

(5) **CONDITIONS, APPROVAL, MARKING.** No person may operate or use a boat unless each device required by subsection (2) or each device allowed by subsection (3) is:

- (a) In serviceable condition,
- (b) Legibly marked with the approval number as listed in figure 1 for items subject to approval, and
- (c) Of an appropriate size for the person for whom it is intended.

(6) **PERSONAL FLOTATION DEVICE EQUIVALENTS.** Figure 1 lists devices that are equivalent to personal flotation devices.

FIGURE 1

Devices marked	Are equivalent to
160.002 Life preserver -	Performance type I personal flotation device
160.003 Life preserver -	Performance type I personal flotation device
160.004 Life preserver -	Performance type I personal flotation device
160.005 Life preserver -	Performance type I personal flotation device
160.009 Ring life buoy -	Performance type IV personal flotation device
160.047 Buoyant vest -	Performance type II personal flotation device
160.048 Buoyant cushion -	Performance type IV personal flotation device
160.049 Buoyant cushion -	Performance type IV personal flotation device
160.050 Ring life buoy -	Performance type IV personal flotation device
160.052 Buoyant vest -	Performance type II personal flotation device
160.053 Work vest -	Performance type V personal flotation device
160.055 Life preserver -	Performance type I personal flotation device
160.060 Buoyant vest -	Performance type II personal flotation device.
160.064 Special purpose water safety buoyant devices.....	A device intended to be worn may be equivalent to type II or type III. A device that is equivalent to type III is marked "Type III Device—may not turn unconscious wearer." A device intended to be grasped is equivalent to type IV.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74.

NR 5.14 Jurisdiction of municipal water safety patrols. The Wisconsin department of natural resources hereby defines by rule, pursuant to section 30.79 (4), Wis. Stats., the following waters which may be patrolled by the respective water safety patrol units mentioned:

(1) The waters of Wallace lake, located in section 1, township 11 north, range 19 east and section 6, township 11 north, range 20 east in Washington county, by a water safety patrol operated by the town of Trenton.

(2) The portion of Golden Lake, described herein, located in sections 30 and 31, township 7 north, range 17 east, Waukesha county, by a water safety patrol unit operated by the town of Summit: all of Golden lake except that portion in section 25, township 7 north, range 16 east, Jefferson county, which lies to the west of the easterly boundary of section 25; said boundary marked by a north-south line drawn between two certified land corner monuments; the north concrete monument being located 1167.5 feet south from the northeast corner of section 25 and the 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, Wis. Stats., provides that the department may modify or waive the slow-no-wake speed restriction

Register, November, 1977, No. 263

14-4 WISCONSIN ADMINISTRATIVE CODE

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 section 227.015, Wis. 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 subsection (4) (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 paragraph (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.

3. Whether modification or waiver of the slow-no-wake speed restriction will cause environmental pollution as defined in section 144.30(9), Wis. 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 section 30.635, Wis. Stats., the following waters upon which the slow-no-wake speed restriction is modified or waived:

Register, November, 1977, No. 263

DEPARTMENT OF NATURAL RESOURCES 14-5

(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.