

Chapter NR 1

NATURAL RESOURCES BOARD POLICIES

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NR 1.01 Management of fisheries and aquatic resources (1) To meet its responsibilities established by statute, department programs shall be based on scientific management principles which emphasize the protection, perpetuation, development, and use of all desirable aquatic species.

(2) The goal of fish management is to provide opportunities for the optimum use and enjoyment of Wisconsin's aquatic resources, both sport and commercial. A healthy and diverse environment is essential to meet this goal and shall be promoted through management programs.

(3) Aquatic resources include both nongame and game species of fish, other aquatic animals and their habitats. Endangered and threatened species form a special group that will be managed according to ch. NR 27 and s. 29.415, Stats.

(4) To assure its effectiveness, the management program shall be based upon a close working relationship among all functions of the department, other governmental agencies, federally recognized Indian tribes, and the public. The department will keep interested parties informed of policies, plans and management. To anticipate change and meet future demand, the department shall engage in long-range planning of management programs.

(5) Financing the department's fish and aquatic resource management program through, in large part, user fees, particularly license fees and

excise taxes on selected equipment purchased by sport and commercial fishers, is an established principle. Although user fees collected for a specific purpose are targeted at that purpose, they provide significant indirect benefits for a wide range of wildlife and users. When beneficiaries are a broader or different segment of the public, other funding sources will be sought.

(6) Wisconsin law enunciates a trust doctrine which secures the right of all Wisconsin citizens to quality, non-polluted waters and holds that waters are the common property of all citizens. Fish management programs will vigorously uphold the doctrine that citizens have a right to use in common the waters of the state and these waters shall be maintained free of pollution.

(7) With access to Wisconsin's lakes and streams a prerequisite for their use by the public, the acquisition and development of public access to waters should be accelerated, particularly in the more populous areas of the state.

(8) Wild and wilderness lakes and streams are a special and limited resource providing unique settings for enjoyment of fishing and other outdoor activities. Additional efforts are required to designate lakes and streams for this status. Special management methods that increase fishing quality shall be encouraged on these waters. Such methods may include trophy fishing, regulated harvest, special seasons, and controlled entry.

(9) Sport fishing should remain a true amateur sport which combines the pleasures and skills of angling with wildlife and scenic enjoyment, contemplation, and other subtle pleasures, not competition. Recent trends toward commercialization of sport fishing through contests and tournaments will be closely monitored. Appropriate action within the existing authority will be taken to control excesses.

History: Cr. Register, March, 1976, No. 243, eff. 4-1-76; r. and rec. Register, February, 1980, No. 290, eff. 3-1-80.

NR 1.015 Management of wildlife, preamble. (1) The conservation act (s. 23.09 (1), Stats.) requires the department of natural resources to provide an adequate and flexible system for the protection, development and use of forests, fish and game, lakes, streams, plant life, flowers and other outdoor resources in this state. Specific authorities and missions of the department for wildlife protection and use besides the general authority are:

- (a) Protect and manage nongame species, particularly endangered, threatened and uncommon species;
- (b) Acquire and lease lands;
- (c) Conduct research and surveys;
- (d) Establish long-range resource management plans and priorities;
- (e) Manage wildlife habitat on public land;
- (f) Provide regulations to govern the harvest of game species and fur-bearing mammals;
- (g) Establish resource management information and education programs; and

(a) No trees or shrubs over 5 years of age or more than once transplanted shall be produced for general distribution by state-operated nurseries.

(b) Species grown shall be limited to trees and shrubs normally used for forestry and wildlife plantings.

(c) No shipment of less than 500 trees will be made to an applicant. However, "wildlife packets", including trees and shrubs and tree packets for windbreaks, shelterbelts and erosion control in quantities of not less than 250 trees or shrubs shall be made available where practicable.

(d) No trees or shrubs shall be made available to commercial or municipal nurseries for lining out stock or other nursery purposes.

(e) Trees may be cut for Christmas tree purposes only where they are a product of plantation thinning. Christmas tree cutting shall not reduce the number of trees below 500 per acre.

(f) Trees and shrubs may be made available free of charge except for the cost of transportation to educational institutions, youth groups (such as 4-H, future farmers, boy scouts and similar vocational or character building organizations), lessors of public hunting and fishing grounds, and state and county agencies and semi-public or nonprofit organizations for planting on public lands or lands open to the public or for research purposes, provided the department is assured the project will have adequate supervision.

(g) All trees and shrubs distributed for planting on privately owned land (except as provided in par. (f)) shall be paid for at prices approved by the department.

(h) Free trees and shrubs will be limited to a maximum of 1,000 per year to lessors of public hunting and fishing grounds.

(i) Species inventories exceeding sales and allotments may be sold or traded with other states or the U.S.F.S.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75.

NR 1.21 Private forestry assistance. (1) PURPOSE. This section and ss. NR 1.211 to 1.213 contain rules for the administration of the private forestry assistance program to private, non-industrial landowners under ss. 26.35, 28.01 and 28.07, Stats. Priorities for servicing private forestry requests and a cooperative program with consulting foresters is established.

(2) DEFINITIONS. For the purpose of this section and ss. NR 1.211 to 1.213:

(a) "Cooperating consulting forester" means an independent consulting forester or industrial consulting forester who enters into a cooperative agreement with the department relating to the providing of forestry services to private landowners.

(b) "Department" means the Wisconsin department of natural resources.

(c) "Department forester" means a person meeting the qualifications of the department and employed by the department to carry out assigned forest management responsibilities.

(d) "Forester" means a person other than one employed by the department who has received a bachelor or higher degree from a school of forestry with curriculum accredited by the society of american foresters in the management of forest resources.

(e) "Forestry firm" means a business that employs a forester or foresters and is engaged in providing forest management services to private landowners.

(f) "Independent consulting forester" means a forester who provides a variety of professional forestry services to and represents private landowners on a contract or fee basis which is paid by the landowner.

(g) "Industrial consulting forester" means an industrial forester who, as part of his or her employment, provides advice and assistance to private landowners to promote approved forest management practices.

(h) "Industrial forester" means a forester employed by a wood-using industry who may manage company-owned woodlands to produce forest products, or may work with private landowners to purchase forest products for the industrial forester's employer.

(i) "Poletimber" means those trees that range from 5 to 9 inches in diameter for conifers and 5 inches to 11 inches in diameter for all other species when measured 4.5 feet above ground level and which contain a minimum volume of 3 cords per acre.

(j) "Sawtimber" means those trees that are at least 9 inches and larger in diameter for conifers and 11 inches and larger in diameter for all other species when measured 4.5 feet above ground level and which contain a minimum volume of 1300 board feet per acre.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75; r. and recr. Register, July, 1989, No. 403, eff. 8-1-89.

NR 1.211 Cooperative forestry policy. The department shall administer the private forestry program in a manner which will provide management assistance to owners of private forest lands.

(1) The department shall provide technical forestry assistance on privately owned forest lands in Wisconsin.

(2) The department may enter into agreements with any governmental agency, public or private corporation or private owner to achieve improved forest land management.

(3) The private forestry program shall focus on leadership in forestry through management planning, demonstration, education and coordination of forestry activities. The department shall strive to reach a large number of people and effect forest management on the most acreage as is reasonably possible.

(4) Department foresters shall cooperate with other professional foresters, groups and individuals to influence and encourage forest land management.

(5) Department foresters shall recommend integrated management principles that enhance forests, wildlife, aesthetics, recreation and watershed protection through applied silvicultural practices.

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(6) The concept of multiple-use of forest lands will be utilized to assure maximum public benefits of wood production, wildlife management, improved watershed protection, recreational use and aesthetics.

(7) Department efforts shall be concentrated on those activities having the greatest potential of providing for present or future multiple use and public economic benefits.

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89.

NR 1.212 Private forestry priorities for assistance. Department foresters shall comply with the following priorities in providing assistance to and responding to requests for assistance from private landowners within the resources available and normal work plan:

(1) **PRIORITY I ACTIVITIES.** Department foresters shall follow the priorities established in this section in serving requests. (Activities are of equal priority within this section.)

(a) Management of vegetation on department-owned lands.

(b) Education of forest landowners and the general public.

Note: The role of the forester in education is to use all reasonable means, including demonstration to increase the public's awareness of forest land management. It is not expected that such educational endeavors will normally include teaching in educational institutions.

(c) Administration and oversight of the forest tax laws, or forest practices on the land under the forest tax programs in subchs. I and VI, ch. 77, Stats. Administration and oversight includes review of petitions for eligibility, preparation of management plans and enforcement of the provisions of the law and is not subject to the 3 day per year limit. Forest practices include woodland reconnaissance, tree planting, timber sale set-up and cultural operations and are subject to the 3 day per year limitation.

(d) Certification of need and performance of federal cost-sharing programs administered by the agricultural stabilization and conservation service.

(e) Conducting general forest land reconnaissance on new requests for assistance to determine management needs, provide information to encourage sound forestry practices and long-term management programs, and provide private landowners with information on the forest tax programs. This includes the preparation of management plans on land not under the forest tax programs in subchs. I and VI, ch. 77, Stats., which appear to provide the best potential to result in productive management.

(2) **PRIORITY II ACTIVITIES.** Department foresters shall respond to the following types of forestry assistance requests upon completion of Priority I activities listed under sub. (1).

(a) Designating for harvest and market, timber on land not under the forest tax programs in subchs. I and VI, ch. 77, Stats., but for which there is a written management plan and within the limitations specified in sub. (3).

(b) Tree planting advice on land not under the forest tax programs in subchs. I and VI, ch. 77, Stats., or a federal cost-sharing program.

(c) Designating cultural operations on young stands on land not under the forest tax law programs in subchs. I and VI, ch. 77, Stats., or a federal cost-sharing program.

(d) Conducting insect and disease control surveys and recommendations. Major forest pest outbreaks, however, shall be responded to on a Priority I basis.

(3) **LIMITATIONS, EXEMPTIONS AND PROHIBITIONS ON ASSISTANCE.** Assistance by department foresters shall ensure that forestry benefits will be provided to the greatest number of landowners.

(a) *Limitations.* 1. Each landowner requesting forest management assistance may receive no more than 3 work days (24 hours) of technical forestry service during each calendar year.

2. Department foresters may establish timber sales for private landowners where no more than 20 acres of sawtimber or no more than 40 acres of poletimber will be harvested and if the service has not been provided, up to these acreage limits, in the prior 10 year period.

3. All timber sale marking and volume designation on land subject to a request for assistance when the landowner's timber sale requirements exceed the limitations specified in subd. 2, shall be referred to cooperating consulting foresters pursuant to cooperative agreements between the department and the cooperating consulting foresters. The department may not provide timber sale marking assistance unless the landowner can demonstrate to the department's satisfaction that timber sale assistance is not reasonably available from a cooperating consultant forester, or such service has been reasonably requested by the landowner and the request has been refused by a cooperating consulting forester. The department shall provide the necessary forms and specifications for this referral system.

4. Department foresters may establish timber sales only after higher priorities are met.

(b) *Exemptions.* The following activities are exempt from the work day assistance limit established in par. (a):

1. Activities related to compliance with the forest tax programs in subchs. I and VI, ch. 77, Stats.

2. Department cooperative services pertaining to administration of federal cost-sharing programs administered by the agricultural stabilization and conservation service.

3. Assistance to state and federal agencies, local units of government, quasi-public agencies and similar groups, as time and workload priorities permit.

(c) *Prohibitions.* The following are services which may not be provided by department foresters on privately owned lands:

1. Timber damage or right-of-way appraisals.

2. Timber sale boundary establishment other than with a hand compass.

3. Private boundary line establishment by any means.

4. Preparation or enforcement of timber sale contracts other than providing an approved sample contract form.
5. Investigation or involvement with civil trespass, other than when investigating for a violation of ch. 26, Stats.
6. Shearing of Christmas trees except for instructional or educational purposes.
7. Arboriculture and tree-trimming.
8. Performing cultural practices or tree planting except for instructional or educational purposes.
9. Scaling cut forest products except for instructional or educational purposes.

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89.

NR 1.213 Cooperating consulting forester program. (1) **PURPOSE.** To encourage the practice of forestry, maximize sound management of private forests in the state and provide forestry benefits to the public, a cooperative effort between the department and independent consulting foresters and industrial consulting foresters practicing in Wisconsin is established as provided in this section.

(2) Foresters or forestry firms who wish to enter into a cooperative agreement with the department shall apply to the department on department forms and submit the information requested by the department.

(3) The department may enter into cooperative agreements with foresters, including all persons identified as a consulting forester on the department's consultant foresters list as of February 1, 1989, and maintain a listing of cooperating independent consulting foresters or industrial consulting foresters or forestry firms available to provide forestry services to private landowners. The cooperative agreements shall provide that:

(a) The department shall establish a cooperative program of referrals of landowner requests for forestry assistance which will utilize cooperating consulting foresters to provide private forestry assistance.

(b) The cooperating consulting forester shall manage private lands referred to the consulting forester in a manner which complies with standards established by the department for the management of department land.

(c) The cooperating consulting forester shall use accepted methods that recognize the landowner's personal land management objectives.

(d) The cooperating consulting forester shall attend a minimum of one department-approved meeting or training session annually.

(e) The cooperating consulting forester's duty to submit to the department reports of timber sale stumpage volumes and values for sales they administer.

(f) Any other provisions deemed reasonable by the department to further the practice of sound forestry in the state.

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89.

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NR 1.22 Establishment of coniferous plantations. The department shall encourage the establishment and intensive management of coniferous plantations planted with suitable species and spacing. The landowner shall be encouraged to maintain access ways which will aid in the management, diversified use, prevention, detection and suppression of destructive forces which might endanger such plantations

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75.

NR 1.23 Fire control cooperation. The department shall assist local governments in fire emergencies whenever possible, utilizing personnel and equipment from the department.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75.

NR 1.24 Management of state and county forests. (1) The natural resources board's objective for the management of state forests and other department properties where timber cutting is carried out and county forests is to grow forest crops by using silvicultural methods that will perpetuate the forest and maintain diversified plant and animal communities, protect soil, watersheds, streams, lakes, shorelines and wetlands, in a true multiple-use concept. In the management of the forests, it shall be the goal of the board to insure stability in incomes and jobs for wood producers in the communities in which the state and county forest lands are located, and to increase employment opportunities for wood producers in future years. Whenever possible, large sale contracts shall be for 4 years which will assist wood producers in dealing with uneven demand and prices for their products.

(2) To achieve this objective, sale areas or cutting blocks and timber harvest operations will be planned through an intra-departmental interdisciplinary review process when 10-year plans are developed in cooperation with the affected county to optimize management practices; to recognize the long-term values of preserving the integrity of the soil; to assure the maintenance of water quality; and to achieve multiple objectives of forest land management. Although multiple use shall be the guiding principle on state and county forests, the board recognizes that optimization of each use will not be possible on every acre. Desirable practices include:

(a) Fully utilizing available topographic maps, aerial photographs and soil surveys and combining these with local knowledge or field reconnaissance to ascertain on-the-ground conditions.

(b) Wherever practical, use perennial streams as harvest-cutting boundaries with provision for a streamside management zone to protect stream bank integrity and water quality, and with skidding planned away from these streams and the adjacent streamside management zones.

(c) An appropriate silvicultural system and cutting design should be planned to optimize economic skidding distances, to minimize road densities and unnecessary road construction and for efficient establishment and management of subsequent forest crops.

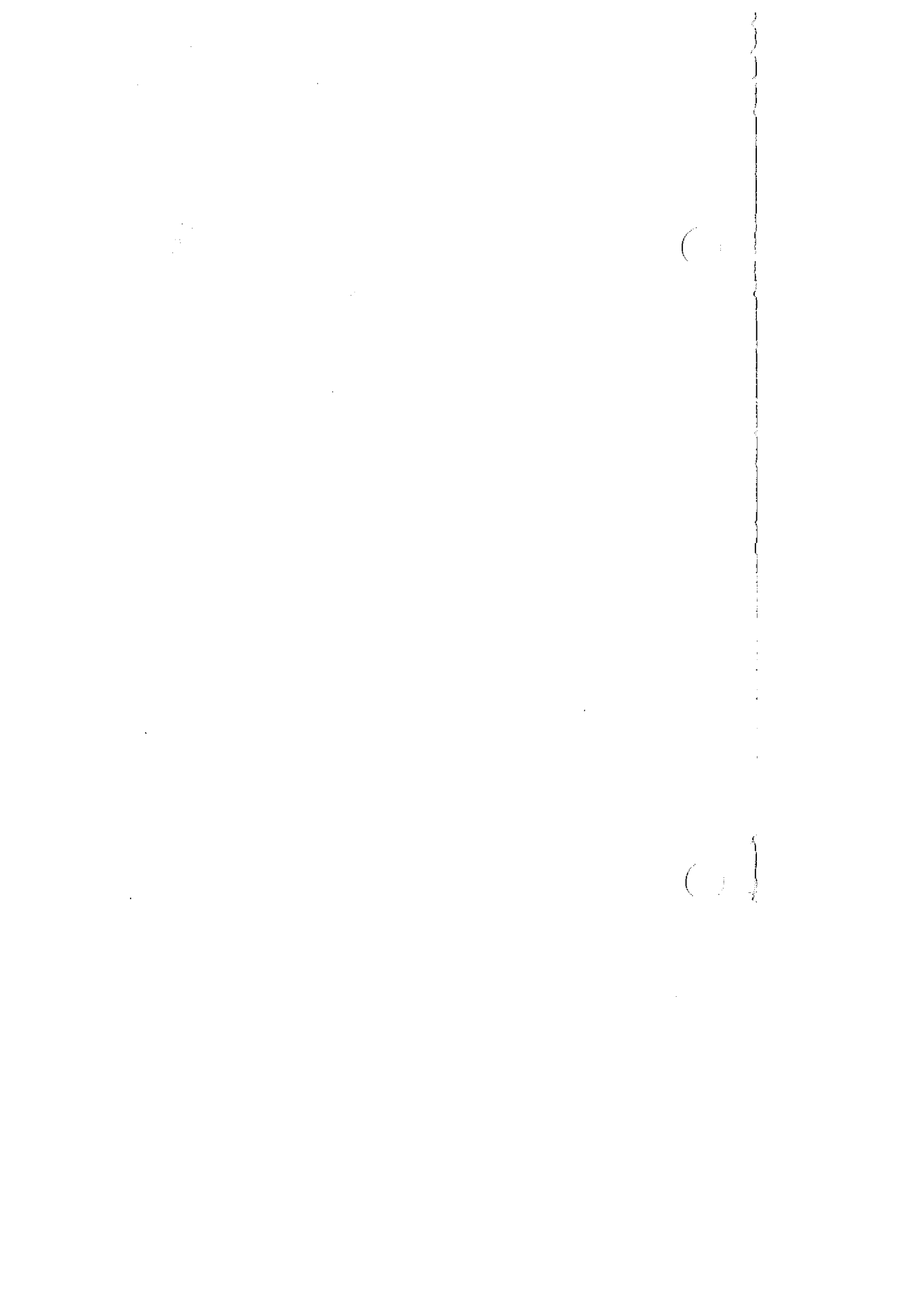
(d) Cutting boundaries should utilize topographic terrain, ridges, roads and forest type changes where ownership patterns permit and should provide a harvest area size consistent with economical skidding,
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available logging equipment, silvicultural requirements and other management objectives.

(e) Plan cutting layouts to avoid leaving narrow unmanageable strips of timber susceptible to storm damage and windthrow.

(3) Department properties and county forests shall be zoned and managed primarily for esthetic values in selected areas as identified in the master plan to recognize the importance of scenic values to the economy of the state. When clearcutting can be used to develop specialized

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ment functions and philosophies. An active educational program is necessary to encourage incorporation of education into department programs, to inform citizens on natural resources issues and to develop alternative solutions to natural resources problems.

(2) Effective environmental education will result in better understanding of the operations and programs of the department and will help meet management goals. The goal of the department's environmental education program is to assist in developing a citizenry that:

- (a) Is aware of Wisconsin's natural resources;
- (b) Understands resource use issues, limits, capabilities and problems;
- (c) Analyzes and evaluates personal and public values that affect resource management; and
- (d) Acquires the individual and collective skills and purpose to act responsibly in using natural resources in work and leisure.

(3) The department shall assist Wisconsin educational institutions at all grade and age levels by:

(a) Making available supplemental services, education materials, expertise of department employees and volunteers, and facilities and properties;

(b) Cooperating and coordinating with the department of public instruction, university of Wisconsin-system, Wisconsin board of vocational, technical and adult education in assisting teachers, administrators and others interested in education in understanding the importance of their role in environmental education and in obtaining knowledge, skills and materials in this instructional area.

(4) Department education programs shall follow agency policies, management directives and guidelines. Educational programs should be a means of achieving management goals and objectives; should complement and be consistent with agency priorities; and should focus on the areas of natural resource management and environmental protection. To implement its educational policy, the department shall:

(a) Designate the bureau of information and education as agencywide coordinator of environmental education activities.

(b) Create a department education committee, appointed by the secretary, to advise the secretary on environmental education matters.

(c) Actively cooperate with private, state and federal agencies and organizations with existing or potential interest in environmental and conservation education.

(d) Consider and incorporate education elements into annual and long-range program plans and budgets.

(e) Consider environmental education skills and interest in the recruitment, training, promotion and assignment of department employees.

(f) Delineate environmental education responsibilities in position descriptions.

- (g) Incorporate additional and broadened environmental education elements in department subprograms.
- (h) Incorporate environmental education elements in property and facility acquisition, development and programming.
- (i) Utilize the MacKenzie environmental education center and youth camps and facilities for environmental education programming.
- (j) Identify teachers and selected adult groups as primary audiences to maximize program impact.
- (k) Encourage involvement with volunteer, school, youth, special interest and adult groups.
- (l) Develop written and audio-visual materials, supplies and aids necessary to accomplish program goals.

History: Cr. Register, October, 1983, No. 334, eff. 11-1-83.

NR 1.71 Policy on friends groups. (1) PURPOSE. The purpose of this section is to encourage and provide for the establishment of friends groups, including not-for-profit concession corporations and cooperating associations. The department may work with a friends group established under the provisions of this section as the lead volunteer organization for a property, facility or program. The department may grant friends groups certain privileges, such as use of department equipment and facilities, under the terms of a written agreement. Nothing in this section prohibits the department or its individual properties, facilities and programs from accepting benefits from other groups or individuals, or from entering into separate agreements with others, if not in conflict with agreements executed with a friends group.

(2) APPLICABILITY. The provisions of this section are applicable to all friends groups formed to support department properties, facilities and programs, including not-for-profit concession corporations and cooperating associations.

(3) DEFINITIONS. (a) "Cooperating association" means a friends group organized to support only interpretive programs.

(b) "Friends group" means a non-profit, non-stock, tax-exempt corporation organized to support, assist and promote the mission and activities of department properties, facilities and programs and other activities as approved by the department under the provisions of a written agreement with the department.

(c) "Not-for-profit concession corporation" means a friends group organized to sell goods and services in a department facility and to return the profits to the department under the provisions of a written agreement with the department.

(4) OBJECTIVES AND ORGANIZATION. (a) Objectives. The objectives of friends groups shall be to:

1. Promote department properties and programs to visitors and potential visitors through publications, special events and interpretive programs.
2. Provide and coordinate volunteer service for department properties and programs.

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3. Provide financial support to department properties, facilities and programs for such things as development projects, land acquisition, programs and interpretation. Friends groups may raise revenues for department properties, facilities and programs through such methods as membership fees, grants, donations, sales and special events.

4. Put particular emphasis on supporting the interpretive, educational and visitor service programs of department properties.

5. Not serve as an official advisory group to the property or program with which affiliated.

(b) *Organization.* 1. To be recognized as a friends group, the group shall organize as a non-profit, non-stock, tax-exempt corporation, and shall be structured through articles of incorporation and by-laws to direct its mission and activities to the support of the property, group of properties, or other department facilities and programs as approved by the department.

2. The department shall enter into written agreements with each qualifying friends group to ensure statewide consistency and fiscal accountability. The agreements shall, at a minimum, include provisions that require friends groups to:

a. Provide an annual fiscal and program report to the department, which may not include a list of donors or itemized donations,

b. Provide meeting notice which is reasonably likely to apprise interested persons,

c. Permit a fiscal audit by the department upon request,

d. Maintain non-profit status,

e. Provide liability insurance indemnifying the department if requested by the department,

f. Prohibit department employees from serving as officers or directors,

g. Agree to not represent their employees and volunteers as department employees,

h. Permit the department to promote the friends group in its publications and announcements,

i. Distribute assets upon dissolution to another not-for-profit corporation benefiting the same property, another DNR friends group, the Wisconsin natural resources foundation, inc., or the department. The agreements will include a provision for termination upon reasonable notice by either party.

3. The department may assist friends groups by making department facilities and equipment available to them, dependent upon availability, and as specified in written agreements.

4. Department employees may be members of a friends group, but may not serve as directors or officers of the group. Department employees may, incidental to their regular duties, sell items on behalf of the friends group.

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89.

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NR 1.90 Adequacy of access. (1) It is the purpose of this section and ss. NR 1.91 and 1.92 to provide guidelines for access adequacy or abandonment decisions by the department. The public interest in the waters of this state and access to them shall be protected to the fullest extent authorized by the law. Abandonment of public access to a body of water shall not be approved if such abandonment would result in injury to the public rights as determined by the use of standards provided herein and in ss. NR 1.91 and 1.92. The burden of demonstrating that abandonment will not injure the rights and interests of the public in a body of water shall be on the party requesting the approval of the abandonment. The availability of a body of water for public use may be used by the department as a factor in the development of priorities for the following so that the public is afforded the opportunity to utilize or receive benefit from:

- (a) The awarding of development grants;
- (b) The development of facilities adjacent to a body of water; or
- (c) The delivery of management services designed to provide quality uses of a body of water.

(2) (a) "Adequate access" exists when the general public has been provided with entry to a body of water to enjoy quality uses at a reasonable fee, if one is charged, considering the character and uses of the water. The following criteria must also be met:

1. The public should be able to park within a reasonable walking distance of the body of water, given the character and use of the access, but in no case more than $\frac{1}{4}$ of a mile from the water. This paragraph is not applicable if the body of water or land surrounding it either has been designated as wild or wilderness by the department or is being managed as wild or wilderness in a manner and for a purpose acceptable to the department.

2. For a body of water having uses involving boating, adequate car-trailer unit parking must be provided to ensure that the existing or potential users are given an opportunity to park their vehicles within $\frac{1}{4}$ of a mile from the water.

3. The state of Wisconsin or one town, county, village, city or public inland lake protection and rehabilitation district in which the body of