

south concrete monument being located 576.7 feet north from the southeast corner of section 25.

History: Cr. Register, August, 1975, No. 236, eff. 9-1-75; cr. (2), Register, November, 1977, No. 263, eff. 12-1-77.

NR 5.20 Modification or waiver of slow-no-wake speed restriction on certain lakes. Section 30.635, Stats., provides that the department may modify or waive the slow-no-wake speed restriction on lakes 50 acres or less in size having public access. The following procedure is established to implement that provision:

(1) **SUBMISSION OF PETITION FOR MODIFICATION OR WAIVER BY RULE.** Pursuant to s. 227.015, Stats., any municipality, corporation or any 5 or more persons having an interest in a rule may petition for such a rule to modify or waive the slow-no-wake speed restriction on a particular lake.

(2) **CONTENTS OF PETITION.** The petition shall state clearly and concisely:

- (a) The substance or nature of the rule-making which is requested; and
- (b) The reasons for the request and the petitioners' interest in the request; and
- (c) References to the authority of the agency to take the action which is requested.

(3) **SERVICE ON THE DEPARTMENT.** The petition shall be served on the department of natural resources either by delivery to the office of the secretary or by mailing to the secretary by certified mail at the following address: P.O. Box 450, Madison, Wisconsin 53701.

(4) **DEPARTMENT ACTION ON PETITION.** Upon receipt of a petition for modification or waiver, the following procedures shall apply without prior authorization of the natural resources board:

(a) The department shall schedule a rule-making hearing within a reasonable period of time for the purpose of receiving the comments and views of all interested persons on the petition.

(b) Based upon information received at the hearing and the determinations made pursuant to par. (c), the department will either proceed with rule-making or deny the petition in writing. The department is not limited to the rule-making proposed by the petitioner but may modify or waive the slow-no-wake speed restriction in any manner it deems appropriate.

(c) The department shall in making the decision under par. (b) determine:

1. If the lake is in fact 50 acres or less and has public access. A petition may be received for a lake fluctuating in size where the petitioner shows that the lake has been 50 acres or less in the past.

2. Whether public safety will be impaired by modification or waiver of the slow-no-wake speed restriction.

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3. Whether modification or waiver of the slow-no-wake speed restriction will cause environmental pollution as defined in s. 144.30(9), Stats.

History: Emerg. cr. eff. 7-28-75; cr. Register, June, 1976, No. 246, eff. 7-1-76.

NR 5.21 Lakes upon which the slow-no-wake speed restriction is modified or waived. The Wisconsin department of natural resources hereby defines by rule, pursuant to s. 30.635, Stats., the following waters upon which the slow-no-wake speed restriction is modified or waived:

(1) The slow-no-wake speed restriction is waived on the waters of Dutchman (Lad) lake, located in section 2, township 6 north, range 17 east in Waukesha county.

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77.

NR 5.30 Purpose. These rules are adopted to promote full use by all of the people, now and in the future, of the water surface of the lower St. Croix river in a manner consistent with safety for persons and property and with the enjoyment of the scenic and recreational values which caused the river to be designated a national scenic riverway. These rules are promulgated to further the objectives of s. 30.27, Stats., the lower St. Croix river preservation.

History: Cr. Register, October, 1978, No. 274, eff. 11-1-78.

NR 5.31 Applicability. These rules apply to the waters of the lower St. Croix river from the dam at St. Croix Falls to its confluence with the Mississippi river.

History: Cr. Register, October, 1978, No. 274, eff. 11-1-78.

NR 5.32 Definitions. (1) "Mile" means distance in miles above the confluence of the St. Croix river with the Mississippi river.

(2) "Motorboat" as defined in s. 30.50(2), Stats.

(3) "Slow-no-wake" means operation of a motorboat at the slowest possible speed necessary to maintain steerage.

(4) "Slow-speed" means operation of a motorboat at a leisurely speed, less than planing speed, whereby the wake or wash created by the motorboat is minimal.

History: Cr. Register, October, 1978, No. 274, eff. 11-1-78.

NR 5.33 Restricted speed zones. (1) No motorboat shall be operated in excess of a slow speed from the dam at St. Croix Falls to the sandbars located at mile 31.0.

(2) No motorboat shall be operated in excess of a slow-no-wake speed in the following areas:

(a) At the narrows located approximately at mile 28.6, which is 0.4 miles downstream from the Arcola high bridge.

(b) Between the coast guard navigational buoys designating location of the navigational channel from the railroad swing bridge located at mile 17.3 to the south side of the southern-most island in the chain of islands located at mile 16.5.

(c) Between the coast guard navigational buoys designating the Kinickinnic river delta narrows from mile 6.6 to mile 6.0.

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(d) At the Prescott narrows from the north side of the U.S. highway #10 bridge located at mile 0.3 to the confluence of the St. Croix river with the Mississippi river.

(e) Within 100 feet of shore (including the shores of islands) and of swimmers, from sandbars located at mile 31.0 to the confluence of the St. Croix river with the Mississippi river.

(f) In the bay formed by the Kinnickinnic river delta, north and east of Donut island, at mile 6.0.

(3) Any motorboat designated for law enforcement shall be exempt from subs. (1) and (2) of this regulation in circumstances involving emergencies or when engaged in law enforcement.

History: Cr. Register, October, 1978, No. 274, eff. 11-1-78; cr. (2) (f), Register, November, 1984, No. 347, eff. 12-1-84.

NR 5.34 Water skiing. (1) No motorboat towing a person on water skis, aquaplane or similar device shall be operated between sunset and sunrise on the St. Croix river from the dam at St. Croix Falls to its confluence with the Mississippi river.

(2) No motorboat towing a prson on water skis, aquaplane or similar device shall be operated in any zone designated a restricted speed zone under s. NR 5.33. A motorboat launching or landing a person on water skis, aquaplane or similar device by the most direct route to open water shall be exempt from s. NR 5.33(2)(e).

(3) From May 15 through September 15, no motorboat towing a person on water skis, aquaplane or similar device may operate after 12:00 noon on Saturdays, Sundays and legal holidays, from the sandbars located at mile 31.0 to the upper end of the federal 9-foot navigation channel at mile 24.5.

History: Cr. Register, October, 1978, No. 274, eff. 11-1-78; am. (3), Register, November, 1984, No. 347, eff. 12-1-84.

NR 5.35 Penalties. Any person violating any of the provisions of ss. NR 5.30 through 5.34 shall be fined not more than \$100 or imprisoned for not more than 30 days, or both, for the first offense and fined not more than \$200 or imprisoned for not more than 90 days, or both, upon conviction of the same offense a second or subsequent time within one year.

History: Cr. Register, October, 1978, No. 274, eff. 11-1-78.

NR 5.36 Effective date. These rules shall be effective upon the adoption of laws, rules or regulations providing for similar limitations or prohibitions on the operation and use of motorboats on the same segments of the lower St. Croix river by the state of Minnesota.

History: Cr. Register, October, 1978, No. 274, eff. 11-1-78.