

Chapter NR 302

MANAGEMENT OF WISCONSIN'S WILD RIVERS

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(Sections 23.09, 23.11, 30.26 and 144.025, and chapters 30 and 31, Stats.)

NR 302.01 Purpose. The purpose of this chapter is to establish a management program designed to protect legislatively designated wild rivers from development so as to afford the people of this state an opportunity to enjoy those rivers in their natural and free-flowing condition and to assure the well-being of Wisconsin's tourist industry by attracting out-of-state visitors, which the legislature has deemed to be in the public interest.

History: Cr. Register, March, 1979, No. 279, eff. 4-1-79.

NR 302.02 Definitions. (30.26, 227.014) (1) "Wild rivers" for the purpose of this chapter are those rivers designated by the legislature in s. 30.26, Stats., namely:

(a) The Pike river in Marinette county from its mouth in section 3, township 34 north, range 21 east, upstream to the headwater branches; one branch beginning at the outlet of Coleman lake in section 17, township 36 north, range 18 east, and the other branch beginning at the outlet of North pond in section 20, township 37 north, range 18 east.

(b) The Pine river in Florence and Forest counties from its mouth in section 28, township 39 north, range 19 east, upstream to the headwater branches; one branch beginning at the outlet of Butternut lake in section 27, township 40 north, range 12 east, and the other branch beginning in section 11, township 38 north, range 12 east.

(c) The Popple river in Florence and Forest counties from its mouth in section 23, township 39 north, range 17 east, upstream to the headwater branches; one branch beginning in section 10, township 38 north, range 13 east, one branch beginning in section 23, township 38 north, range 13 east, and one branch beginning in section 24, township 38 north, range 14 east.

(2) "Free flowing condition" means waters which do not contain dams or other artificial development or structures which serve to materially impede the flows of the stream.

(3) "Natural condition" means free from development or alteration, except as specifically authorized by this chapter.

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(4) "Protection zone" is that area of land within 400 feet of the waters or to the visual horizon from the water whichever is greater on either side of the wild river.

History: Cr. Register, March, 1979, No. 279, eff. 4-1-79.

NR 302.03 Management of lands adjacent to wild rivers. (23.09, 23.11, 26.11, 26.30, 27.01, 28.01, 28.04, 28.07, 28.11, 29.09, 30.26, 77.01 through 77.16, 144.025, 144.39, 227.014) (1) On lands owned or under control of the department by lease, easement or agreement, the department may:

(a) Carry out erosion control measures necessary to protect the lands within the protection zone from erosion caused by human disturbance using natural materials not foreign to the immediate surroundings.

(b) Carry out restoration activities necessary to restore the natural appearance of river areas previously modified by man, without introduction of materials foreign to the immediate surroundings, implementing a natural evolutionary process.

(c) Carry out forest fire suppression activities.

(d) Develop limited walk-in access areas to allow or accommodate the launching of water craft.

(e) Except as provided in pars. (a) and (b) provide no vegetative control within 150 feet from the bank on either side of a wild river. Outside timber cutting in accord with the guidelines established in the department's silvicultural and forest aesthetics handbook shall be practiced.

(f) Erect signs or markers on the perimeter of the protection zone necessary for guidance and regulation of recreational use or users.

(g) Control insect outbreaks that endanger land or vegetation outside of the protection zone.

(h) Locate primitive campsites well screened by vegetation or topography from the wild rivers. Such campsites shall not provide public vehicular access.

(i) Except as otherwise provided in this section, conduct no grading on the banks of the wild rivers.

(2) On those lands owned or under control of the department by lease, easement or agreement there shall be no development, including campgrounds adjacent to shorelines in any protection zones; and there shall be no development, other than that necessary to accommodate the users of the wild river areas, beyond the protection zone and up to at least 1/4 of a mile from either side of the wild rivers.

(3) Pursuant to and to the extent possible under s. 28.11, Stats., the comprehensive county forest land use plan shall designate management practices to assure the preservation, protection and enhancement of the natural beauty, unique recreational and other inherent values in and along wild rivers.

(4) (a) *Forest croplands.* Pursuant to and to the extent possible under ch. 77, Stats., department supervision or management advice

shall recognize the presence of wild rivers running through such entered lands and protect wild rivers values.

(b) *Woodland tax law lands.* Pursuant to and to the extent possible under s. 77.16, Stats., the management plan shall recognize the presence of wild rivers running through such entered lands and protect wild river values.

(5) The department shall prepare a memorandum of understanding in cooperation with the United States forest service regarding its management of lands and waters in the wild rivers area. This memorandum of understanding shall take into consideration the guidance by s. 30.26, Stats., public law 88-577, and public law 90-542 and the guidelines established by this chapter.

(6) The department shall provide information and land use recommendations regarding development on, or adjacent to wild rivers whenever requested by private citizens or groups, as well as industry, and shall seek to provide such information, without request, when such proposed development in those areas come to the department's attention.

History: Cr. Register, March, 1979, No. 279, eff. 4-1-79.

NR 302.04 Wild rivers alteration. (30.26, ch.31, 227.014) (1) DAMS. To preserve the free flowing state of wild rivers, no man-made dams or other man-made structures which impound water shall be permitted on such rivers with the exception of those projects, licensed by the federal energy regulatory commission, in existence prior to November 18, 1965.

(2) BULKHEAD LINES, STRUCTURES OR DEPOSITS. (30.11, 30.12, 30.26, 227.014) Except as otherwise provided in section NR 302.03, to protect and preserve the public rights including maintenance of natural condition, beauty, and rights incident to navigation no permits or approvals for bulkhead lines or other structures or deposits as defined in ss. 30.11 and 30.12, Stats., shall be permitted.

(3) CHANNEL CHANGES, ENLARGEMENTS, DREDGING AND GRADING. (30.19, 30.195, 30.20, 30.26, 227.014) Except as otherwise provided in section NR 302.03 or the removal of man-made or constructed objects and structures, no dredging of materials from the bed of any wild river shall be permitted, nor shall channels be connected to a wild river, nor shall any pond or enlargement be permitted within 400 feet of the ordinary high watermark of any wild river. Further, no channel changes pursuant to s. 30.195, Stats., shall be permitted, nor any grading or other removal of topsoil on the bank of a wild river.

(4) SHORE PROTECTION. (30.12, 30.26, 144.025, 144.39, 227.014) Shoreline protection measures defined in s. 30.12(2)(d), Stats., may be permitted if:

(a) Natural materials not foreign to the immediate surroundings are used; and

(b) Are necessary only to restore man-induced erosion areas to a more natural state.

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(5) **BRIDGES.** (30.12, 30.26, 31.23, 227.014) To preserve the natural condition and beauty and other incidents of navigation in the wild rivers, no bridges, except as provided in section NR 302.07, shall be permitted unless they comply with the following requirements:

(a) Reasonable access to a residential dwelling is not available without use of a bridge crossing and the applicant proves a need as defined in par. (b).

(b) Bridges shall be designed to accommodate foot traffic only unless an applicant proves a need, other than convenience, for vehicle passage over the bridge. Provided, the obtaining of property rights or ownership, or development of property to which access is sought, subsequent to the effective date of these rules does not prove need for vehicle passage over a bridge.

(c) Bridges shall be clear span and provide a minimum clearance of 5 feet between the ordinary high watermark and the stringer or lowest portion of the bridge, unless the department determines a lesser clearance is appropriate due to aesthetic conditions will not infringe on public rights in navigation on the wild river in the area of the proposed bridge placement.

(d) Bridges shall be constructed in a manner that results in the least impact on the natural condition and beauty of the river, taking into consideration materials necessary for the traffic and weight the bridge is to support.

(6) **PIERS.** (30.13, 30.26, 227.014) To protect and preserve public rights in the maintenance of the natural condition and beauty, no piers shall be constructed in the wild rivers.

(7) **NATURAL OBSTRUCTIONS.** (23.09, 23.11, 30.03, 30.16, 30.26, 227.014) In order to maintain the wild character of a river, natural obstructions shall not be removed by the department.

History: Cr. Register, March, 1979, No. 279, eff. 4-1-79.

NR 302.05 Department cooperation. (23.09, 28.07, 30.26, 227.014)

(1) The department shall consult with state, federal and local governmental bodies and their planning agencies in the development of a program for the preservation, protection and enhancement of the wild rivers.

History: Cr. Register, March, 1979, No. 279, eff. 4-1-79.

NR 302.06 Utility corridors. (23.09, 23.11, 27.01, 28.04, 28.07, 30.26, 227.014) (1) On other than department owned or controlled land, the department shall, to the best of its ability coordinate with all interested governmental units and other interested persons in the location of proposed utility corridors crossing or affecting wild rivers so as to avoid crossing those rivers and reduce or minimize the impact of such utility corridors on them.

(2) On department owned or controlled land, the department shall exercise its authority in a manner consistent with s. 30.26, Stats.

History: Cr. Register, March, 1979, No. 279, eff. 4-1-79.

Register, November, 1979, No. 286
Environmental Protection

NR 302.07 Municipal and department of transportation public highway bridges. (23.16, 39.26, 227.014) (1) The provisions of this chapter do not apply to the replacement, reconstruction, maintenance or repair of department of transportation public highway bridges falling within the provisions of s. 30.12 (4) and the replacement and reconstruction of municipal public highway bridges falling within the provisions of s. 30.122, Stats.

(2) Consistent with the legislative direction in ss. 30.12 (4), 30.122 and 84.01 (23), Stats., the department shall actively consult with the department of transportation in the development of standards for the design and replacement of state, county, town, village and city bridges, arches or culverts to prevent undue impairment of public rights in the wild rivers. It shall further act under cooperative agreements with the department of transportation so that adverse affects of bridge replacement, reconstruction, maintenance and repair on the wild rivers and lands adjacent thereto are minimized to the fullest extent practicable under legislative mandates. In the development and implementation of such standards for wild rivers, necessary new structures should cross the stream in the same location as the old crossing or adjacent to it when practical, consonant to highway safety and a practical alternative site with lesser impacts on the wild river is not available.

History: Cr. Register, March, 1979, No. 279, eff. 4-1-79.

NR 302.08 Severability. Should any section or portion of this chapter be declared invalid or unconstitutional for any reason, the remainder of the chapter shall not be affected thereby.

History: Cr. Register, March, 1979, No. 279, eff. 4-1-79.