

Appendix 2

DEPARTMENT OF NATURAL RESOURCES 1001
NR 302

Chapter NR 302

MANAGEMENT OF WISCONSIN'S WILD RIVERS

NR 302.01	Purpose	NR 302.06	Utility corridors
NR 302.02	Definitions	NR 302.07	Municipal and department of transportation public highway bridges
NR 302.03	Management of lands adjacent to wild rivers	NR 302.08	Severability
NR 302.04	Wild rivers alteration		
NR 302.05	Department cooperation		

(Sections 23.09, 23.11, 30.26 and 144.026, 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 23, 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.

Register, November, 1979, No. 286
Environmental Protection

NR 302

(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.