



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

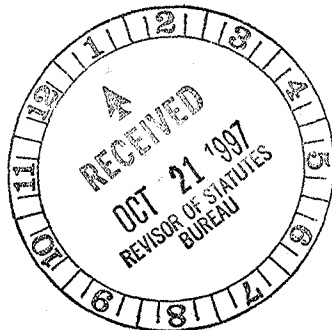
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101 South Webster Street
Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
FAX 608-267-3579
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STATE OF WISCONSIN)
) ss
DEPARTMENT OF NATURAL RESOURCES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, 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. LF-12-97 was duly approved and adopted by this Department on August 27, 1997. 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 the Natural Resources Building in the City of Madison, this 14th day of October, 1997.



George E. Meyer
George E. Meyer, Secretary

(SEAL)

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

The Wisconsin Natural Resources Board proposes an order to repeal NR 37.04(3) and amend NR 37.04(1)(a) and (b)(intro.), (2)(title) and (intro.) and (4), and NR 37.05(2) pertaining to timber cutting on lands adjacent to the Lower Wisconsin State Riverway

LF-12-97

Analysis prepared by Department of Natural Resources

Authorizing Statutes: ss. 30.42(1)(d) and 227.11(2)(a), Stats., and 1989 Wisconsin Act 31.

Statutes interpreted: ss. 30.42(1)(d), 30.44(3) and 30.45, Stats.

Chapter NR 37 contains the administrative rules for aesthetic management specifications for cutting and harvesting timber in the Lower Wisconsin State Riverway. The rules are designed to integrate timber management with other uses of the riverway while maintaining the natural character and scenic beauty within the riverway. The rules provide that timber harvest or cutting may only be conducted on the land when authorized by a permit issued by the Lower Wisconsin State Riverway Board. The cutting specifications are designed to assure timber cutting will be visually inconspicuous.

Four vegetative management zones were established in ch. NR 37 with specific restrictions or recommendations regarding timber harvest and cutting for each zone. The River Edge Zone includes the land from where tree growth begins on the river's edge and extending 75 feet landward. The Bluff Zone includes the land area 200 feet in width from 100 feet behind the bluff line to 100 feet below the bluff line. The Riverview Zone includes all lands in the riverway which are visible from the river with leaves on deciduous trees, except those lands included in the River Edge Zone or Bluff Zone. The Resource Management Zone includes all other land in the riverway not included in the River Edge Zone, Bluff Zone or Riverview Zone.

Wisconsin Act 211 directs the Department to promulgate rules, and specifies "For land that is in the river edge zone or the bluff zone, the rules promulgated under this paragraph shall require that the cutting and harvesting of timber be solely by selection cutting and that the minimum basal area for the residual stand of timber shall be 60 square feet per acre."

Wisconsin Act 211 deletes a county's authority for issuing timber harvest permits, so the proposed rule deletes references to counties. The proposed rule also adds the River Edge Zone to s. NR 37.04 (2), which pertains to time requirements and road construction for harvesting timber.

Lastly, the current rule requires the Riverway Board to notify the Department's Riverway Coordinator regarding variances. This position was eliminated, so the rule revision states the Riverway Board should contact the Department of Natural Resources, and doesn't specify an individual position.

SECTION 1. NR 37.04 (1) (a) and (b) (intro.) are amended to read:

NR 37.04 TIMBER MANAGEMENT CUTTING AND HARVESTING SPECIFICATIONS. (1) PERMIT. (a) Permit issuance. No person may cut or harvest timber within the riverway without a permit issued by the riverway board ~~or by a county for areas subject to shoreland zoning when the county has adopted by ordinance the cutting and harvest rules contained in this chapter for their shoreland areas subject to shoreland zoning.~~

(b) Permit conditions. (intro.) The riverway board ~~or the county~~ shall place conditions in permits necessary to assure timber harvest or cutting is conducted in compliance with this chapter. Additional conditions, as applicable, shall be included but not be limited to:

SECTION 2. NR 37.04 (2) (title) and (intro.) are amended to read:

NR 37.04 (2) (title) BLUFF ZONE, RIVERVIEW ZONE AND RIVER EDGE ZONE. (intro.) In addition to other restrictions established on timber cutting and harvest within the bluff zone, and riverview zone and river edge zone, the following conditions shall be included but not be limited to:

SECTION 3. NR 37.04 (3) is repealed:

SECTION 4. NR 37.04 (4) is amended to read:

NR 37.04 (4) (title) BLUFF ZONE AND RIVER EDGE ZONE. No person may cut, harvest or remove timber within the bluff zone and river edge zone except by selection cutting. After cutting, the residual stand shall be at least ~~75~~ 60 square feet basal area.

SECTION 5. NR 37.05 (2) is amended to read:

NR 37.05 (2) The riverway board shall notify the department's ~~riverway coordinator~~ at least 15 days prior to granting any variance under this section and afford the department an opportunity to address the riverway board. The riverway board shall also publish in the official state newspaper notice of a variance request and the date, time and place of the meeting at which the riverway board will consider the request.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on August 27, 1997

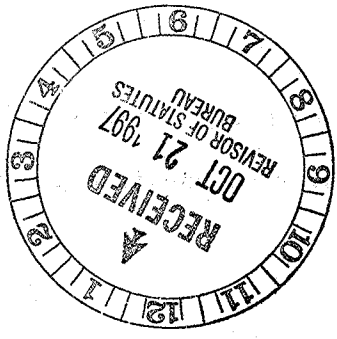
The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

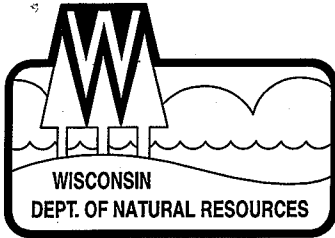
Dated at Madison, Wisconsin 10/16/97

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer, Secretary

(SEAL)





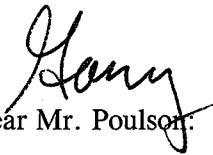
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October 14, 1997

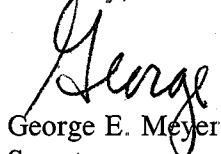
Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI


Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. LF-12-97. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Agriculture and Environmental Resources pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

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

Sincerely,


George E. Meyer
Secretary

Enc.

