



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 02-065

AN ORDER to amend NR 300.04 (1) to (3), relating to time limits for applications for waterway and wetland permits.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

05-02-02 RECEIVED BY LEGISLATIVE COUNCIL.

05-20-02 REPORT SENT TO AGENCY.

RS:RW:tlu;ksm

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



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Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The fiscal estimate prepared by the agency contains the following statement: "These rules incorporate into state administrative code existing provisions and interpretation of federal law regarding wetland permitting exemptions and provisions regarding the identification and delineation of isolated wetlands." However, in the Report to the Legislative Clearinghouse, under "Federal Authority" the agency responded "N/A." It appears that this is the accurate response and that the fiscal estimate should be changed to refer to "nonfederal" law. The agency should review both responses and revise them as necessary for clarity purposes.

b. The rule making order should include an analysis describing the agency's proposed action; the description could be the same as that included in the cover letter to the Clearinghouse.

c. The agency should coordinate the implementation and promulgation of this rule with Clearinghouse Rule 02-015.

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING RULES

The State of Wisconsin Natural Resources Board proposes to amend s. NR 300.04(1) to (3) relating to time limits for applications for waterway and wetland permits.

FH-06-02a

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 227.21(2) and 281.36, Stats.

Statutes interpreted: s. 281.36(4) to (6), Stats.

SECTION 1. NR 300.04 (1) to (3) is amended to read:

NR 300.04 Time limits. (1) Except as provided in s. NR 300.05, time limits specified in sub. ~~(2)~~ (4) shall be applied to decisions on fully completed applications for the water regulatory permits, ~~or~~ approvals or determinations listed in s. NR 300.02.

(2) ~~The~~ For any permit, approval or determination made pursuant to ss. 30.10 to 30.27, Stats., the department shall ~~review the application for completeness within 15 days of receipt of the application. The department shall notify the applicant of any additional information reasonably necessary to review the application~~ initially determine whether a complete application has been submitted and, no later than 60 calendar days after the application is submitted, notify the applicant in writing about the initial determination of completeness. For any permit, approval or determination made pursuant to s. 281.37, Stats., the department shall initially determine whether a complete application has been submitted and, no later than 30 calendar days after the application is submitted, notify the applicant in writing about the initial determination of completeness. If the department determines that the application is incomplete, the notice shall state the reason for the determination and the specific items of information necessary to make the application complete. For any permit, approval or determination made pursuant to ss. 30.10 to 30.27 and 281.37, Stats., the department may not demand items of information that are not specified in the notice as a condition for determining whether the application is complete unless both the department and the applicant agree or unless the applicant makes material additions or alterations to the project for which the application has been submitted. An application may not be considered complete until the requirements of the Wisconsin environmental policy act, s. 1.11, Stats., have been met and until all information necessary for associated permits, such as Wisconsin pollution discharge elimination permits under ch. 283, Stats., has been submitted to the department.

(3) ~~The~~ For any permit, approval or determination made pursuant to ss. 31.02 to 31.38, 281.22 and 281.36, Stats., the applicant shall submit as requested, at any time during the review process, additional information the department finds to be reasonably necessary for review of the application.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on

The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Darrell Bazzell, Secretary

(SEAL)