



NR 1

State of Wisconsin

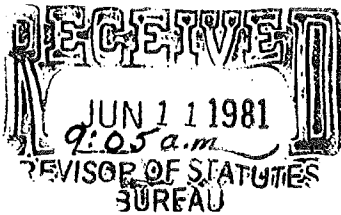
DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: _____

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carroll D. Besadny, 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. F-53-79 was duly approved and adopted by this Department on January 29, 1981. 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 9th day of June, 1981.

Carroll D. Besadny
Carroll D. Besadny, Secretary

8-1-81

(SEAL)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES

.....
IN THE MATTER of creating section NR 1.02(7) .
of the Wisconsin Administrative Code .
pertaining to trout stream classification .
.....

F-53-79

Analysis Prepared by Department of Natural Resources

Section NR 1.02(7), Wis. Adm. Code, establishes the procedures and standards for classifying streams as trout waters. The rule defines trout streams and includes references for the Department's designation of trout stream classification and review procedures available for such classification.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 23.09, 23.11, and 227.014, Stats., the State of Wisconsin Natural Resources Board hereby creates rules interpreting s. 23.09(2)(m), Stats., as follows:

SECTION 1 - Section NR 1.02(7) is created to read:

(7) TROUT STREAM CLASSIFICATION. The department shall identify and classify trout streams as follows to ensure adequate protection and proper management of this unique resource.

(a) For the purpose of this subsection, the following terms are defined as:

1. "Classification survey" means a fishery survey employing techniques generally accepted by fisheries biologists that:

a. Investigates the variety of habitat types present in the water being surveyed;

b. Provides a representative sample of the fish species present, and their relative abundance;

c. Provides the length distribution and the age structure of the trout population.

2. "Trout spawning habitat" means areas of gravel, small rubble or coarse sand which are infiltrated by groundwater or stream flow of sufficient quantity and quality to allow successful hatching of trout eggs and emergence of fry.

3. "Trout habitat" means those areas having sufficient quantity and quality of water, cover and food to allow trout to complete one or more life history stages.

(b) Classification of trout streams, as determined by classification surveys, shall be based on the following criteria:

1. 'Class I'. A class I trout stream is a stream or portion thereof with a self-sustaining population of trout.

a. Such a stream contains trout spawning habitat and naturally produced fry, fingerling, and yearling in sufficient numbers to utilize the trout habitat, or

b. Contains trout with 2 or more age groups, above the age of one year, and natural reproduction and survival of wild fish in sufficient numbers to utilize the available trout habitat and to sustain the fishery without stocking.

2. 'Class II'. A class II trout stream is a stream or portion thereof that:

a. Contains a population of trout made up of one or more age groups, above the age one year, in sufficient numbers to indicate substantial survival from one year to the next, and

b. May or may not have natural reproduction of trout occurring; however, stocking is necessary to fully utilize the available trout habitat or to sustain the fishery.

3. 'Class III'. A class III trout stream is a stream or portion thereof that:

a. Requires the annual stocking of trout to provide a significant harvest, and

b. Does not provide habitat suitable for the survival of trout throughout the year, or for natural reproduction of trout.

(c) After classification or reclassification of a stream or portion thereof under this subsection, the department shall as soon as is feasible or reasonable give notice in a newspaper or such other media the department selects in the area affected which is likely to inform the local residents. The department shall provide the information to all clerks of the county, town, city or village in which the stream or portion thereof is located. The department shall notify the legislators whose districts include the affected stream and the chairpersons of the committees of the legislature with jurisdiction for natural resources issues.

(d) The notice shall contain the location and description of the stream and the basis for its classification. If a hearing is not requested in writing within 30 days after the mailing of the notice, the department may waive the hearing. Upon receipt of a request for a hearing, the department shall, not less than 10 days before such hearing, mail written notice thereof to each person notified under par. (c).

(e) At each hearing, the department shall take evidence offered by persons in support of or in opposition to the stream classification. If the department finds the stream is not properly classified, the stream shall be reclassified on the basis of the criteria specified under par. (b).

(f) The department shall maintain a list of classified trout streams for public information. This list shall not be assumed to be exhaustive but will include all trout streams surveyed and classified.

The rules contained herein were approved and adopted by the State of Wisconsin Natural Resources Board on January 29, 1981.

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

Dated at Madison, Wisconsin June 9, 1981

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

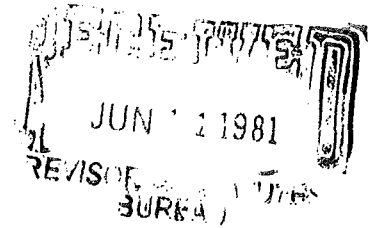
Carroll D. Besadny
Secretary

June 2, 1981

BOX 7921
MADISON, WISCONSIN 53707

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. F-53-79. These rules were reviewed by the Assembly Committee on Tourism and Recreation and the Senate Committee on Agriculture and Natural Resources, pursuant to s. 227.018, Stats. Modifications were made as the request of the committees.

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

Sincerely,

C. D. Besadny
C. D. Besadny
Secretary

Enc.