



CR 81-172

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

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MADISON, WISCONSIN 53707

STATE OF WISCONSIN )  
DEPARTMENT OF NATURAL RESOURCES ) ss

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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carroll D. Besadny, 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. WR-37-81a was duly approved and adopted by this Department on September 22, 1982. 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 General Executive Facility #2 in the City of Madison, this 10<sup>th</sup> day of November, 1982.

*Carroll D. Besadny*  
Carroll D. Besadny, Secretary

(SEAL)

2-1-83

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
RENUMBERING AND CREATING RULES

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secretary

.....  
IN THE MATTER of renumbering s. NR 327.07 .  
(5) and (6) and creating s. NR 327.07(5) .  
of the Wisconsin Administrative Code .  
pertaining to barge fleeting permit nonuse .  
.....

WR-37-81a

Analysis Prepared by Department of Natural Resources

Chapter NR 327, Wis. Adm. Code, regulating barge fleeting activities in navigable waters will become effective December 1, 1982. When the Natural Resources Board approved ch. NR 327 on July 29, 1982, the Board directed the Department of Natural Resources to explore possible wording for an amendment to the rule regarding nonuse of permitted fleeting areas. This amendment contains specific time limits after which a permit becomes void or a presumption exists that an operator intends to abandon a site which was previously in use.

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Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 29.415(4), 30.03, 30.10(2), 30.12(2)(a), 30.15, 30.19, 30.20, 30.61(5)(b), 30.68(8), 30.74(2), 144.26 and 227.014, Stats., the State of Wisconsin Natural Resources Board hereby renumbers and creates rules interpreting ss. 30.10(2), 30.12(2)(a), 30.15, 30.19, 30.20, 30.61(5)(b), 30.68(8), 30.74(2) and 144.26, Stats., as follows:

SECTION 1. NR 327.07 (5) and (6) are renumbered NR 327.07 (6) and (7).

SECTION 2. NR 327.07 (5) is created to read:

(5) Failure by an operator to substantially exercise the rights granted in a permit issued under this chapter within a period of 2 years from the issuance of the permit shall render the permit null and void unless extended by the department. Failure by an operator to substantially exercise the rights granted in a permit issued under this chapter for any period of 2 consecutive years shall create a rebuttable presumption that the operator

intends to abandon and forfeit the permit and shall be cause for a review of the barge fleeting permit by the department.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on September 22, 1982.

The rules contained herein shall take effect as provided in s. 227.026 (1)(intro.), Stats.

Dated at Madison, Wisconsin November 10, 1982

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)