

CR 85-9

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

RECEIVED

STATE OF WISCONSIN )  
DEPARTMENT OF NATURAL RESOURCES ) ss

JUN 19 1985  
3:35  
Revisor of Statutes  
Bureau

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 of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. LE-76-84 was duly approved and adopted by this Department on April 24, 1985. 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 12<sup>th</sup> day of June, 1985.

*Bruce B. Braun*  
Bruce B. Braun, Deputy Secretary

(SEAL)

9-1-85

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

.....  
IN THE MATTER OF repealing s. NR 19.09(8);  
renumbering s. NR 19.09(1) to (7); amending  
s. NR 19.09(6) and (7); and creating ss.  
NR 19.001(9) & (10) and ss. NR 19.09(1) of the  
Wisconsin Administrative Code pertaining to  
ricing regulations  
.....

LE-76-84

Analysis Prepared by the Department of Natural Resources

The repeal of s. NR 19.09(8) removes superfluous statutory authority; renumbering of ss. NR 19.09(1), (2), (2m), (3), (4), (5), (6), and (7), to (2), (3), (4), (5), (6), (7), (8) and (9) will permit simplification of the proposed changes; amending ss. NR 19.09(5) provides hand harvest methods for wild rice; creation of s. NR 19.001(9) and (10) defines "wild rice" to be a natural resource. It describes "navigable lakes" as they relate to wild rice management; creation of ss. NR 19.09(1) provides protection for and removal or destruction of wild rice beds. Conditions of removal for riparian owners on navigable lakes are included. No significant effect on small businesses is expected.

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Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 29.544 and 227.014(2)(a), Stats., the State of Wisconsin Natural Resources Board hereby repeals, renumbers, amends and creates rules interpreting s. 29.544, Stats. as follows:

SECTION 1. NR 19.001(4) and (4m) are created to read:

NR 19.001(4) "Natural resources", for purposes of s. 23.095, Stats., includes wild rice growing in navigable lakes.

(4m) "Navigable lake", for the purpose of interpreting s. 29.544, Stats., means a natural navigable lake or a flowage or pond, or portion of a flowage or pond, where the bed is in town, county, city, village, state or federal ownership.

SECTION 2. NR 19.09(1) to (7) are renumbered (2) to (9).

SECTION 3. NR 19.09(1) is created to read:

NR 19.09 (1) REMOVAL OR DESTRUCTION OF WILD RICE. (a) Prohibition. No person may remove or destroy by hand, mechanical or chemical means wild rice growing in navigable lakes unless the department has approved the removal or destruction under par. (b).

(b) In addition to harvest in accordance with s. 29.544 and subs. (2) to (8), the department may authorize by written approval the removal of wild rice growing in navigable lakes upon a finding that:

1. The wild rice resource in the navigable lake will not be substantially affected. The department may consider cumulative effects of an approval on such a lake under this paragraph; and

2. The removal or destruction is necessary to allow reasonable access to the lake by the riparian owner.

(c) Persons requesting an approval under this subsection, shall apply on department forms and provide information requested by the department.

Note: The forms may be obtained from department district offices.

SECTION 4. NR 19.09(6) and (7) as renumbered are amended to read:

NR 19.09(6) ~~It is unlawful for any~~ No person to may harvest or gather any wild rice in any ~~area in the state of Wisconsin~~ navigable lake by the use of any ~~machine or mechanical device of any kind~~ method other than smooth, rounded, wooden rods or sticks not more than 38 inches in length and which are held and operated by hand.

Note: Section 29.544, Stats., prohibits the use of any mechanical device in any water of the state for harvesting or gathering wild rice.

(7) ~~It is unlawful for any~~ No person to ~~may~~ harvest or gather any wild rice in any ~~area in the state of Wisconsin~~ navigable lake by the use of any boat longer than 17 feet or greater than 38 inches in width or by the use of any boat propelled by other than muscular power using only a push-pole or canoe paddle.

SECTION 5. NR 19.09(8) is repealed.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources on April 24, 1985.

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

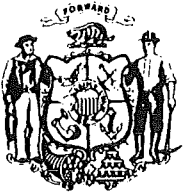
Dated at Madison, Wisconsin June 17, 1985

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)

3889I.PERM



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

June 14, 1985

IN REPLY REFER TO: 1020

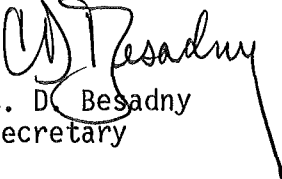
Mr. Orlan L. Prestegard  
Revisor of Statutes  
411 West  
C A P I T O L

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. LE-76-84. 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

Enc.