

CR 83-197

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES)

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RECEIVED

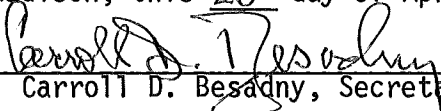
APR 26 1984

2:45 pm
Revisor of Statutes
Bureau

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. WR-53-83 was duly approved and adopted by this Department on February 22, 1984. 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 23rd day of April, 1984.


Carroll D. Besadny, Secretary

(SEAL)

7-1-84

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

AMENDING AND CREATING RULES

.....	
In the matter of amending ss. NR 1.95(4)(c),	.
104.02(1)(c) and 180.04(71); and creating s.	.
NR 1.95(4)(d) of the Wisconsin Administrative	.
Code pertaining to the definition of	.
"wetlands"	.
.....	.

WR-53-83

Analysis Prepared by the Department of Natural Resources

Modifications of three existing administrative rules (s. NR 1.95 and chs. NR 104 and NR 180) are proposed to incorporate the statutory definition of "wetland," found in s. 23.32(1), Stats., in place of administrative code definitions which are inconsistent with it. In addition, language is proposed to be added to the Natural Resources Board policy on Wetland Preservation, Protection, and Management, clarifying the Board's intent that the statutory definition be applied by the Department where a rule uses the term "wetland" and does not contain a specific definition.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by s. 227.014(2)(a), and chs. 30, 144 and 147, Stats., the State of Wisconsin Natural Resources Board hereby amends and creates rules interpreting chs. 30, 144 and 147, Stats., as follows:

SECTION 1. NR 1.95(4)(c) is amended to read:

~~NR 1.95(4)(c) Wetlands are those areas characterized by surface water or saturated soils during at least a part of the growing season such that moist soil vegetation or shallow water plants can thrive. The permanent channels of streams and rivers and the open water areas of lakes and reservoirs are not included in this definition.~~ "Wetland" as defined in s. 23.32(1), Stats., means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

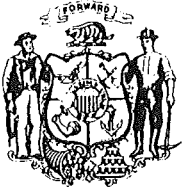
The rules contained herein shall take effect as provided in s. 227.026(1) (intro.), Stats.

Dated at Madison, Wisconsin April 23, 1984

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

BOX 7921
MADISON, WISCONSIN 53707

April 19, 1984

RECEIVED

IN REPLY REFER TO: 1020

APR 26 1984

Mr. Orlan L. Prestegard
Revisor of Statutes
411 West
C A P I T O L

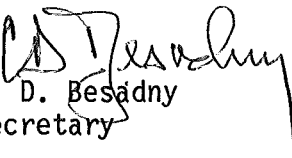
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Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WR-53-83. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.018, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

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

Sincerely,


C. D. Besadny
Secretary

Enc.