



CR 84-93

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
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, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records, do hereby certify that the annexed copy of Natural Resources Board Order No. WR-22-84 has been compared by me with the original order on file in this office of the Department of Natural Resources, Madison, Wisconsin, and that the same is a true copy thereof, and of the whole of such original order; that said order was duly passed and published as set forth therein.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Natural Resources at General Executive Facility #2 in the City of Madison, this 11th day of December, 1984.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

SEAL:

2-1-85

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES

.....
IN THE MATTER of creating ch. NR 324 of the
Wisconsin Administrative Code pertaining to WR-22-84
regulation of fishing rafts in navigable waters .
.....

Analysis by Department of Natural Resources

1983 Wisconsin Act 100 authorized municipalities to regulate fishing rafts on portions the Wolf River, grandfathered three existing fishing rafts on the Mississippi River and prohibited using fishing rafts on any other navigable water. It also required the Department to adopt administrative rules establishing standards to maintain and register fishing rafts. The bill requires that Wolf River municipalities adopt, administer and enforce these standards.

The rule establishes specific standards to construct, maintain and register fishing rafts. In addition to incorporating specific statutory requirements, it sets forth:

1. Specific requirements for the application to register, renew or transfer registration of a fishing raft;
2. Specific requirements for the raft registration certificate and raft registration number to be issued by the municipality;
3. Specific requirements for the department to adopt, administer and enforce the uniform registration system in a municipality if that municipality fails to adopt as required;
4. Specific requirements for displaying the registration number on the raft and its flotation devices;
5. Specific standards for the maintenance, anchoring and repair of the raft, and
6. Standards for flotation devices, their attachment and maintenance.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 30.126 and 227.014(2)(a), Stats., the State of Wisconsin Natural Resources Board hereby creates rules interpreting s. 30.126, Stats., as follows:

SECTION 1. Chapter NR 324 is created to read:

NR 324 Regulation of Fishing Rafts in Navigable Waters

- NR 324.01 Purpose
- NR 324.02 Applicability
- NR 324.03 Definitions
- NR 324.04 Registration and transfer
- NR 324.05 Application for registration
- NR 324.06 Registration fee
- NR 324.07 Registration certificate
- NR 324.08 Numbering pattern
- NR 324.09 Displaying fishing raft number
- NR 324.10 Maintaining fishing rafts
- NR 324.11 Flotation device condition, attachment and maintenance
- NR 324.12 Enforcement

NR 324.01 PURPOSE. These rules are developed pursuant to ss. 30.126(5)(g), (j) and (6)(a) and 227.014(2)(a) and (b), Stats., to establish minimum standards for flotation devices used on fishing rafts, for maintenance and repair of fishing rafts to ensure an aesthetically pleasing appearance and to reduce the possibility of fishing rafts being a source of debris or litter in the waterway, and for uniform registration of fishing rafts on authorized portions of the Wolf river.

NR 324.02 APPLICABILITY. This chapter shall apply to all fishing rafts on the Wolf river and its tributaries from the Shawano dam downstream to Lake Poygan.

NR 324.03 DEFINITIONS. (1) "Fishing raft" means any raft, float or structure, including a raft or float with a superstructure and including a structure located or extending below or beyond the ordinary highwater mark of a water, which is designed to be used or is normally used for fishing, which is not normally used as a means of transportation on water, and which is normally retained in place by means of a permanent or semipermanent attachment to the shore or to the bed of the waterway. "Fishing raft" does not include a boathouse or fixed houseboat regulated under s. 30.121, Stats., nor a wharf or pier regulated under s. 30.13, Stats.

(2) "Flotation device" means any device used to provide flotation for a fishing raft, including each individual barrel or styrofoam coffin.

(3) "Riparian" means an owner, holder of a riparian easement or lessee of land adjacent to a stream or lake.

(4) "Wolf river municipality" means any city, village or town which adjoins or includes any part of the Wolf river or its stream tributaries from the Shawano dam downstream to Lake Poygan.

NR 324.04 REGISTRATION AND TRANSFER. (1) Any person constructing, placing or maintaining a fishing raft on authorized portions of the Wolf river and its stream tributaries shall register each fishing raft annually with the municipality in which the fishing raft will be most frequently used.

(2) All registrations shall expire on December 31 of each year.

(3) Any person who acquires an interest in an existing fishing raft shall submit an application within 15 days to transfer the registration number and shall include the information required in s. NR 324.06.

(4)(a) If a Wolf river municipality fails to adopt by ordinance a uniform registration for fishing rafts within 120 days after [the effective date of this rule] or fails to adequately administer or enforce the uniform registration system for fishing rafts, the department, after providing notice and conducting a hearing on the matter, may adopt or administer and enforce the uniform registration system for fishing rafts in that municipality.

(b) If the department adopts, administers or enforces the uniform registration system for fishing rafts in a Wolf river municipality the owner of the raft shall register the fishing raft with the department of natural resources.

Note: Application shall be with the Water Management Coordinator, Wisconsin Department of Natural Resources, Box 10448, Green Bay, WI 54307.

NR 324.05 APPLICATION FOR REGISTRATION. (1) An application for new or renewal fishing raft registration shall contain the following information:

- (a) The owner's name;
- (b) The owner's address, including ZIP code, and telephone number;
- (c) The name of the municipality in which the fishing raft is or will be most frequently used;
- (d) The registration number authorized previously for the fishing raft, if any, and expiration date;
- (e) Whether the application is a new registration, renewal of registration or transfer of ownership; and
- (f) Written permission from the riparian owner of the site at which the raft is to be located to anchor or moor a fishing raft or proof of riparian ownership such as a copy of a deed, lease, easement or tax receipt.

NR 324.06 REGISTRATION FEE. (1) The annual fishing raft registration fee shall be \$5 and shall accompany each new or renewal registration application.

(2) A fee is not required for a transfer of ownership application if the previous owner has paid the fee for that calendar year.

(3) The municipality shall use the annual registration fee to administer and enforce the uniform registration system and fishing raft restrictions.

(4) If the department adopts, administers or enforces the uniform registration system for fishing rafts in a Wolf river municipality, the department will retain all registration fees for fishing rafts registered in that municipality.

NR 324.07 REGISTRATION CERTIFICATE. (1) The municipality shall issue a certificate of registration which contains the following information for each fishing raft:

- (a) Fishing raft registration number;
- (b) Expiration date;
- (c) Name of issuing municipality;
- (d) Owner's name; and
- (e) Owner's address, including ZIP code.

(2) The municipality shall transmit a complete list of all registered fishing rafts and their owners' names to the department of natural resources on or before April 1 of each year.

Note: This list shall be mailed to Water Management Coordinator, Wisconsin Department of Natural Resources, Box 10448, Green Bay, WI 54307.)

NR 324.08 NUMBERING PATTERN: (1) Fishing raft registration numbers shall

consist of 2 capital letters designating the municipality issuing the registration followed by 4 arabic numerals which are unique for each different fishing raft registered in that municipality.

(2) The letter abbreviations for issuing municipalities shall be the following:

(a) Outagamie county.

1. Town of:

a. Liberty - LB

b. Hortonia - HR

c. Ellington - EL

d. Maple Creek - MC

e. Bovina - BV

f. Maine - MA

2. Village of Shiogton - SH

3. City of New London - NL

(b). Shawano county.

1. Town of:

a. Belle Plaine - BP

b. Waukechon - WK

c. Richmond - RH

d. Navarino - NV

2. City of Shawano - SW

(c) Waupaca county.

1. Town of:
 - a. Matteson - MT
 - b. Rovalton - RY
 - c. Mukwa - MK
 - d. Caledonia - CL
 - e. Fremont - FR
 - f. Weyauwega - WY
2. Village of Fremont - FT
3. City of Weyauwega - WW

(d) Winnebago county. Town of Wolf River - WR

Note: Based on the historical use of fishing rafts, the department does not anticipate that municipalities other than those listed in this section will adopt ordinances. If any other municipalities adopt ordinances they should develop a numbering pattern consistent with this section.

NR 324.09 DISPLAYING FISHING RAFT NUMBER. (1) FISHING RAFT. The assigned registration number shall be painted on or firmly attached to the river-facing side of the fishing raft for which it was issued. The number shall be placed to make it legible from the waterway adjacent to the fishing raft, shall read from left to right, shall be in block characters not less than 3 inches high, shall be colored to contrast with the background and shall be maintained to be clearly visible and legible.

(2) FLOTATION DEVICES. The assigned registration number shall be painted on or firmly attached to at least one location on each flotation device. The number shall be colored to contrast with the background, shall be in block letters not less than 3 inches high, shall read from left to right, and shall be maintained to be clearly visible and legible.

NR 324.10 MAINTAINING FISHING RAFTS. (1) A fishing raft owner shall maintain his or her fishing raft in sound condition and according to the standards in this section.

(2) All fishing rafts shall conform to the following standards:

(a) The owner shall maintain the fishing raft in an aesthetically pleasing manner;

(b) The owner shall maintain flotation devices in compliance with s. NR 324.12;

(c) The owner shall firmly attach any railings to the fishing raft and shall repair or remove loose or unattached railings;

(d) If the fishing raft is equipped with a toilet, the owner shall maintain the toilet to comply with ch. ILHR 84 as if the toilet was on a boat;

(e) The owner shall firmly attach the fishing raft to the bed or bank of the waterway to ensure the fishing raft will not break loose;

(f) The owner shall remove anchors, cables, spud poles or other similar devices which anchor or attach the fishing raft to the bed or bank when removing the fishing raft from the waterway;

(g) The owner shall attach reflectors, reflecting tape or lights in a conspicuous location on each fishing raft and to make the fishing raft easily visible from the waterway in the dark.

NR 324.11 FLOTATION DEVICE CONDITION, ATTACHMENT AND MAINTENANCE. (1)

FLOTATION DEVICE CONDITION. (a) Flotation devices shall be constructed airtight or sealed.

(b) Any person who uses any flotation device that has previously been used as a container for any substance shall assure that the flotation device is free of any chemicals, oil, grease, or other residue.

(c) Any container that has ever contained toxic or hazardous material as defined in s. NR 181.12 may not be used as a flotation device for a fishing raft.

(d) Any person who uses any metal flotation device shall assure that the flotation device is free of rust and is either painted or coated to prevent rusting.

(2) ATTACHMENT. Each flotation device shall be securely attached to the fishing raft's superstructure.

(3) MAINTENANCE. (a) Flotation devices shall be kept rust-free.

(b) Leaking or deteriorated flotation devices shall be immediately removed from the raft and replaced.

(c) Any flotation device which becomes detached from the raft shall be retrieved and removed from the waterway by the owner.

NR 324.12 ENFORCEMENT. Violations of s. 30.126, Stats., and this chapter shall be subject to enforcement under the provisions of ss. 23.50, 23.79, 30.03 and 30.126, Stats., and under applicable municipal ordinances.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on September 26, 1984.

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

Dated at Madison, Wisconsin December 11, 1984

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)

28501.PERM



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

December 11, 1984

8300

Mr. Orlan L. Prestegard
Revisor of Statutes
411 West
CAPITOL

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DEC 13 1984

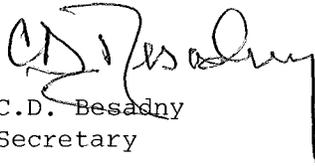
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Bureau

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy of State of Wisconsin NR Board Order No. WR-22-84. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.018, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,



C.D. Besadny
Secretary

Enclosure