



EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. 47

WHEREAS, windstorms and tornadoes that occurred during the summer of 1977 downed thousands of acres of timber in Burnett, Polk, Washburn, Barron, Sawyer, Rusk, Price, Oneida, Lincoln and Forest Counties; and

WHEREAS, the Federal Disaster Assistance Administration has declared an emergency in those counties and has authorized Federal relief and recovery assistance to remove downed timber from public land to prevent the threat of life in the affected area; and

WHEREAS, the downed timber must be immediately harvested or removed in order that millions of dollars worth of timber will not be wasted through natural deterioration and that downed timber not create a fire hazard; and

WHEREAS, it will be necessary to provide scores of crossings of navigable streams in order to allow heavy equipment to reach areas requiring timber harvesting and removal; and

WHEREAS, many of these crossings of navigable streams require permits, reviews or approvals to be obtained from the Department of Natural Resources pursuant to Sections 1.11, 30.10, 30.12 and 31.23, Wis. Stats.; and

WHEREAS, the aforementioned statutes require a permit and review process that is too lengthy to be responsive to the immediate need for ingress to the affected areas; and

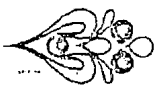
WHEREAS, the waiver of the notice and hearing provisions of Sections 30.12, 31.23, 1.11 and 227.075, Wis. Stats., and the permit fees required by Sections 30.28 and 31.39, Wis. Stats., in the manner set forth in this Executive Order will enable the State of Wisconsin to be more responsive to the current crisis and still protect the valuable water resources of the State.

NOW, THEREFORE, I, MARTIN J. SCHREIBER, Acting Governor of the State of Wisconsin, by virtue of the authority vested in me by Section 22.16 of the Wisconsin Statutes, do hereby proclaim the counties of Burnett, Polk, Washburn, Barron, Sawyer, Rusk, Price, Oneida, Lincoln and Forest Counties to be in a state of emergency.

FURTHER, I HEREBY ORDER THE FOLLOWING:

1. That the Department of Natural Resources suspend the statutory notice and hearing provisions of Sections 30.12, 31.23, 1.11 and 227.075, Wis. Stats., and suspend the

RECEIVED
SEP 16 1977
LEGISLATIVE REFERENCE
BUREAU



EXECUTIVE DEPARTMENT



permit fee requirements of Sections 30.28 and 31.39, Wis. Stats., for all crossings of navigable streams required for ingress to downed timber areas in the aforementioned counties for removal or harvesting of the timber.

2. That the above-stated suspension shall be applicable only on a case-by-case basis where the following procedures have been followed:

a. The proposed crossing builder has requested permission from the nearest Department of Natural Resources District or Area Office.

b. The proposed crossing site has been field inspected by Department of Natural Resources personnel.

c. The on-site inspector has granted written authority on the basis that the proposed crossing will not cause adverse environmental effects or damage to adjoining property owners. The inspector may authorize the proposed crossing subject to whatever conditions are deemed necessary to insure that there will not be such adverse effects. Such conditions may include but are not limited to a change in the crossing site, materials to be used in the crossing, dimensions of the crossing and adequate erosion control measures. It is recognized that many of the crossings will be of a temporary nature and the inspector may therefore condition the permit by requiring a specific removal date for the crossing.

3. That the Department of Natural Resources will maintain active enforcement surveillance on all crossings authorized under the procedure established pursuant to this Executive Order to insure that only duly authorized stream crossings are constructed.

4. That the Department of Natural Resources immediately undertake an informational program disseminating the procedures to be followed and the office to be contacted by individuals and municipalities wishing to seek the emergency stream crossings allowed herein.

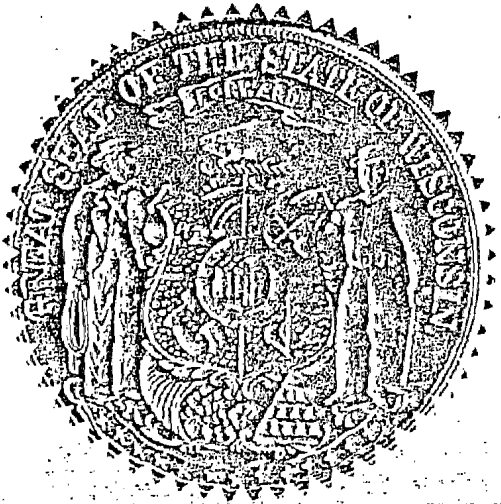
5. That this Executive Order is not to be construed in any manner as limiting the statutory enforcement powers of the Department of Natural Resources for any crossings constructed without permits and approvals or in violation of issued permits or approvals.

EXECUTIVE DEPARTMENT

- 3 -

6. That the Department of Natural Resources is authorized to rescind, without hearing, any emergency stream crossing permits granted herein if it becomes apparent that any adverse effects are being caused or aggravated by said permits. Any such crossing shall be immediately removed from the stream by the permittee in a manner acceptable to the Department. The permit rescission shall be in writing to the permittee.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison, this 14th day of September in the year of Our Lord one thousand nine hundred and seventy-seven.



Martin J. Schreiber
MARTIN J. SCHREIBER
Acting Governor

By the Acting Governor:

DOUGLAS LA FOLLETTE
Secretary of State