unite in section 12, township 18 north, range 11 east, town of Marion and the dam in Auroraville.

3. The Pine river between the point where the said stream crosses the highway in section 3, township 19 north, range 12 east, town of Leon to the dam in Poyssippi.

(c) Turtles may be taken from trout streams the year-round by the method commonly known as "hooking".

(7) It shall be unlawful to use goldfish or alewife in any form or manner for bait or to have goldfish or alewife in possession on the inland, boundary or Lake Superior waters of the state. Alewife but not goldfish may be possessed and used for bait in Lake Michigan waters.

payment of applicable fees or charges established under contract between the department and concessionaire.

(8) Admission fees pursuant to section 27.01 (25) (a), Wis. Stats. and NR 45.17, Wis. Admin. Code:

(a) Resident annual fee	\$5.00 per year
(b) Resident daily fee	1.50 per day
(c) Nonresident annual fee	8.00 per year
(d) Nonresident daily fee	2.50 per day

(9) All camping fees are waived for mentally and physically handicapped persons brought by a nonprofit organization whose primary purpose is the improvement of the mental or physical health of the individual.

(10) Olympic ice rink (tax included)

(a) Adults - single entrance	\$1.00
(b) Children (under 16) - single entrance	.75
(c) Adult punch card (10 punches)	8.00
(d) Children punch card (12 punches)	6.00
(e) Adult punch card (24 punches)	15.00
(f) Children punch card (34 punches)	15.00
(g) Metric pass (metric training sessions only)	30.00

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64; am. Register, June, 1965, No. 114, eff. 7-1-65; am. (1), Register, May, 1966, No. 125, eff. 6-1-66; r. and recr. (1), Register, May, 1968, No. 149, eff. 6-1-68; renum. WCD 45.16 to be NR 45.16 and am., Register, April, 1970, No. 172, eff. 5-1-70; am. (1), Register, April, 1971, No. 184, eff. 5-1-71; r. and recr. Register, April, 1972, No. 196, eff. 5-1-72; am. (1) Register, March, 1973, No. 207; emerg. am., eff. 2-19-73; r. and recr. Register, May, 1973, No. 209, eff. 6-1-73; emerg. am. eff. 4-29-74; am. (1) (c) 1., (4) and (5) (b) and cr. (1) (d) 3. f., r. (3) and r. and recr. (2), Register, September, 1974, No. 225, eff. 10-1-74; emerg. r. and recr. (1) (b) and cr. (1) (c) 4, eff. 3-14-75; am. Register, May, 1975, No. 233, eff. 6-1-75; am. (1), (2) and (3), cr. (9), Register, May, 1976, No. 245, eff. 6-1-76; cr. (10), Register, February, 1977, No. 254, eff. 3-1-77.

NR 45.17 Admission fees. (1) It shall be unlawful for any person to operate or to park any automobile, motor truck, motor delivery wagon, bus, motorcycle, except as designated in subsection (4) or other similar motor vehicle or trailer or semitrailer used in connection therewith in the Point Beach state forest or in developed recreational areas in other state forests as designated in subsection (2) or in any state park or roadside park except those designated in subsection (3) and those specified in section 27.01 (2r) (b), Wis. Stats., unless such vehicle has affixed directly and completely thereto by its own adhesive an annual sticker or daily admission tag as provided in section 27.01 (2r) (a), Wis. Stats.

(2) The following state forest areas are designated by the department as developed recreational areas pursuant to section 27.01 (2r) (a), Wis. Stats.:

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(a) *American Legion State Forest:*

- | | |
|------------------------------|--|
| 1. Bearskin Lake camp-ground | 5. Cunard Lake camp-ground |
| 2. Buffalo Lake camp-ground | 7. Indian Mound camp-ground, beach and picnic area |
| 3. Carrol Lake camp-ground | 8. Clear Lake picnic area and beach |
| 4. Clear Lake camp-ground | |

(b) *Brule River State Forest:*

- | | |
|-----------------------------|---------------------------|
| 1. Copper Range camp-ground | 2. Bois Brule camp-ground |
|-----------------------------|---------------------------|

(bm) *Flambeau River State Forest:*

- | | |
|-----------------------------|---------------------------------|
| 1. Connors Lake camp-ground | 3. Lake of the Pines campground |
| 2. Connors Lake picnic area | |

(c) *Black River State Forest:*

- | | |
|---|---|
| 1. Castle Mound camp-ground and picnic area | 4. Robinson Creek beach and picnic area |
| 2. East Fork campground | 5. East Fork camp group |
| 3. Pigeon Creek camp-ground and picnic area | |

(d) *Kettle Moraine State Forest—Northern Unit:*

- | | |
|---------------------|---------------------------------------|
| 1. Long Lake area | 3. Greenbush group camp |
| 2. Mauthe Lake area | 4. New Prospect horsemen's campground |

(e) *Kettle Moraine State Forest—Southern Unit:*

- | | |
|------------------------------|--|
| 1. Whitewater area | 7. Scuppernong picnic and hiking trail area |
| 2. Ottawa Lake area | 8. Scuppernong Springs nature trail parking area |
| 3. McMiller Sportsmen Center | |
| 4. LaGrange camp area | |
| 5. Horsemen's camp area | |
| 6. Resinosa group camp area | |

(f) *Northern Highland State Forest:*

- | | |
|---------------------------------|--|
| 1. Big Lake campground | 10. Trout Lake campground—North |
| 2. Firefly Lake camp-ground | 11. Trout Lake campground—South |
| 3. Muskellunge group campground | 12. Upper Gresham Lake campground |
| 4. Jag Lake group camp-ground | 13. Crystal Lake picnic areas and beach |
| 5. Plum Lake camp-ground | 14. Sandy Beach Lake beach and picnic area |
| 6. Razorback Lake camp-ground | 15. Crystal—Muskie campground |
| 7. Sandy Beach Lake campground | 16. Nichols Lake beach and picnic area |
| 8. Star Lake campgrounds | 17. Little Star Lake beach and picnic area |
| 9. Starrett Lake campground | |

(3) The following areas are determined by the department as state parks in which vehicle admission stickers or admission tags are not required pursuant to section 27.01 (2r) (b) 4., Wis. Stats.:

- (a) Aztalan
- (b) Big Bay
- (c) Copper Culture
- (d) Cushing Memorial
- (e) Elroy-Sparta state trail
- (f) First Capitol
- (g) Lizard Mound
- (h) Lost Dauphin
- (i) Sugar River state trail
- (j) Ojibwa
- (k) Old Wade House
- (l) Tuscobia-Park Falls state trail
- (m) Rock Island state park
- (n) Ahnapee state trail
- (o) Peninsula state park golf course
- (p) High Cliff state park marina parking area

(4) Motorcycle Parks—as established under section 23.09 (25), Wis. Stats. A motorcycle having a valid registration under section 341.25 (1) (b), Wis. Stats., when entering or operating within the boundaries of the motorcycle park, shall not be required to pay an admission fee as specified in section 27.01 (2r) (a) Wis. Stats.

(5) Admission fees will be waived at all state parks and forest recreation areas on the third Sunday in May of each year.

(6) The following areas are designated by the department as state parks and state forest recreation areas where vehicle admission stickers or admission tags are required from January 1 through December 31:

- (a) Governor Dodge state park
- (b) Mirror Lake state park
- (c) Interstate park
- (d) Willow River state park
- (e) High Cliff state park
- (f) Peninsula state park
- (g) Potawatomi state park
- (h) Terry Andrae state park
- (i) John M. Kohler state park
- (j) Hartman Creek state park
- (k) Devil's Lake state park
- (l) Big Foot Beach state park
- (m) Point Beach state forest

(n) Long Lake area and Mauthe Lake area and Greenbush group camp, Horsemen's camp area—Kettle Moraine state forest—northern unit.

(o) Whitewater area, Ottawa Lake area, LaGrange area, and Horsemen's camp area and Resinosa group camp area—Kettle Moraine state forest—southern unit.

(7) Admission fees are waived for persons holding a Golden Age or Golden Eagle Passport at Interstate, Devil's lake and Mill Bluff state parks and the northern unit of the Kettle Moraine state forest.

(8) Admission fees are waived for mentally and physically handicapped persons brought by a nonprofit organization whose primary purpose is the improvement of the mental or physical health of the individual.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64; am. Register, June, 1965, No. 114, eff. 7-1-65; am. (2) (a), (b) and (f) and (3), Register, May, 1966, No. 125, eff. 6-1-66; am. (2) (e) 2, and (3), Register, April, 1967, No. 136, eff. 5-1-67; r. and recr. (2) (c), (d), (e), (f) and (3), Register, May, 1968, No. 149, eff. 6-1-68; r. (2) (f) 2., and 3., cr. (2) (f) 15., Register, April, 1969, No. 160, eff. 5-1-69; renun. WCD 45.17 to be NR 45.17 and am. (2) (intro.): renun. and am. (2) (b), am. (2) (f) 8.; am. (3) (intro.) Register, April, 1970, No. 172, eff. 5-1-70; am. (1), cr. (2) (f) 2. and 3. and (3) (m) and (n), Register, April, 1971, No. 184, eff. 5-1-71; am. (1), cr. (2) (e) 3., and 4. and 6., and (4), Register, April, 1972, No. 196, eff. 5-1-72; am. (1), (2) (a) 7., (f) 14; cr. (2) (c) 4, (d) 3., (e) 6., (f) 16 and 17 and (5) and (6); r. and recr. (3) (i), Register, March, 1973, No. 207, eff. 4-1-73; am. (2) (f) 4., (5) and (6) (c), cr. (2) (c) 5, (2) (a) 7 and 8., (3) (o), (3) (p) and (7), r. (2) (a) 6., Register, September, 1974, No. 225, eff. 10-1-74; cr. (2) (d) 4, Register, May, 1976, No. 233, eff. 6-1-76; cr. (8), Register, May, 1976, No. 245, eff. 6-1-76.

NR 45.18 Closing hours. (1) It shall be unlawful for any person except registered campers in or enroute to designated campsites, to enter or be in any state park or any state forest camp area, picnic area, headquarters area or designated parking area, or the Bong recreation area, between the hours of 11:00 p.m. and the following 6:00 a.m. except persons engaged solely in fishing who enter any of these locations prior to 11:00 p.m., and except for persons entering any state park or forest recreation area on the opening weekend of fishing season for the sole purpose of fishing.

(2) It shall be unlawful for any person except registered campers in or enroute to designated campsites to enter or be in any motorcycle state park between the hours of 8:00 p.m. and the following 9:00 a.m.

(3) This section is not applicable to the Sugar River state trail.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64; am. Register, June, 1965, No. 114, eff. 7-1-65; am. Register, April, 1967, No. 136, eff. 5-1-67; renun. WCD 45.18 to be NR 45.18, Register, April, 1970, No. 172, eff. 5-1-70; am. Register, April, 1972, No. 196, eff. 5-1-72; am. (1) and cr. (2), Register, March, 1973, No. 207, eff. 4-1-73; am. (1), Register, September, 1974, No. 225, eff. 10-1-74; am. (1), Register, May, 1976, No. 245, eff. 6-1-76; cr. (3), Register, October, 1976, No. 250, eff. 11-1-76.

NR 45.185 Closed areas. (1) The department may close, by posted notice, any picnic area, beach, camp area, trail or similar recreational facility.

History: Cr. Register, May, 1976, No. 245, eff. 6-1-76.

NR 45.19 Beaches. (1) It shall be unlawful for any person to possess or consume any food or beverage, or use any soap, detergent or shampoo on any bathing beach or in the water adjacent to any bathing beach in any state park, state park recreation area, and state forest.

(2) It shall be unlawful to swim beyond or disturb or molest a bathing beach boundary buoy or marker in any swimming beach in any state park, state park recreation area, and state forest.

(3) No floating device, except Coast Guard approved life jackets and vests of proper size and properly worn and secured, is permitted in or upon the water at any supervised beach or pool in any state park, state recreation area and state forest except in areas specifically set aside and posted for their use.

Register, February, 1977, No. 264

(4) Violations of any state law, Administrative Code or any posted user conduct rules of the Blue Mound state park swimming pool by any person is cause for revocation of the pool use privilege.

History: Cr. Register, May, 1966, No. 125, eff. 6-1-66; cr. (3), Register, April, 1967, No. 136, eff. 5-1-67; am. (1), (2) and (3), Register, April, 1969, No. 160, eff. 5-1-69; renum. WCD 45.19 to be NR 45.19 and am. (1), and (3), Register, April, 1970, No. 172, eff. 5-1-70; cr. (4), Register, March, 1973, No. 207, eff. 4-1-73.

NR 45.20 Exceptions. Nothing in this chapter shall prohibit or hinder the department of natural resources, its supervisors, managers, foresters, wardens, rangers or other duly authorized agents, or any peace officer from performing their official duties.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64; am. Register, June, 1965, No. 114, eff. 7-1-65; renum. from WCD 45.19, Register, May, 1966, No. 125, eff. 6-1-66; renum. WCD 45.20 to be NR 45.20 and am., Register, April, 1970, No. 172, eff. 5-1-70.

NR 45.21 Wolf river preservation area: Menominee county. **History:** Cr. Register, April, 1967, No. 136, eff. 5-1-67; r. Register, March, 1976, No. 243, eff. 4-1-76.

NR 45.22 Waterfowl blinds. It shall be unlawful for any person to fail to remove any waterfowl blind at the end of hunting hours for the day on any area so posted by the property superintendent.

History: Cr. Register, May, 1968, No. 149, eff. 6-1-68; renum. WCD 45.22 to be NR 45.22, Register, April, 1970, No. 172, eff. 5-1-70; am. Register, May, 1975, No. 233, eff. 6-1-75.

NR 45.23 State scientific areas (section 23.27, Wis. Stats.) For the purposes of this section, state scientific areas are defined as tracts of land or water under department control which have been designated by the Scientific Areas Preservation Council for the purposes of scientific research, the teaching of conservation and natural history and preservation of native plant and animal communities or individual members of these communities and archeological sites for the use of future generations.

Within the boundaries of state scientific areas posted with appropriate signs:

(1) No person shall take, catch, kill or remove any animal, except legal game or fish in season where not otherwise prohibited by law, or pick, collect or remove any plant or part thereof, without a written permit issued by the scientific areas preservation council and the department of natural resources.

(2) The provisions of NR 45.03, 45.06, 45.07, 45.08, 45.10 (1), 45.11, 45.12, 45.13, 45.14 and 45.15 apply to state scientific areas.

(3) Parfrey's Glen Scientific Area. This section applies to the Parfrey's Glen Scientific Area, section 23, township 11 north, range 7 east, Sauk county, Wisconsin.

(a) No person shall possess or consume any food or beverage within the boundary of Parfrey's Glen Scientific Area.

(b) Hiking other than on trails specifically designed and signed for that purpose is prohibited unless authorized in writing by the department or its duly authorized agents.

(c) No person shall enter or be in Parfrey's Glen Scientific Area between the hours of 8:00 p.m. and the following 6:00 a.m.

History: Cr. Register, March, 1973, No. 207, eff. 4-1-73.

Register, February, 1977, No. 254

Chapter NR 46

FOREST CROPLAND TAXATION

NR 46.01 Definitions

NR 46.02 Standards to be used in applying sections 77.01-77.14, Wis. Stats.

NR 46.03 Woodland tax law

NR 46.04 Forms

NR 46.01 Definitions. (1) "Grazing" means the feeding on grass, herbage or other growing plants by domestic animals. Animals used during timber harvest operations are exempt.

(2) "Burning" means the presence of fire on forest land, except when used as a prescribed tool in the practice of sound forestry.

(3) "Practice forestry", "sound forestry practices" and "sound forestry" mean those timber cutting, transporting and forest cultural methods recommended or approved by the department of natural resources for most effective propagation and improvement of the various timber types common to Wisconsin.

(4) "Forest land" means land capable of producing wood products, having a minimum width of 120 feet, not developed for uses inimical to the practice of forestry and at least 10% stocked with forest trees of any of the following size classes:

Stand Size Classes	Tree Diameter Ranges at 4.5 Feet from Ground Level	Density
Seedlings	0"-1"	200 trees per acre
Saplings	1"-5"	100 trees per acre
Pole-Timber	5"-9", 11"***	3 cords per acre
Sawtimber	9"+, 11"+**	1,300 board feet per acre
*For Conifer Species		
**For Other Species		

(5) "Commercial forest land" means forest land capable of producing wood products within 100 years and not withdrawn from timber production.

(6) "Non-commercial forest land" means forest land not capable of producing wood products within 100 years.

(7) "Non-forest" means farmland (including grazing pastures), water, marsh, muskeg, bog, rock outcrops, sand dunes, recreational land, industrial land, residential land and rights-of-way.

(8) "Non-productive area" means non-forest, non-stocked forest land and non-commercial forest land.

(9) "Tree scale" means the measurement of merchantable volume of standing trees.

(10) "Qualified forester" means a forester having a bachelor or higher degree from a school of forestry.

(11) "Quarter-quarter section" means a regular one-sixteenth part of a section, the boundaries of which are determined by a correctly executed subdivision of the section involved, as determined by U. S. government survey plat.

(12) "Fractional lot" means a portion of a section in a township formed by the excess or deficiency of land in said township, as shown by U. S. government survey plat.

(13) "Government lot" means an irregular portion of a section formed by a meandered body of water, impassable object, a state or reservation or grant boundary or for other similar reasons as shown by U. S. government survey plat.

(14) "Public roads and railroad rights-of-way" means public roads or railroad rights-of-way active or abandoned, in public or railroad ownership.

(15) "Domicile" means the place of residence of an individual or family.

(16) "Wood products" means those items listed on the current forest crop law stumpage values for severance tax.

(17) "Hunting" means shooting, shooting at, pursuing, taking, catching or killing of any wild animal or animals other than trapping. "Fishing" means taking, capturing, killing or fishing for fish of any variety in any manner. Landowners may prohibit activities other than public hunting and fishing on lands under the forest crop law.

History: Cr. Register, May 1973, No. 209, eff. 6-1-73.

NR 46.02 Standards to be used in applying sections 77.01-77.14, Wis. Stats. (1) Standard units of measurement shall be:

(a) Sawlogs-board feet, Scribner Decimal C log rule.

(b) Cords—piled cord, 4' x 4' x 96"—100" or 4' x 8' x 4'. Cord products of other dimensions shall be converted to standard cords.

(c) Piece products—per piece, post, pole or Christmas tree.

(d) Weight—converted to cord equivalent by species.

(2) In determining whether an applicant is holding the land permanently for the growing of timber and other forest crops the department may consider:

(a) The statements of the applicant on the entry petition.

(b) Evidence which indicates the owner's primary intent to practice forestry.

(3) The following conditions will be considered upon application for entry to determine if all or portions of the lands are more useful for purposes other than the practice of forestry.

(a) Location within incorporated limits of cities or within registered plats.

(b) The presence of buildings or other structures which are inimical to the practice of sound forestry. The existence of landscaping or ornamental plants, or the alteration of vegetation, adjacent to or near

the buildings or structures shall be prima facie evidence that the buildings or structures are inimical to the practice of sound forestry. The use of buildings or structures as a domicile is deemed inimical to the practice of sound forestry.

(c) Adjacency to or in the near vicinity of developments (i.e., industrial, recreational, residential, agricultural or commercial) for which the lands being applied for are also suitable.

(d) The presence of surface disturbance in the form of current commercial metallic or non-metallic mining or landfill operations.

(e) Zoning laws and ordinances.

(f) Other conditions may also be considered.

(4) The following conditions will be cause for cancellation:

(a) The presence of buildings or other structures which are inimical to the practice of sound forestry. The existence of landscaping or ornamental plants, or the alteration of vegetation, adjacent to or near the buildings or structures shall be prima facie evidence that the buildings or structures are inimical to the practice of sound forestry. The use of buildings or structures as a domicile is deemed inimical to the practice of sound forestry.

(b) The presence of surface disturbance in the form of current commercial metallic or non-metallic mining or landfill operations.

(5) Lands remaining after a transfer, cancellation or withdrawal must meet the requirements for entry.

(6) Non-productive areas shall not exceed 20% of the total contiguous proposed entry, except where the applicant demonstrates to the department's satisfaction that significant forestry benefits will result from entry.

(7) (a) Wood products reported on cutting reports received by the department on or before October 1, for wood products cut prior to September 1, will be assessed on the basis of the stumpage value schedule in effect at the time of cutting.

(b) Wood products reported on cutting reports received by the department after October 1, or cut on or after September 1, will be assessed on the basis of the current stumpage value schedule.

(c) Peeled cordwood volume will be converted to volume of rough products by adding 12½% for hand-peeled or 25% for machine-peeled wood.

(d) A reduction of 30% of the stumpage value for severance tax, as listed under subsection (8) will be made for those species salvaged as a result of catastrophic occurrences. Catastrophic losses are defined as severe losses caused by fire mortality, ice, snow, insects, disease and flooding. In order to be eligible for this reduction, the catastrophic loss must directly involve 20 acres or more and must result in a reduction of 30% or more in stumpage value to the owner as certified by the landowner on forms provided and verified by department appraisal.

(e) Cordwood products sold as sawbolts by the landowner or sorted and sawed as sawbolts by the landowner will be reported as sawbolts under subsection (8).

(f) Cordwood products measured by weight will be converted to and reported as rough cord products.

1. The following table of weights will be used for conversion to cords:

Species	Weight per Cord	
	Green	Seasoned
White pine	4,700	4,200
Red pine	4,700	4,400
Jack pine	4,700	4,300
Spruce	4,500	4,300
Balsam fir	5,000	4,200
Tamarack	5,200	4,400
Hemlock	5,200	4,300
Aspen	4,600	4,000
White birch	5,200	4,800
Oak, all species	5,600	5,000
Mixed hardwoods	5,300	4,900

2. Seasoned wood is that which is dried 2 or more months during the period April 1 to October 31 before weighing.

(8) STUMPAGE VALUES FOR SEVERANCE TAX. (a) Logs (Stumpage per M feet board measure)

1. White pine	\$39.00
2. Red pine	39.00
3. Jack pine	24.00
4. Spruce	22.00
5. Tamarack	22.00
6. Cedar	22.00
7. Hemlock	19.00
8. Aspen	25.00
9. Hard maple	48.00
10. Soft maple	35.00
11. Yellow birch	65.00
12. White birch	26.00
13. Basswood	40.00
14. Elm	34.00
15. Red oak	48.00
16. White oak	37.00
17. Other oak	22.00
18. Ash	22.00
19. Black walnut	675.00
20. Other species	25.00

(b) Cord products—rough volume (unpeeled). (Stumpage per piled cord, 4' x 4' x 96-100" or 4' x 8' x 4')

1. White pine	\$5.00
2. Red pine	8.00
3. Jack pine	9.75
4. Spruce	8.10
5. Balsam fir	5.00
6. Tamarack	4.50
7. Cedar	2.80
8. Hemlock	5.00
9. Aspen	3.80
10. White birch	2.60
11. Oak	1.90
12. Mixed hardwoods	2.20

13. Firewood	1.00
14. Sawbolts, all species	12.00

(c) *Piece products* (Stumpage per piece)

Posts and Poles

1. 7 and 8 ft.	\$.05
2. 10 and 12 ft.10
3. 14 and 16 ft.20
4. 18 and 20 ft.50
5. 25 ft.	1.00
6. 30 ft. and over	1.50

Christmas Trees

7. Black spruce	\$.50
8. All other species70

History: Cr. Register, May, 1973, No. 209, eff. 6-1-73; cr. (7) and (8), Register, August, 1973, No. 212, eff. 9-1-73; cr. (7) (e) and (f), r. and recr. (7) (d), am. (7) (b) and (8), Register, January, 1975, No. 229, eff. 2-1-75; emerg. am. (8), eff. 9-1-75; am. (8), Register, December, 1975, No. 240, eff. 1-1-76; am. (7) (f) and (8), Register, December, 1976, No. 252, eff. 1-1-77.

NR 46.03 Woodland tax law, section 77.16, Wis. Stats. (1) The minimum acreage for entry or renewal shall be a 10-acre tract of contiguous forest land. Areas of less than 10 acres, if contiguous to an existing entry, may be added to such entry.

(2) Conveyance that results in partition of lands of an entry shall be cause for cancellation of the entire entry. An entry conveyed in its entirety shall continue its classification under this section.

(3) The following conditions will be considered upon application for entry to determine if land are more suitable for purposes other than the practice of forestry.

(a) Adjacency to or in the vicinity of industrial, recreational, residential, agricultural or commercial developments for which the lands being applied for are also suitable.

(b) The presence of surface disturbance in the form of current commercial metallic or non-metallic mining or landfill operations.

(c) Zoning laws and ordinances.

(d) Other conditions may also be considered.

(4) The presence of surface disturbance in the form of current commercial metallic or non-metallic mining or landfill operations shall be prima facie evidence that the land is no longer used for forestry purposes.

(5) Non-productive areas shall not exceed 20% of the total contiguous proposed entry.

(6) An acceptable management plan shall be prepared by a qualified forester representing the landowner, or the department of natural resources to consist of the following:

(a) The name(s) and address(es) of the landowner(s).

(b) The legal description of the lands.

(c) An appropriate map(s) or aerial photos of the land on which cover types are identified by conventional map symbols indicating species, size and density of vegetation.

(d) A schedule by 5-year increments of the required forest management practices to be carried out during the contract period. Forest management practices required to be performed during the contract period are:

1. Harvesting of mature timber according to sound forestry practices.
2. Thinning of plantations and natural stands for merchantable products according to sound forestry practices.
3. The release of pine from competing vegetation.
4. The reforestation of open and understocked areas.

(e) Management practices which are desirable and may be carried out during the contract period by the landowner by his/her option.

(f) Signatures of the landowner(s) (and the qualified forester representing the landowner if appropriate) and the inspecting department forester.

History: Cr. Register, May, 1973, No. 209, eff. 6-1-73; r. (1), (4) (a) and (7), renum. (2) and (3) to be (1) and (2), renum. (4) (b) to (e) to be (3) (a) to (d), (5) and (6) to be (4) and (5), cr. (6), Register, February, 1977, No. 254, eff. 3-1-77.

NR 46.04 Forms. Application for entry, transfer, withdrawal, management plan or cutting under the forest crop or woodland tax law shall be made on forms provided by the department and are available from: Department of Natural Resources, Box 7921, Madison, Wisconsin 53707.

History: Cr. Register, May, 1973, No. 209, eff. 6-1-73; am. Register, February, 1977, No. 254.

Chapter NR 102

WATER QUALITY STANDARDS FOR
WISCONSIN SURFACE WATERS

NR 102.01	Definitions	NR 102.05	Lake Michigan and Lake Superior thermal standards
NR 102.02	Categories of standards	NR 102.06	Mississippi River thermal standards
NR 102.03	Guidelines for application of standards	NR 102.07	Review of thermal standards
NR 102.04	Enforcement		

History: Chapter NR 102 as it existed on September 30, 1973 was repealed and a new chapter NR 102 was created, Register, September, 1973, No. 213, eff. 10-1-73.

POLICY STATEMENT WITH REFERENCE TO
CHAPTERS NR 102 TO NR 104

Preamble

Water quality standards are statements of the characteristics of a water which must be maintained to make it suitable for specified uses. The standards, when applied to specific waters, such as a lake or stretch of river, are meaningful for achieving, maintaining or upgrading, and documenting the quality of the water. In addition to the water quality standards, other measures may be implemented to control pollution of surface waters.

The standards are based on available scientific knowledge and are the present goal. The ultimate goal shall be to permit use of all the water resources of the state for multiple purposes including aesthetic, agriculture, aquatic and wildlife, industry, potable water supply, hydro-power, navigation, and recreation.

It is the purpose of these rules and regulations to designate the uses for which the various waters of the state of Wisconsin shall be maintained and protected; to prescribe the water quality required to sustain the designated uses; and to indicate methods to implement, achieve, and maintain the prescribed water quality. The department of natural resources will determine what must be done in each case to obtain the necessary water quality and the time schedule which may be set realistically to achieve it. As technology permits, classification of waters will be reevaluated to reflect these advances.

The Federal Water Pollution Control Act of 1965 required that each state adopt water quality criteria and a plan for applying them to interstate waters within the state. Standards for interstate waters were adopted and became effective on June 1, 1967.

Chapter 144, Wisconsin Statutes, authorizes and directs the adopting of rules setting standards of water quality. It recognizes that different standards may be required for different waters or portions thereof. The intent is set forth: "... standards of quality shall be such as to protect the public interest, which includes the protection of the public health and welfare and the present and prospective future use of such waters for public and private water supplies, propagation of fish and aquatic life and wildlife, domestic and recreational purposes, and agricultural, commercial, industrial and other legitimate uses. In all cases where the potential uses of water are in conflict, water quality standards shall be interpreted to protect the general public interest." Standards for intrastate waters were adopted and became effective on September 1, 1968.

In establishing such standards, consideration has been given to their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial and other legitimate uses.

The objective of the Federal Water Pollution Control Act Amendments of 1972 is to restore and maintain the chemical, physical and biological integrity of the nation's waters. In order to achieve this objective, it is the national goal that the discharge of pollutants into navigable waters be eliminated by 1985. Furthermore, it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish and wildlife and provides for recreation in and on the water be achieved by July 1, 1983. The amendments further require the establishment of water quality standards for all waters consistent with the applicable requirements of the Act.

Register, February, 1977, No. 264
Environmental protection

Present and possible uses of interstate waters or sections therein have been determined with respect to: municipal, industrial, cooling, irrigation, wildlife and stock water supply; tolerant, facultative and intolerant fishery; whole and partial body contact; aesthetics, hydro-power, commercial shipping and waste assimilation. The standards and water use designations are subject to revisions as more data and information become available.

Implementation

Wisconsin legislation requires the formulating, periodic updating and carrying out of long-range comprehensive plans to guide the development, management, and protection of water resources. Statutes authorize issuance and adoption of rules with regard to available systems, and methods and means for preventing and abating water pollution. Penalties are provided for not complying with the law, rules, permits and orders. Assessments for fish damages and fines will continue to be used to curb discharges of deleterious substances and to handle intermittent pollution problems. A permit program in conformity with Section 402 (b) Federal Water Pollution Control Act Amendments of 1972 is being initiated, and when adopted will be used to implement effluent requirements and the water quality standards. Wisconsin has been systematically making pollution surveys and monitoring the surface water quality of all surface waters. Funds have been made available for this purpose.

State and federal financial assistance programs encourage municipalities to construct new or improved pollution prevention and abatement facilities. Legislation provides that industry may acquire land by condemnation for construction of waste disposal facilities. Tax laws permit writing off waste treatment plant construction costs in the year of expenditure and exemption of these facilities from real estate tax.

NR 102.01 Definitions. (1) "Mean tolerance level (TL_m)" means the concentration of a substance at which there is a 50% mortality rate of bio-assay test organisms in a stated exposure time.

(2) "Mixing zone" means a region in which a discharge of different characteristics than the receiving water is in transit and progressively diluted from the source to the receiving system.

(3) "Natural conditions" means the normal daily and seasonal variations in climatic and atmospheric conditions, and the existing physical and chemical characteristics of a water or the course in which it flows.

(4) "Natural temperature" means the normal existing temperature of a surface water including daily and seasonal changes outside the zone of influence of any artificial inputs.

(5) "Resource management" means the application of control techniques to enhance or preserve a surface water in accordance with statutory provisions and in the general public interest.

(6) "Sanitary survey" means a thorough investigation and evaluation of a surface water including bacteriological sampling to determine the extent and cause of any bacterial contamination.

(7) "Surface waters" means all natural and artificial named and unnamed lakes and all naturally flowing streams within the boundaries of the state, but not including cooling lakes, farm ponds and facilities constructed for the treatment of wastewaters (the term waters as used in this chapter means surface waters).

(8) "Unauthorized concentrations of substances" means pollutants or other chemicals introduced into surface waters without prior permit or knowledge of the department, but not including accidental or unintentional spills.

(9) "Best practicable control technology" means that level of treatment established by the department under section 147.04 (2)

(a), Wis. Stats., for categories and classes of point sources to be achieved by not later than July 1, 1977.

(10) "Best available control technology" means that level of treatment established by the department under section 147.04 (2) (b) 1., Wis. Stats., for categories and classes of point sources to be achieved by not later than July 1, 1983.

History: Cr. Register, September, 1978, No. 213, eff. 10-1-78.

NR 102.02 Categories of standards. (1) **GENERAL.** To preserve and enhance the quality of waters, standards are established to govern water management decisions. Practices attributable to municipal, industrial, commercial, domestic, agricultural, land development or other activities shall be controlled so that all waters including the mixing zone and the effluent channel meet the following conditions at all times and under all flow conditions:

(a) Substances that will cause objectionable deposits on the shore or in the bed of a body of water, shall not be present in such amounts as to interfere with public rights in waters of the state.

(b) Floating or submerged debris, oil, scum or other material shall not be present in such amounts as to interfere with public rights in waters of the state.

(c) Materials producing color, odor, taste or unsightliness shall not be present in such amounts as to interfere with public rights in waters of the state.

(d) Substances in concentrations or combinations which are toxic or harmful to humans shall not be present in amounts found to be of public health significance, nor shall substances be present in amounts which are acutely harmful to animal, plant or aquatic life.

(2) It should be recognized that these standards will be revised as new information or advancing technology indicate that revisions are in the public interest. Water used for hydropower and commercial shipping depends mainly on quantity, depth and elevation; consequently, no specific quality standards for these uses have been prepared.

(3) **STANDARDS FOR FISH AND AQUATIC LIFE.** Except for natural conditions, all waters classified for fish and aquatic life shall meet the following criteria:

(a) Dissolved oxygen: Except for waters classified as trout streams in Wisconsin Trout Streams, Publication 213-72, the dissolved oxygen content in surface waters shall not be lowered to less than 5 mg/l at any time.

(b) Temperature: 1. There shall be no temperature changes that may adversely affect aquatic life.

2. Natural daily and seasonal temperature fluctuations shall be maintained.

3. The maximum temperature rise at the edge of the mixing zone above the existing natural temperature shall not exceed 5° F for streams and 3° F for lakes.

4. The temperature shall not exceed 89° F for warm water fish.

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(c) pH: The pH shall be within the range of 6.0 to 9.0, with no change greater than 0.5 units outside the estimated natural seasonal maximum and minimum.

(d) Unauthorized concentrations of substances are not permitted that alone or in combination with other materials present are toxic to fish or other aquatic life. Questions concerning the permissible levels, or changes in the same, of a substance, or combination of substances, of undefined toxicity to fish and other biota shall be resolved in accordance with the methods specified in "Water Quality Criteria," Report of the National Technical Advisory Committee to the Secretary of the Interior, April 1, 1968. The committee's recommendations will also be used as guidelines in other aspects where recommendations may be applicable.

Note: Copies of the above publication are available for inspection at the office of the department of natural resources, secretary of state's office and the office of the revisor of statutes, and may be obtained for personal use from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C.

(e) Streams classified as trout waters by the department of natural resources (Wisconsin Trout Streams, Publication 213-72) shall not be altered from natural background by effluents that influence the stream environment to such an extent that trout populations are adversely affected.

1. There shall be no significant artificial increases in temperature where natural trout reproduction is to be protected.

2. Dissolved oxygen in classified trout streams shall not be artificially lowered to less than 6.0 mg/l at any time, nor shall the dissolved oxygen be lowered to less 7.0 mg/l during the spawning season.

3. The dissolved oxygen in great lakes tributaries used by stocked salmonids for spawning runs shall not be lowered below natural background during the period of habitation.

(4) **STANDARDS FOR RECREATIONAL USE.** A sanitary survey and/or evaluation to assure protection from fecal contamination is the chief criterion in determining the suitability of a surface water for recreational use. In addition, the following bacteriological guidelines are set forth:

(a) The membrane filter fecal coliform count shall not exceed 200 per 100 ml as geometric mean based on not less than 5 samples per month, nor exceed 400 per 100 ml in more than 10% of all samples during any month.

(5) **STANDARDS FOR PUBLIC WATER SUPPLY.** In addition to the standards for fish and aquatic life and recreational use, waters used as a public water supply shall meet the following criteria at sites where water is withdrawn for treatment and distribution as a potable water:

(a) Dissolved solids. Not to exceed 500 mg/l as a monthly average value, nor exceed 750 mg/l at any time.

(b) The intake water supply will be such that by appropriate treatment and adequate safeguards it will meet the Public Health Service Drinking Water Standards 1962.

Note: Copies of Public Health Service Drinking Water Standards, 1962 are available for inspection at the office of the department of natural resources, secretary of state's office and the office of the revisor of statutes, and may be obtained for personal use from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C.

(c) Other. Concentrations of other constituents must not be hazardous to health.

History: Cr. Register, September, 1973, No. 213, eff. 10-1-73.

NR 102.03 Guidelines for application of standards. (1) **INTERPRETATION.** It is the goal of the department of natural resources that, wherever attainable, surface waters in Wisconsin shall provide for the protection and propagation of fish and aquatic life and provide for recreational uses in and on the water by July 1, 1983. The surface water quality criteria and use classifications set forth herein are the standards to be achieved by July 1, 1977. In those cases where the water quality currently conforms to the criteria set forth in this chapter, such waters shall be maintained at that or a higher quality. In those cases where the criteria are not currently being met, because of inadequate waste treatment or insufficient stream flow, waste control measures must be employed to satisfy the criteria in accordance with the stated objectives. This includes treatment better than best practicable control technology where required to meet the criteria. At this time, variances are provided from the surface water quality criteria where existing conditions (natural background, combined sewers, sludge banks, insufficient stream flow, etc.) are such that the criteria may not be met by applying technology beyond best practicable treatment. It is anticipated that the application of best available control technology will achieve the 1983 water quality goals of the department in all surface waters. If the 1983 water quality goal cannot be achieved by the application of the best available control technology, more stringent control measures may be required to attain and maintain the stated criteria without variance. However, if it is determined that there is no reasonable relationship between the economic and social cost of achieving such limitations, including any economic and social dislocation in any affected community or communities, and the social and economic benefits to be obtained by achieving such water quality, variances from the 1983 water quality criteria goal shall be provided.

(2) **ANTIDegradation.** No waters of the state shall be lowered in quality unless it has been affirmatively demonstrated to the department that such a change is justified as a result of necessary economic and social development, provided that no new or increased effluent interferes with or becomes injurious to any assigned uses made of or presently possible in such waters.

(3) **STREAMFLOW.** Water quality standards do not assure quantity and natural quality. The standards shall apply at all times except (a) during periods when flows are less than the average minimum 7-day low flow which occurs once in 10 years (7-day Q_{10}), and (b) in channels which convey a treated effluent to natural surface waters. In determining the 7-day Q_{10} flow, consideration will be given to streams subject to hydraulically altered flow regimes.

(4) **MIXING ZONES.** Water quality standards must be met at every point outside of a mixing zone. The size of the mixing zone cannot be uniformly prescribed, but shall be based on such factors as effluent quality and quantity, available dilution, temperature, current, type of outfall, channel configuration and restrictions to fish movement. As a guide to the delineation of a mixing zone, the following shall be taken into consideration:

(a) Limiting mixing zones to as small an area as practicable, and conforming to the time exposure responses of aquatic life.

(b) Providing passageways in rivers for fish and other mobile aquatic organisms.

(c) Where possible, mixing zones being no larger than 25% of the cross-sectional area or volume of flow of the stream and not extending more than 50% of the width.

(d) For contaminants other than heat, the 96-hour TL_m to indigenous fish and fish food organisms not being exceeded at any point in the mixing zone.

(e) Mixing zones not exceeding 10% of a lake's total surface area.

(f) Mixing zones not interfering with spawning or nursery areas, migratory routes, nor mouths of tributary streams.

(g) Mixing zones not overlapping, but where they do, taking measures to prevent adverse synergistic effects.

(5) **EXEMPTIONS.** The thermal mixing zone provisions of this chapter are not applicable to municipal waste and water treatment plants, to vessels, or to discharges to enclosed harbors.

(6) **RESOURCE MANAGEMENT EXEMPTIONS.** Application of chemicals for water resource management purposes in accordance with statutory provisions is not subject to the requirements of the standards except in case of water used for public water supply.

(7) **ANALYTICAL PROCEDURES.** Methods of sample preservation and analysis shall conform with "Standard Methods for the Examination of Water and Wastewater", 13th Edition, 1971, prepared and edited by the American Public Health Association, American Waterworks Association and Water Pollution Control Federation, or by other methods acceptable to the department of natural resources and not contrary to the requirements of the federal government. The criteria in the Radiation Protection Code, Wis. Adm. Code section H 57.15 shall apply to the disposal and permissible concentrations of radioactive substances.

Note: Copies of the above publications are available for inspection at the office of the department of natural resources, secretary of state's office and the office of the revisor of statutes, and may be obtained for personal use from American Public Health Association, Inc., 1790 Broadway, New York, N.Y. 10019.

History: Cr. Register, September, 1973, No. 213, eff. 10-1-73; renum. (5) and (6) to be (6) and (7), cr. (5), Register, July, 1975, No. 235, eff. 8-1-75.

NR 102.04 Enforcement. Financial assistance, industrial incentives, increased surveillance, orders, and permits will be means used to achieve and maintain the adopted water quality standards. Reasonable time schedules to comply with orders and permit conditions

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depend on the circumstances. All municipal sewage treatment plants shall provide a minimum of secondary treatment and effluent disinfection. Communities with a population of 2,500 and over in the lakes Michigan and Superior basins shall achieve an 85% reduction of phosphorus on an annual basis, and there shall be a commensurate removal from industrial wastes containing more than 2 mg/l of total phosphorus and having an annual phosphorus discharge greater than 8,750 pounds. Any wastewater discharger—regardless of population, volume or type of waste discharge, or geographic location—may be required to remove excess amounts of phosphorus where such discharges are causing overfertilization of surface waters. A permit program is being initiated in accordance with the Federal Water Pollution Control Act Amendments of 1972 regarding treatment and monitoring requirements for waste discharges to waters of the state. All industrial plants discharging wastes to surface waters are required to provide, as a minimum, an effluent quality established in accordance with the Federal Water Pollution Control Act Amendments of 1972.

History: Cr. Register, July, 1975, No. 235, eff. 8-1-75.

NR 102.05 Lake Michigan and Lake Superior thermal standards. For Lake Michigan and Lake Superior the following thermal standards are established so as to minimize effects on the aquatic biota in the receiving waters.

(1) (a) Thermal discharges shall not raise the receiving water temperature more than 3°F above the existing natural temperature at the boundary of mixing zones established in paragraphs (b) and (c).

(b) 1. The mixing zone for a shoreline thermal discharge shall be the area included within the perimeter of a rectangular figure extending 1,250 feet in both directions along the shoreline from the outfall and 1,250 feet into the lake.

2. The mixing zone for an offshore thermal discharge shall be the area within a 1,000-foot radius circle with its center at the point of discharge.

(c) The department may, upon request from the owner of a source of thermal discharge, adjust the boundaries of the mixing zone established in paragraph (b) for that source. In no case may any mixing zone so established include an area greater than 72 acres nor may it include more than 2,800 feet of shoreline.

(2) In addition to the limitation set forth in subsection (1), but excepting the Milwaukee Harbor, Port Washington Harbor and the mouth of the Fox River, thermal discharges to Lake Michigan shall not raise the temperature of the receiving waters at the boundary of the established mixing zone above the following limits:

January.....	45°F	July	80°
February	45°	August.....	80°
March.....	45°	September	80°
April.....	55°	October.....	65°
May.....	60°	November.....	60°
June.....	70°	December	50°

History: Cr. Register, September, 1973, No. 213, eff. 10-1-73; r. and recr. Register, July, 1975, No. 235, eff. 8-1-75.

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NR 102.06 Mississippi river thermal standards. In addition to the standards for fish and aquatic life, the monthly average of the maximum daily temperature in the Mississippi river outside the mixing zone shall not exceed the following limits:

January-----	40°F	July -----	84°
February-----	40°	August-----	84°
March-----	54°	September-----	82°
April-----	65°	October-----	73°
May-----	75°	November-----	58°
June-----	84°	December-----	48°

History: Cr. Register, July, 1976, No. 235, eff. 8-1-76.

NR 102.07 Review of thermal standards. (1) Whenever the owner of any source of thermal discharges that existed on or before July 31, 1975, in compliance with department guidelines and after opportunity for public hearing, can demonstrate to the satisfaction of the department that the mixing zone established pursuant to this chapter is more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the receiving water, the department may:

(a) Impose a mixing zone with respect to such thermal discharge that will assure the protection and propagation of such a population, or

(b) Exempt such thermal discharge from the thermal requirements of this chapter provided this exemption will not endanger the propagation of such a population.

(2) Any owner desiring a review pursuant to NR 102.07 (1) shall submit a demonstration to the department no later than June 30, 1976. The department shall reach a decision no later than December 31, 1976.

(3) In the event the owner fails to make a satisfactory demonstration pursuant to NR 102.07 (1), the department shall establish a compliance date for the thermal component to be achieved no later than July 1, 1979.

(4) Whenever the owner of any source of thermal discharges that commenced on or after August 1, 1975, in compliance with department guidelines and after opportunity for public hearing, can demonstrate to the satisfaction of the department that the mixing zone established pursuant to this chapter is more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the receiving water, the department may:

(a) Impose a mixing zone with respect to such thermal discharge that will assure the protection and propagation of such a population, or

(b) Exempt such thermal discharge from the thermal requirements of this chapter provided this exemption will not endanger the propagation of such a population.

(5) In the event an owner fails to make a satisfactory demonstration pursuant to NR 102.07 (4), the discharge shall be in compliance

with the thermal requirements of this chapter upon commencement of the discharge.

(6) The department may require the reduction of thermal discharges or the size and configuration of a mixing zone if it finds that environmental damage is imminent or existent.

History: Cr. Register, July, 1975, No. 235, eff. 8-1-75; am. Register, February, 1977, No. 254, eff. 3-1-77.