

~~28-150 - NA 20.02 - WIS. MICH~~
BOUNDARY WATERS

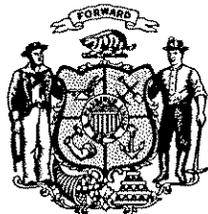
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-150

AN ORDER to amend NR 20.02 (2) and 23.02 (10) (L); and to create NR 23.02 (4m), relating to Wisconsin-Michigan boundary waters.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

10-09-98 RECEIVED BY LEGISLATIVE COUNCIL.

11-06-98 REPORT SENT TO AGENCY.

RNS:LR:kjf;jt

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

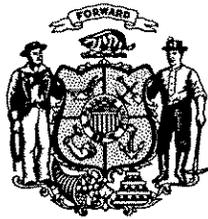
Comment Attached YES NO

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CLEARINGHOUSE RULE 98-150

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

In s. NR 20.02 (2), the term "Green Bay" should be consistently capitalized. In addition, the words "government" and "lighthouse" in the underscored material should not be capitalized. Finally, "Green Bay shall mean" should be "'Green Bay' means."

4. Adequacy of References to Related Statutes, Rules and Forms

The rule cites s. 29.174 (2) (a), Stats., as a statute authorizing promulgation and s. 29.174 (3) (a), Stats., as a statute interpreted by this rule. Effective January 1, 1999, 1997 Wisconsin Act 248 rennumbers s. 29.174 (2) (a), Stats., to be s. 29.053 (1), Stats., and amends the provision. Act 248 also repeals s. 29.174 (3), Stats.

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

The Wisconsin Natural Resources Board proposes an order to amend NR 20.02(2) and 23.02(10)(l) and create NR 23.02(4m) relating to Wisconsin-Michigan boundary waters.

LE-49-98

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 29.085, 29.174(2)(a) and 227.11(2)(a), Stats.
Statute interpreted: s. 29.174(3)(a), Stats.

In this order, SECTION 1 amends NR 20.02(2) to exclude a small portion of Green Bay water between the breakwalls off the mouth of the Menominee river from being regulated under ch. NR 20 for purposes of angling as part of Green Bay waters. SECTION 2 creates a definition for the Menominee river in ch. NR 23 as Wisconsin-Michigan boundary water and includes the small portion of Green Bay water between the breakwalls off the mouth of the Menominee river as a part of that boundary water for purposes of ch. NR 23. SECTION 3 of the Order amends NR 23.02(10)(l) to delete language made unnecessary by the definition of "Menominee river" created in SECTION 2 of the order.

SECTION 1. NR 20.02(2) is amended to read:

NR 20.02(2) As used in sub. (1), "~~Green Bay~~" shall mean Green bay, Sturgeon bay, Sawyer's harbor, the Sturgeon bay ship canal from Sturgeon bay to a line located in the NE 1/4 of the NW 1/4, section 22, T27N, R26E, Door county, commencing at a point on the south-west shore of the Sturgeon bay ship canal directly beneath the center of the Wisconsin public service company power line and extending in a northeasterly direction beneath and parallel to the center of the power line to a point on the northeast shore of the ship canal, and the Fox river from its mouth up to the dam at DePere. For purposes of this chapter, "~~Green Bay~~" does not include that portion of Green Bay bounded by the mouth of the Menominee river on the west, the "Government pier" or breakwall on the south, the "Lighthouse pier" or breakwall on the north, and a line connecting the eastern-most points of those breakwalls on the east.

SECTION 2. NR 23.02(4m) is created to read:

NR 23.02(4m) "Menominee river" means the Menominee river, all impoundments downstream to its confluence with Green Bay, and that portion of Green Bay bounded by the mouth of the Menominee river on the west, the "Government pier" or breakwall on the south, the "Lighthouse pier" or breakwall on the north, and a line connecting the easternmost points of those breakwalls on the east.

SECTION 3. NR 23.02(10)(l) is amended to read:

NR 23.02(10)(1) ^(l) (l) MENOMINEE RIVER
~~(including all impoundments downstream to the confluence with Green Bay)~~ Menominee, Dickinson & Iron cos. - Michigan
 Florence & Marinette cos. - Wisconsin

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

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

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)