

Chapter NR 1

NATURAL RESOURCES BOARD POLICIES

NR 1.01	The management of fisheries and aquatic resources (p. 1)	NR 1.415	Policy on designation of department land uses (p. 19)
NR 1.015	The management of wildlife, preamble (p. 2)	NR 1.42	Acquisition of state forest land (p. 19)
NR 1.02	Inland fisheries management (p. 3)	NR 1.43	Acquisition of fish and game lands adjacent to water (p. 19)
NR 1.03	Mississippi river fisheries management (p. 6)	NR 1.44	Cooperation with county, town and municipal boards on land acquisition (p. 20)
NR 1.04	Great Lakes fishery management (p. 6)	NR 1.45	Disposition of state forest lands (p. 20)
NR 1.11	General (p. 6-1)	NR 1.46	Disposition of state fish and game lands (p. 20)
NR 1.12	Migratory game birds (p. 6-2)	NR 1.47	Disposition of state park lands (p. 20)
NR 1.13	Small game mammals (p. 8)	NR 1.48	Leasing department lands (p. 21)
NR 1.14	Upland game birds (p. 8)	NR 1.483	Leasing department tower sites for telecommunications systems (p. 21)
NR 1.15	Big game mammals (p. 10)	NR 1.485	Granting easements (p. 22)
NR 1.16	Furbearers (p. 12)	NR 1.49	Trespass (p. 22-1)
NR 1.17	Nongame wildlife (p. 13)	NR 1.50	Policy on issuance of environmental pollution orders (p. 22-1)
NR 1.18	Captive birds and mammals (p. 14)	NR 1.51	Management of state wildlife areas (p. 23)
NR 1.20	Growing trees and shrubs (p. 14-2)	NR 1.90	Adequacy of access (p. 24)
NR 1.21	Private forestry (p. 15)	NR 1.91	Access abandonment (p. 26)
NR 1.22	Establishment of coniferous plantations (p. 15)	NR 1.92	Providing vehicular access to lakes and streams (p. 27)
NR 1.23	Fire control cooperation (p. 16)	NR 1.93	Fees for vehicular access (p. 28)
NR 1.24	Management of state and county forests (p. 16)	NR 1.95	Wetland preservation, protection and management (p. 29)
NR 1.30	State park system (p. 17)		
NR 1.31	State-owned islands (p. 18)		
NR 1.32	Natural and scientific areas (p. 18)		
NR 1.40	Acquisition of recreational land (p. 18-1)		
NR 1.41	Land acquisition authorization (p. 18-1)		

NR 1.01 The management of fisheries and aquatic resources. Preamble. (1) To meet its responsibilities established by statute, department programs shall be based on scientific management principles which emphasize the protection, perpetuation, development, and use of all desirable aquatic species.

(2) The goal of fish management is to provide opportunities for the optimum use and enjoyment of Wisconsin's aquatic resources, both sport and commercial. A healthy and diverse environment is essential to meet this goal and shall be promoted through management programs.

(3) Aquatic resources include both nongame and game species of fish, other aquatic animals and their habitats. Endangered and threatened species form a special group that will be managed according to ch. NR 27 and s. 29.415, Stats.

(4) To assure its effectiveness, the management program shall be based upon a close working relationship among all functions of the department, other governmental agencies, federally recognized Indian tribes, and the public. The department will keep interested parties informed of policies, plans and management. To anticipate change and

NR 1

meet future demand, the department shall engage in long-range planning of management programs.

(5) Financing the department's fish and aquatic resource management program through, in large part, user fees, particularly license fees and excise taxes on selected equipment purchased by sport and commercial fishers, is an established principle. Although user fees collected for a specific purpose are targeted at that purpose, they provide significant indirect benefits for a wide range of wildlife and users. When beneficiaries are a broader or different segment of the public, other funding sources will be sought.

(6) Wisconsin law enunciates a trust doctrine which secures the right of all Wisconsin citizens to quality, non-polluted waters and holds that waters are the common property of all citizens. Fish management programs will vigorously uphold the doctrine that citizens have a right to use in common the waters of the state and these waters shall be maintained free of pollution.

(7) With access to Wisconsin's lakes and streams a prerequisite for their use by the public, the acquisition and development of public access to waters should be accelerated, particularly in the more populous areas of the state.

(8) Wild and wilderness lakes and streams are a special and limited resource providing unique settings for enjoyment of fishing and other outdoor activities. Additional efforts are required to designate lakes and streams for this status. Special management methods that increase fishing quality shall be encouraged on these waters. Such methods may include trophy fishing, regulated harvest, special seasons, and controlled entry.

(9) Sport fishing should remain a true amateur sport which combines the pleasures and skills of angling with wildlife and scenic enjoyment, contemplation, and other subtle pleasures, not competition. Recent trends toward commercialization of sport fishing through contests and tournaments will be closely monitored. Appropriate action within the existing authority will be taken to control excesses.

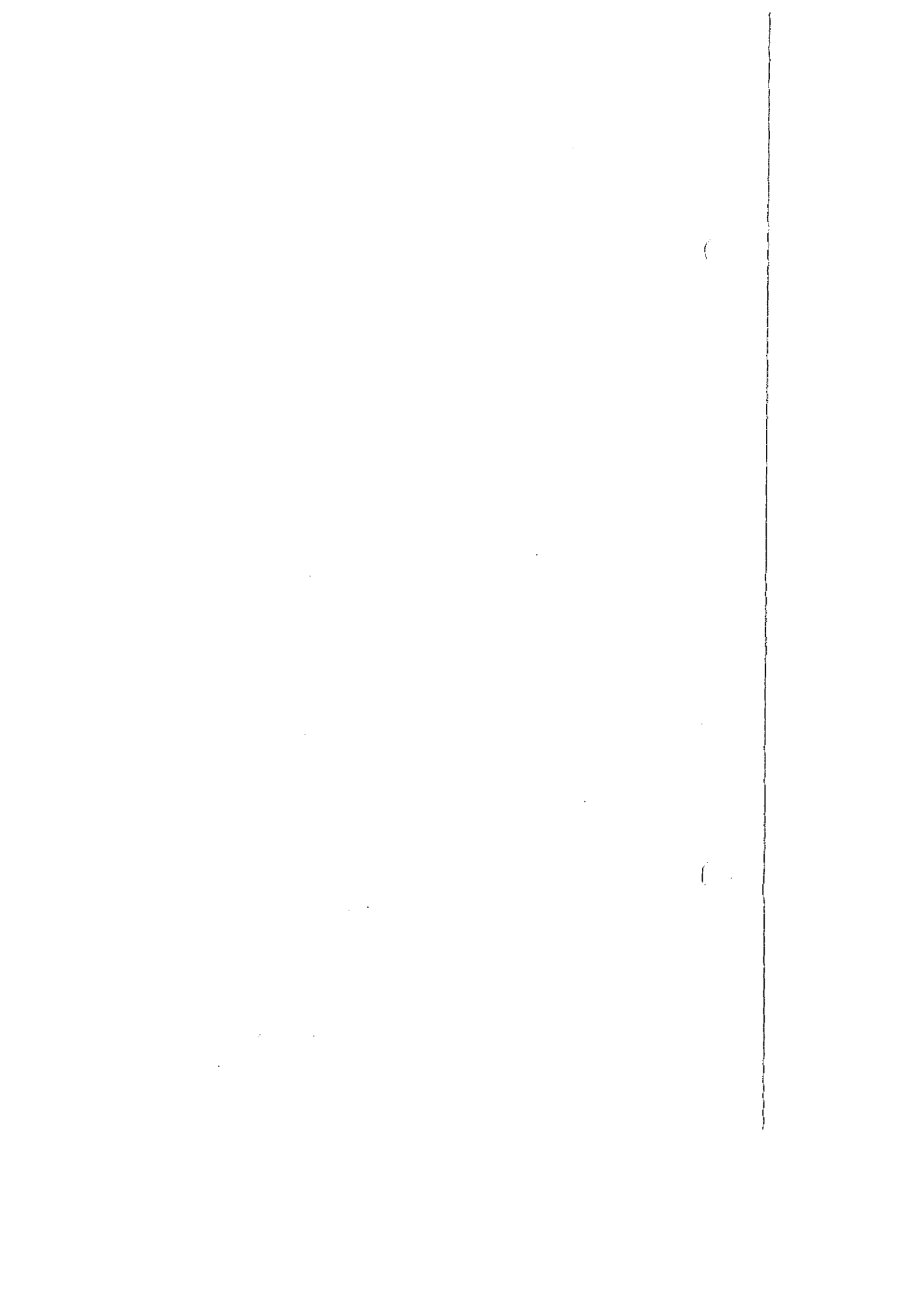
History: Cr. Register, March, 1976, No. 243, eff. 4-1-76; r. and recr. Register, February, 1980, No. 290, eff. 3-1-80.

NR 1.015 The management of wildlife, preamble. (1) The conservation act (s. 23.09 (1), Stats.) requires the department of natural resources to provide an adequate and flexible system for the protection, development and use of forests, fish and game, lakes, streams, plant life, flowers and other outdoor resources in this state. Specific authorities and missions of the department for wildlife protection and use besides the general authority are:

- (a) Protect and manage nongame species, particularly endangered, threatened and uncommon species;
- (b) Acquire and lease lands;
- (c) Conduct research and surveys;
- (d) Establish long-range resource management plans and priorities;
- (e) Manage wildlife habitat on public land;

Register, November, 1982, No. 323

(f) Provide regulations to govern the harvest of game species and fur-bearing mammals;



(2) State-owned lands outside state park boundaries and not within any other department project which serve no project purpose may be sold when the natural resources board determines such lands are no longer necessary for the state's use for conservation purposes and then shall be disposed of only in accordance with the following priorities:

(a) Sale to or exchange with a local unit of government when required for a public use.

(b) Exchange with others to consolidate state ownership within a park boundary.

(c) Sale to others.

(3) Restrictions may be imposed on lands disposed of to insure aesthetic park settings or compatible adjacent land uses.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75.

NR 1.48 Leasing department lands. (1) No leases for private use shall be executed, extended or renewed.

(2) The secretary may execute leases for public use or public benefit, including leases of department houses to department employes as a condition of employment for the benefit and convenience of the department.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75; r. and recr. Register, January, 1978, No. 265, eff. 2-1-78.

NR 1.483 Leasing department tower sites for telecommunications systems. (1) This rule establishes department policy regarding leasing of department tower sites to others for telecommunications systems not presently installed at department tower sites. These provisions apply to all nondepartment telecommunications users.

(2) For the purposes of this section:

(a) "Telecommunications system" means the components necessary to form a single functioning communications system at a tower site. Basic components of a telecommunications system include one equipment cabinet, one antenna, and one transmission line connecting the two.

(b) "Tower site" means any department radio tower or lookout tower and the grounds in the vicinity of it. A tower site may or may not include a department transmitter building.

(3) The department will only consider a request to install a telecommunications system at a department tower site if it meets one of the criteria set forth in sub. (4). The department may reject a request to install a telecommunications system at a department tower site for any reason, including technical, legal or environmental problems associated with the request, or if granting the request could conflict with future department needs.

(4) The department will only consider a request to install a telecommunications system at a department tower site if the request is for a telecommunications system which is a:

(a) State of Wisconsin telecommunications system providing necessary communications between a state of Wisconsin agency and its employes, provided it meets the following criteria:

Register, November, 1982, No. 323

NR 1

1. The specific equipment to be installed and the system it ties into are state-owned; and

2. The licensee, as defined in the station authorization granted by the federal communications commission, must be the state of Wisconsin; and

3. Communications must be between state employes conducting state business; or

(b) State of Wisconsin telecommunications system providing non-commercial broadcast services to the citizens of Wisconsin, provided it meets the following criteria:

1. Both the specific equipment to be installed and the system it ties into must be state-owned; and

2. The licensee, as defined in the station authorization granted by the federal communications commission, must be the state of Wisconsin; and

3. All programming must be noncommercial and must be available to the public without charge; or

(c) Telecommunications system owned by governmental entities other than the state of Wisconsin providing necessary public safety communications between a governmental entity and its employes, provided it meets the following criteria:

1. Both the specific equipment to be installed and the system it ties into must be owned by a unit of local government or the federal government; and

2. The licensee, as defined in the station authorization granted by the federal communications commission or the interagency radio administrative council, must be a governmental body; and

3. Communications must be between government employes conducting government business.

(5) If the department approves a request to install a telecommunications system at a tower site, it shall enter into a written lease with the requester. The department shall draft the lease.

(6) Lease charges shall be as follows:

(a) No charge for a lease meeting criteria in sub. (4) (a) or (b).

(b) \$25 per month for a lease meeting criteria in sub. (4) (c).

(7) Fees received from telecommunications site leases shall be used to offset, in part, the statewide costs involved in maintaining telecommunications tower site.

History: Cr. Register, November, 1982, No. 323, eff. 12-1-82.

NR 1.485 Granting easements. (1) Each conveyance across state lands for a right-of-way for public or private roads, public utility lines, other public purposes, or for flowage rights where such use does not conflict with the planned development by the department, may be granted by the department, but shall be presented to the board for approval if

Register, November, 1982, No. 323

unusual circumstances or material impairment of project values are involved.

(2) A complete record of such conveyances shall be maintained by the department.

(3) Compensation shall be determined by appraisal. The loss of any project values shall be considered in establishing the value of such easement.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75.

NR 1.49 Trespass. (1) The natural resources board may cure unintentional trespasses by purchase or sale where practicable subject to state laws relating to purchase, sale, lease or exchange of lands not withstanding any other provisions of ch. NR 1.

(2) Improvements may be removed and any trespass terminated, or legal eviction action may be taken, where a trespasser on state-owned land under the jurisdiction of the department of natural resources has been found by the natural resources board to have been guilty of willful, intentional or negligent conduct with respect to such trespass.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75.

NR 1.50 Policy on issuance of environmental pollution orders. (1) **DEFINITIONS.** (a) "Department" means the department of natural resources.

(b) "Board" means the natural resources board.

(c) "Air pollution" means the presence in the atmosphere of one or more air contaminants in such quantities and of such duration as is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property.

(d) "Water pollution" includes contaminating or rendering unclean or impure the waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.

(e) "Rule" means a regulation, standard, statement of policy or general order (including the amendment or repeal of any of the foregoing), of general application and having the effect of law, issued by the department to implement, interpret or make specific legislation enforced or administered by the department or to govern the organization or procedure of the department.

(f) "General orders" of the department are rules and mean orders issued by the department applicable throughout the state for the construction, use and operation of practicable and available systems, methods and means for preventing and abating environmental pollution.

(g) "Special orders" of the department mean orders issued by the department applicable to and directing specific persons to secure operating results in the control of environmental pollution within the time or times prescribed in the orders.

(h) "Emergency orders" of the department mean temporary orders issued by the department under emergency conditions of environmental pollution.

(2) **RULES.** Rules and general orders shall be adopted in accordance with the provisions of ch. 227, Stats. The notice of hearing on each rule requiring a hearing shall include the express terms or an informative summary of the proposed rules.

(3) **SPECIAL ORDERS.** (a) *Water pollution.* Special orders shall be issued by the department only after a hearing held for the purpose of ascertaining whether such orders are necessary for controlling or abating environmental pollution. Each proposed special order shall be served upon the persons affected thereby together with the notice of hearing thereon. The notice of hearing shall also be published as a class 1 notice in a newspaper having wide distribution in the area. Not less than 10 days notice specifying the time and place of the hearing shall be given by the department. The hearing shall be conducted in accordance with and be governed by ch. 227, Stats. After the hearing, the proposed special order may be set aside or it may be modified, amended or affirmed in whole or in part and a special order issued accordingly.

(b) *Air pollution and solid waste.* 1. In issuing special orders for air pollution and solid waste the department may follow the procedure set forth in par. (a) or