



NR 5

Filed May 24, 1976
11:30 am B.S.P.

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Anthony S. Earl
Secretary

BOX 450
MADISON, WISCONSIN 53701

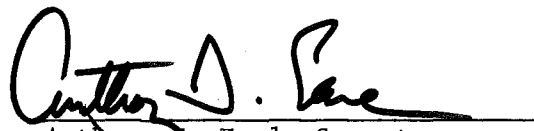
IN REPLY REFER TO: _____

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Anthony S. Earl, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. LE-35-76 was duly approved and adopted by this Department on March 18, 1976. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at Pyare Square Building in the Village of Shorewood Hills, this 20th day of May, 1976.


Anthony S. Earl, Secretary

(SEAL)

STATE OF WISCONSIN NATURAL RESOURCES BOARD

.....
IN THE MATTER of creating section NR 5.20 .
of the Wisconsin Administrative Code .
pertaining to slow-no-wake speeds on lakes .
.....

LE-35-76

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

CREATING RULES

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by section 30.635 and chapter 227, Wisconsin Statutes, the Natural Resources Board hereby creates rules as follows:

SECTION 1 - NR 5.20 is created to read:

NR 5.20 Modification or waiver of slow-no-wake speed restriction on certain lakes. Section 30.635, Wis. Stats., provides that the department may modify or waive the slow-no-wake speed restriction on lakes 50 acres or less in size having public access. The following procedure is established to implement that provision:

(1) Submission of Petition for Modification or Waiver by Rule. Pursuant to section 227.015, Wis. Stats., any municipality, corporation or any 5 or more persons having an interest in a rule may petition for such a rule to modify or waive the slow-no-wake speed restriction on a particular lake.

(2) Contents of Petition. The petition shall state clearly and concisely:

(a) The substance or nature of the rule-making which is requested; and

(b) The reasons for the request and the petitioners' interest in the request;

and

(c) References to the authority of the agency to take the action which is requested.

(3) Service on the Department. The petition shall be served on the department of natural resources either by delivery to the office of the secretary or by mailing to the secretary by certified mail at the following address: P.O. Box 450, Madison, Wisconsin 53701.

(4) Department Action on Petition. Upon receipt of a petition for modification or waiver, the following procedures shall apply without prior authorization of the natural resources board:

(a) The department shall schedule a rule-making hearing within a reasonable period of time for the purpose of receiving the comments and views of all interested persons on the petition.

(b) Based upon information received at the hearing and the determinations made pursuant to sub. (4)(c), the department will either proceed with rule-making or deny the petition in writing. The department is not limited to the rule-making proposed by the petitioner but may modify or waive the slow-no-wake speed restriction in any manner it deems appropriate.

(c) The department shall in making the decision under sub. (b) determine:

1. If the lake is in fact 50 acres or less and has public access. A petition may be received for a lake fluctuating in size where the petitioner shows that the lake has been 50 acres or less in the past.

2. Whether public safety will be impaired by modification or waiver of the slow-no-wake speed restriction.

3. Whether modification or waiver of the slow-no-wake speed restriction will cause environmental pollution as defined in section 144.30(9), Wis. Stats.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on March 18, 1976.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin

20 May 1976

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By

Anthony S. Earl
Anthony S. Earl, Secretary

(SEAL)