

Chapter NR 60

PUBLIC INLAND LAKE PROTECTION AND REHABILITATION

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Note: NR 60.01 to 60.05 were created by emergency rule effective January 1, 1975. NR 60.10 to 60.13 were created by emergency rule effective April 1, 1975.

NR 60.01 Scope and applicability. This chapter contains rules necessary to administer the program of public inland lake protection and rehabilitation established by chapter 33, Wis. Stats. These rules apply to projects undertaken by lake protection and rehabilitation districts which involve an application for state technical or financial aid. In addition, this chapter will apply if the department determines that an activity requiring a water regulation permit under chapter 30 is an integral part of a lake protection or rehabilitation project.

History: Cr. Register, May, 1975, No. 233, eff. 6-1-75.

NR 60.02 Definitions. As used in this chapter:

(1) *Best available map* means a map or aerial photograph having a scale which is sufficient to clearly depict the information requested and which is currently available or could be prepared at a reasonable cost.

(2) *Council* means the inland lakes protection and rehabilitation council created by section 15.347 (8), Wis. Stats.

(3) *Department* means the department of natural resources.

(4) *Direct drainage basin* means that portion of the lake's total basin which is not drained to an upgradient lake or impoundment.

(5) *District or lake district* means a public inland lake protection and rehabilitation district formed in accordance with the provisions of chapter 33, Wis. Stats.

(6) *Municipality* means any city, village or town.

(7) *Public inland lake or lake* means a lake, reservoir or flowage, or portion thereof, within the boundaries of the state that is accessible to the public by contiguous public lands or easements giving public access.

History: Cr. Register, May, 1975, No. 233, eff. 6-1-75.

PART I: FEASIBILITY STUDIES

NR 60.03 Feasibility study requirements. (1) **GENERAL.** A feasibility study is required as an integral part of any lake management plan designed to protect or rehabilitate the lake. An

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application for technical assistance in establishing the specific feasibility study requirements must be filed with the department according to the procedures in subsection (2). Each feasibility study must be approved by the department in order to insure sufficient information for determining the feasibility of alternative remedial measures, including costs; the relative permanence of alternative measures; baseline data for measuring subsequent changes, and the potential for long-term control of the causes of degradation.

(2) APPLICATION FOR TECHNICAL ASSISTANCE IN DESIGNING A FEASIBILITY STUDY. (a) An application for technical assistance for designing feasibility studies must be submitted by May 1, 1975 and January 1 of succeeding years as a prerequisite to receiving financial assistance for a feasibility study. The application must be made on forms provided by the department and contain the following information:

1. A copy of the resolution or county board order establishing the district, including a map showing the boundaries;
2. The names of the members of the district board of commissioners or if applicable, the governing body of a municipality;
3. An estimate of the total equalized valuation of the property within the district;
4. The best available map which shows the direct drainage basin including basin boundaries and floodplain boundaries where delineated; total area and percentage of areas in agriculture, woodlands, urban development, wetlands, uplands and public lands and beaches (approximate); public access in feet or percentage of shoreline and public parking areas indicated on map; names and population of cities and villages in basin, and the names and location of all streams, including lake outlets;
5. The best available soils map of the drainage basin;
6. A lake map showing the number and location of permanent homes and seasonal dwellings on the lakeshore designating those served by a municipal sewerage system; identification of all streams flowing into and out of the lake, and a general description of the lake bottom types (e.g.: muck, marl, sand, gravel):
7. Where applicable, a description of the water level control structure and its location;
8. Any relevant background data available including a compilation of existing water quality data; a description of the fishery, including species; the occurrence of fish winterkills; the history of lake management efforts such as herbicide application, fish stocking, aeration, and sand blanketing;
9. Copies of local ordinances which regulate public access to or use of the lake;
10. Any information indicating the degree of local interest and commitment to future management;
11. A statement of lake problems and objectives as perceived.

(b) The information contained in the application for technical assistance will serve as a basis for determining specific requirements of the feasibility study and also eligibility for financial assistance under NR 60.04 Wis. Adm. Code.

(c) The department will notify the applicant of the specific feasibility study requirements including cost information on the study within 30 days of receipt of the completed application, except for those applications which require additional field investigations to complete the study design.

(3) **SPECIFIC FEASIBILITY STUDY REQUIREMENTS.** (a) *General.* All studies shall meet the specific requirements set forth in this subsection unless written approval of the department is obtained waiving such requirements. The department may waive or modify the requirements of this section if it finds that:

1. Existing data is available which adequately provides the information required;

2. Data from adjacent drainage basins or obtained from locations within the direct drainage basin can be applied to avoid duplication and produce comparable information;

3. Inherent limitations or factors exist in a district which cause specific requirements of this section to be inapplicable or unnecessary.

(b) *Maps.* The following maps shall be obtained or prepared as part of any feasibility study:

1. A map depicting hydrologic features and delineating the entire surface watershed boundaries of the lake for which a project is being considered. The scale shall be adequate to clearly depict significant features, but in no case shall a map smaller than 8½ x 11 inches be accepted.

2. Dated base maps of the direct drainage basin shall be provided which:

a. Have a scale of at least 1 inch = 1 mile;

b. Depict hydrologic features, roads, buildings and other significant physical features;

c. Contain topographic information with a contour interval of less than 25 feet;

d. Delineate existing land use areas;

e. Indicate the location and type of actual, potential, and prior significant sources of nutrients and sediments as well as known planned facilities which could constitute such a source. (Note: sewage treatment plants, storm sewers, industrial effluent, feedlots, eroding areas are examples.);

f. Include soil type, slope range and description; erosion rates and K values.

3. A lake map which includes an area depth curve, a volume depth curve, water level elevations and location of the datum point.

(c) *Materials budget.* The following materials budget data shall be included in the feasibility study:

1. An estimate of the hydrologic budget for the study period must be submitted with an analysis and comparison of extreme and typical years. The budget shall be derived from the following data which shall be included in the feasibility study:

a. The results of measurement or gaging of continuously flowing inlet and outlet streams;

b. An estimation of the amount of input from intermittent streams including storm sewers;

c. An estimate of direct precipitation based on nearest U.S. department of commerce, weather service station;

d. An estimate of groundwater exchange with the lake. (Note: If the groundwater influx is more than 25% of the total inflow, a detailed groundwater analysis may be required by the department.)

2. Nutrient budgets and an estimate of sedimentation rates in accordance with accepted methods shall be determined to document actual and potential detrimental effects on the lake and to provide a basis for determining the potential for controlling those effects. The following are specific requirements:

a. A sufficient number of surface water samples shall be collected at the inlet(s) and outlet(s) to determine nutrient content. Sampling shall be conducted so that no sample represents more than 10% of the total annual inflow of nitrogen and phosphorous and no more than 10% of the total annual runoff occurs between any 2 samples.

b. Determination of groundwater nutrient levels as required.

c. The following minimum parameters shall be measured in all nutrient sampling (unfiltered samples): total and reactive phosphorous; total and inorganic nitrogen; and other parameters as required.

d. Measurements shall be made to determine total residue, total fixed residue and filterable residue.

e. Calculations shall be made which show the loading rates for phosphorous, nitrogen and solids (residue).

(d) *Lake water quality characterization.* The water quality of the lake shall be characterized to determine existing trophic conditions and the need for protection or rehabilitation and to establish a data base for future use in lake management. The following requirements shall be met:

1. The department will specify a sufficient number of sites to characterize the major water masses in the lake. The department will also specify the sampling depths and number of samples necessary at sampling sites to establish vertical profiles characterizing water quality.

2. The vertical profiles for determining water quality shall include, as a minimum, the parameters in table 1 and shall be determined during early and late winter and summer, and during spring and fall overturn or as required by the department. Transparency shall be measured weekly during open water periods and less frequently during ice cover.

Table 1

Parameter	Method
Transparency	Secchi disc (at least 20 cm in diameter)
Temperature	Profile recorded every 3-4 ft.
Dissolved oxygen	Chemical (Winkler) or electrometric
Nitrogen (total and inorganic)	Accepted methods
Phosphorous (total)	Accepted methods
Total alkalinity	Accepted methods
Specific electrical conductivity	Accepted methods
pH	Accepted methods
Chlorophyll a	Accepted methods
Primary production	Accepted methods

3. The distribution and relative abundance of aquatic plants shall be mapped during the period of maximum abundance, normally July or August. This may be accomplished by ground observations or remote sensing techniques. The department may also require identification and other information on filamentous and planktonic species of algae.

4. All available information on point and nonpoint sources of nutrients and sediments in the direct drainage basin is to be compiled and analyzed to determine their actual and potential effect on the lake. (Note: as examples, sewage treatment plants, septic tank and industrial effluents, feedlots, storm sewers and highly erodable areas.)

(e) *Accepted testing methods.* Unless other methods are approved or required by the department, testing methods required by the department are those contained in Standard Methods for the Examination of Water and Wastewater, 13th edition, 1971. Copies may be inspected at the offices of the department of natural resources, the secretary of state and the revisor of statutes, and may be obtained for personal use from the American Public Health Association, 1015 Eighteenth Street, Washington, D.C.

(4) PROGRESS REPORTS AND CERTIFICATION OF COMPLETION. (a) To assure that the feasibility study is carried out in accordance with the requirements prescribed by the department, progress reports will be required which describe the accomplishments to date with a tabulation of data obtained. The progress reports shall be submitted quarterly beginning on the date when the study is started. Different or additional dates may be required by the department if quarterly reports are incompatible with the specific feasibility study authorized.

(b) The department will review the progress reports and may require any changes necessary to bring the feasibility study work into conformance with the feasibility study authorized.

(c) The feasibility study may be modified for any phase of work not completed if data obtained during the study reveals that an original requirement is unnecessary or that additional information is necessary.

(d) No project planning shall begin until the department has received the final feasibility study report and has certified it

completed. A feasibility study will not be certified as completed if it has not met the requirements specified by the department.

History: Cr. Register, May, 1975, No. 233, eff. 6-1-75.

NR 60.04 Financial assistance for feasibility study. (1) APPLICATION FOR FINANCIAL ASSISTANCE. Districts must file applications for financial assistance for feasibility study by May 1, 1975, concurrently with the application for technical assistance. In succeeding years, applications for financial assistance must be submitted by March 15. The application must be on forms supplied by the department and shall include:

- (a) Name of lake district;
- (b) Date application for technical assistance submitted;
- (c) Amount of aid requested;
- (d) Approximate starting date;
- (e) Other information deemed necessary by the department

Completed applications shall be mailed to the Office of Inland Lake Renewal, Department of Natural Resources, Box 450, Madison, Wisconsin 53701.

(2) DEPARTMENT ACTION ON APPLICATION. (a) The department shall notify the district of its decision to grant or deny aid for feasibility study by June 15, 1975 and by April 1 of succeeding years. Priority for and amount of aid granted will be determined in accordance with the procedure in subsection (3). If aid is denied, the department shall indicate in writing the reasons for denial.

(b) A district requesting financial assistance shall accept or reject a grant offer within 30 days after being notified of the offer by the department.

(3) PRIORITY AND AMOUNT OF GRANT. The priority for receiving and the amount of assistance for feasibility studies covered by these rules shall be determined according to the following provisions:

(a) *Priority.* Any district may apply for financial assistance to undertake a feasibility study of a public inland lake within its boundaries. Applications will be ranked by the department based on adequacy of public access, including public lands and beaches; potential nonriparian use; degree of local commitment, and other factors considered relevant by the department. The method of ranking applications will be developed in conjunction with the inland lakes protection and rehabilitation council and the natural resources board. Feasibility study grants will be made in the order of ranking and the number will be limited by the funds available.

(b) *Grant amount.* Grant awards made under these rules will be on a cost-sharing basis as determined by the amount of funds available for study and priorities established by the department on the recommendation of the council. Allowable costs include reasonable cost of the work required as part of the specific feasibility study described in NR 60.03 (3), Wis. Adm. Code. Grant offers may be limited by the maximum amount the department considers to be the reasonable cost of the total feasibility study. The district shall apply

to the department in order to receive a greater amount. If the department approves the request, the grant agreement will be modified in accordance with NR 60.04 (4) (d), Wis. Adm. Code. Nor shall the total study cost exceed 10% of the state funds available in any one year. In addition, whenever the district's share will exceed \$5,000, the department will require proof that such expenditure has been approved by the annual meeting of the district.

(4) **GRANT AGREEMENT.** The grant agreement shall contain the following provisions:

(a) Distribution of the aid shall be made in 2 installments. An initial installment shall be paid into a fund established by the district within 20 days after the district accepts the grant offer. The initial installment shall not exceed 50% of the total feasibility study aids unless the department determines that a greater amount is justified by the requirements of the particular feasibility study. In no case shall the initial installment exceed 75% of the total grant. The remainder of the grant will be paid after receipt and approval of the final feasibility study report required by NR 60.03 (4) (d), Wis. Adm. Code and any required audits.

(b) A starting date and schedule for completion will be specified by the department. Changes in these dates must be approved by the department.

(c) Every grant awarded under this section shall contain a provision that the recipient in using the funds shall not discriminate against any person because of religion, sex, race, color or national origin.

(d) The foregoing conditions may not be waived or modified by the parties to the grant agreement. Any other terms, including the amount of aid, may be modified or changed if agreed upon in writing by all parties to the agreement.

(5) **TERMINATION OF THE GRANT.** Any grant may be terminated by the department for any of the following reasons:

(a) The violation of any term or condition of the grant agreement by the grantee, or;

(b) The willful or bad faith refusal of any grantee to comply with the feasibility study requirements specified by the department under NR 60.03 (2) and (3), Wis. Adm. Code, or;

(c) Any material misrepresentations made by the recipient on the application for financial assistance or the application for technical assistance required by NR 60.03 (2), Wis. Adm. Code.

History: Cr. Register, May, 1975, No. 233, eff. 6-1-75.

NR 60.05 Severability. If any provision of these rules is invalid, or if the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

History: Cr. Register, May, 1975, No. 233, eff. 6-1-75.

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PART II PROJECT PLANNING AND IMPLEMENTATION

NR 60.10 Project planning and approval. (1) **INITIAL ADOPTION OF PROJECT PLAN.** (a) Upon receipt of the final feasibility study report, the department will formulate suggested alternative methods for protecting or rehabilitating the lake.

(b) The department in suggesting alternatives shall provide general cost information on alternatives; plan requirements that will be necessary to continue the abatement of degradation after completion of the project; and an indication of the permits required for each alternative.

(c) The department will also tentatively indicate which alternatives require the preparation of an environmental impact report (EIR) by the applicant or an environmental impact statement (EIS) by the department. If an EIS is required, formal adoption of a proposed plan by district resolution cannot take place until a preliminary environmental impact report (PER) has been completed, circulated, and the period for comment ended.

Note: The authority for submission of an EIR is contained in section 23.11, Wis. Stats. The PER requirement is contained in guidelines issued December 1973, pursuant to executive order no. 69, for the purpose of implementing section 1.11, Wis. Stats. (Wisconsin Environmental Policy Act).

(d) Subject to paragraph (c), the district may then select and adopt a proposed plan based upon the alternatives suggested by the department.

(2) **REQUEST FOR HEARING AND APPLICATION FOR PERMITS AND FINANCIAL ASSISTANCE.** (a) Following formal adoption of a proposed plan, a district may request that the department hold a hearing in the area as specified in section 33.14, Wis. Stats.

(b) Applications for permits and financial assistance must be on forms provided by the department and submitted before the department will schedule a public hearing.

(3) **HEARING AND DEPARTMENT ACTION ON PROPOSED PLAN.** (a) The department will set a time and place for a public hearing on the proposed plan. The notice of the hearing will be issued within 10 days after receipt of the proposed plan, and applications for required permits and financial assistance.

(b) The hearing will be held within 90 days after notice of hearing in the lake district vicinity. The hearing will be for the purpose of receiving testimony regarding:

1. The environmental impact statement prepared by the department, if required, and the proposed plan;
2. The issuance of required permits;
3. The potential for long-range environmental pollution as defined by section 144.30 (9), Wis. Stats., if the project is implemented;
4. Views of the appropriate soil and water conservation district;
5. Views of the appropriate regional planning commission;

6. The likelihood that sources of continuing lake degradation will be substantially eliminated.

(c) If necessary to an orderly presentation, the department may receive testimony on applications for permits independently of the other issues specified in paragraph (b).

(d) The department shall approve, approve with modification or disapprove a plan within 60 days following the hearing. The department shall state the reasons if a plan is disapproved and provide alternatives if modification is recommended. For approved plans, the department will concurrently issue its decision on the applications for permits and financial assistance.

(4) **FINAL ADOPTION OF PLAN.** A district may by resolution adopt the approved or modified plan, and a copy of the plan and resolution shall be submitted to the department. The plan may then be implemented, subject to any conditions in the grant agreement where an offer of financial assistance has been made by the department and accepted by the district.

History: Cr. Register, July, 1975, No. 235, eff. 8-1-75.

NR 60.11 Financial assistance for project implementation. (1) **APPLICATION FOR FINANCIAL ASSISTANCE.** The following will be required on forms provided by the department or as attachments to the forms:

(a) A statement of the equalized valuation of the property within the district;

(b) The amount of aid requested;

(c) A general statement regarding any existing resources, monetary or otherwise, which the district might apply toward implementing a protection or rehabilitation project;

(d) Other information deemed necessary by the department to act upon the application.

Completed applications shall be mailed to the Office of Inland Lake Renewal, Department of Natural Resources, Box 450, Madison, Wisconsin 53701.

(2) **DEPARTMENT ACTION ON APPLICATION.** (a) The department will act on the application for financial assistance when it approves or disapproves a proposed plan as provided in NR 60.10 (3) (d) Wis. Adm. Code. Applications for financial assistance will be acted upon by June 15, 1975 and semi-annually on May 1 and November 1, thereafter consistent with the priority system established in subsection (3). If aid is denied, the department shall indicate in writing the reasons for denial.

(b) A district shall accept or reject a grant offer within 60 days unless the department approves an extension. Extensions will only be granted where the district commissioners need annual meeting approval before acceptance or where strict adherence to the 60-day requirement would create undue hardship.

(3) **PRIORITY AND AMOUNT OF GRANT.** (a) The department shall provide financial assistance to approved projects in a manner designed to improve and protect the quality of Wisconsin's inland

lakes in the most cost-effective and environmentally sound way. Projects shall be ranked so that the highest priority is assigned to the project which contributes most to furthering the following objectives established in conjunction with the inland lakes protection and rehabilitation council and the natural resources board. However, financial assistance will be granted to provide a balanced program of research and demonstration, rehabilitation, and protection based on recommendations of the council.

1. Protect and enhance environmental values by preventing degradation of fish and wildlife habitat, surface and groundwater quality, natural beauty and unique scientific values, land values, recreation values, air quality and the quality of life generally, and by improving and preserving the water quality of the lake through improvement measures in the lake and direct drainage basin.

2. Preserve the public rights in the navigable waters of the state by considering the adequacy of public access in relation to the lake's carrying capacity and most beneficial use.

3. Design cost-effective projects based upon an evaluation of alternative rehabilitation and protection techniques and considering the objective of preserving environmental values.

4. Ensure local involvement in the project and a commitment to future lake management.

5. Consider the urgency of the need for lake protection and rehabilitation.

(b) Based upon the priority sequence developed under paragraph (a), and subject to the prerequisite finding being made under section 33.16 (5), Wis. Stats., that sources of continuing lake degradation will be substantially eliminated, the department shall notify a district when its proposed plan is approved whether or not financial assistance will be offered for project implementation. The amount for feasibility study work described in NR 60.03 Wis. Adm. Code and project implementation work shall be on a 60% state—40% local, cost-sharing basis. However, the cost-sharing may be adjusted in special circumstances, including but not limited to those resulting from availability of federal or other funds, percent of lands in public ownership, unique scientific or aesthetic value, and the innovative or experimental nature of the project.

(c) Nonmonetary aids may be applied toward the district's share. When a district applies for financial assistance for feasibility study or implementation, it must specify the nonmonetary contributions, the persons engaged to do the work, and the manner in which it will be performed. The dollar value of nonmonetary aids will be the difference between the lowest responsible bid or cost estimate for the total project and the lowest responsible bid or cost estimate on the project, excluding the work performed through nonmonetary contributions.

(d) The department's grant offer shall be based upon the reasonable and necessary costs of project implementation, including the cost of professional and consultant services; construction and equipment costs; acquisition of land or easements essential to the project, but excluding acquisition of public access; reclamation or

landscape changes essential to the project, and any other protection or rehabilitation measures identified in the approved plan. The following, however, shall not be included in the basis for determining the state share of the project cost: interest on bonds or other forms of indebtedness; damage awards for personal injury arising out of the project; fines or penalties for violation of local, state or federal laws; bonus payments for early completion of contract work; routine operating expenses of any unit of government, costs paid by other state or federal assistance programs or any costs determined to be outside the scope of the approved project.

(e) Retroactive funding shall only be available for project work done after the date an application under NR 60.03 (2) Wis. Adm. Code was filed requesting technical assistance in designing a feasibility study and determined to be consistent with the requirements and scope of the approved project.

(4) GRANT AGREEMENT. The following provisions shall apply to all grant agreements:

(a) *Method of payment.* Grant payments will be made at the 25%, 50% and 75% stages of completion with a final payment upon submission of the final accounting. At each stage, the department will pay to the district the state share of the allowable costs for work done and materials stockpiled in the lake area. Payments, however, may be made in advance for project work, but only after receiving a written request for advance payment from the district. The district shall pay its share at approximately the same rate as payments made from the grant. The department may require the district to submit progress, financial or other reports relating to the conduct of the approved project. The grant agreement may provide that grant payments are contingent upon future appropriations to the program.

(b) *Accounting by grantee.* State grant payments shall be recorded by the district in a separate account. Accounting for all project funds shall be in conformance with generally accepted accounting principles and practices. Supporting records of grant expenditures must be maintained in sufficient detail to show that the grant funds were used for the purpose for which the grant was made. Each grantee will be required to submit a satisfactory final accounting to the department following completion of the project or termination of the grant.

(c) *Inspection and audit.* The books, records, documents and accounting procedures of every grantee shall be subject at reasonable times to inspection and audit by the department or its authorized representative. In addition, the grantee shall permit the department access to the project site at reasonable times.

(d) *Modification of agreement.* The grantee shall notify the department by certified mail of any changes proposed in the scope or objective of the project as described in the grant agreement or final plan. The department will promptly advise the district whether or not state funds may be used for such modification. The department may require the execution of a written modification of the agreement prior to funding the proposed changes.

(e) *Nondiscrimination.* Every grant awarded under this chapter shall contain a provision that the recipient shall not use the grant

funds in a manner which discriminates against any person because of sex, religion, race, color or national origin.

(f) *Public use.* The department shall require a commitment by the district to maintain an adequate level of public access. The grant agreement may provide that fees for use of public access be reviewed and approved by the department prior to taking effect.

(g) *Annual meeting approval.* The district shall submit to the department evidence that the annual meeting has approved any project costing the district more than \$5,000.

(5) **TERMINATION OF THE GRANT.** (a) The department may terminate a grant for any of the following reasons:

1. The violation of any term or condition of the grant agreement by the grantee;

2. The willful or bad faith refusal of the grantee to implement the project as described through the planning process, in the resolution adopting the final plan, and in the grant agreement;

3. Any material misrepresentations made by the recipient on the application for financial assistance or at any stage of the planning process.

4. Upon request of the grantee if the grantee can show good cause for termination of the grant prior to completion of the project.

(b) The department, through the secretary or his designated representative, shall send a notice of intent to terminate to the grantee by certified mail prior to termination of any grant. Such notice shall operate as a stop-work order to the extent that grant funds would be used to pay for project work. The department may only issue a final notice of termination after consultation with the grantee and a discussion of the grounds for termination.

(c) Except where the department finds that good cause exists for termination of a project for which a grant has been awarded, the grantee shall be responsible for returning all state grant funds previously paid to the grantee. The department, however, may approve any equitable arrangement whereby the grantee substantially discharges that obligation. The department shall have the option of either accepting equipment and materials purchased under the grant agreement or requiring a private or public sale with proceeds returned to the department. In all cases, the grantee shall return any unexpended state funds as well as any state funds spent after receipt of the department's notice of intent to terminate.

History: Cr. Register, July, 1975, No. 235, eff. 8-1-75.

NR 60.12 Research and demonstration projects. Research and demonstration projects may be undertaken as a cooperative activity between lake districts and the department. Such projects shall be designed to assess experimental and innovative techniques of lake protection and rehabilitation. The department may provide up to 100% state funding of experimental projects where the eventual results are highly uncertain.

History: Cr. Register, July, 1975, No. 235, eff. 8-1-75.

Register, July, 1975, No. 235

NR 60.13 Severability. If any provision of these rules is invalid, or if the application thereof to any person or circumstances is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

History: Cr. Register, July, 1975, No. 235, eff. 8-1-75.