



NR 150

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Anthony S. Earl  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

IN REPLY REFER TO: \_\_\_\_\_

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES ) ss

RECEIVED  
OCT 12 1976  
2:45 pm  
REVISOR OF STATUTES  
BUREAU  
[Signature]

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Anthony S. Earl, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. EI-54-76 was duly approved and adopted by this Department on June 17, 1976. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at Pyare Square Building in the Village of Shorewood Hills, this 11<sup>TH</sup> day of October, 1976.

[Signature]  
Anthony S. Earl, Secretary

(SEAL)

STATE OF WISCONSIN NATURAL RESOURCES BOARD

.....  
IN THE MATTER of creating sections NR 150.11 .  
and NR 150.12 of the Wisconsin Administrative .  
Code pertaining to fee charges for environ- . EI-54-76  
mental impact statements .  
.....

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
CREATING RULES

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by sections 1.11, 23.09 and 23.11 and chapter 227, Wisconsin Statutes, the State of Wisconsin Natural Resources Board hereby creates rules as follows:

SECTION 1 - Sections NR 150.11 and 150.12 are created to read:

NR 150.11 Environmental Impact Statement Charges. (1) In accordance with section 23.40, Wis. Stats., the department will charge a fee for the preparation of an EIS on actions requiring permission from the department. This section shall not apply, however, to applications of municipalities, as defined under section 345.05(1)(a), Wis. Stats., or to environmental impact statements related thereto.

(a) Any person as defined in NR 150.02(17), with the exception of municipalities, and state agencies, departments, boards and commissions included in chapter 15, Wis. Stats., in addition to the federal government, who files an application for a permit, license or approval granted or issued by the department, shall include with the application an estimate of the cost of the project or proposed action when deemed necessary by the department. For those projects or proposed actions requiring 2 or more department permits, licenses or approvals, the estimate of the cost need only be submitted with the initial permit application.

(b) In determining the estimated cost, the applicant shall include both structural and nonstructural costs such as, but not limited to:

1. Land and land rights.
2. Structures, appurtenances and improvements.
3. Project facilities and equipment.
4. Site preparation.
5. Labor costs.
6. Technical costs (i.e., architectural and engineering design and biological data collection).
7. Financial costs (i.e., escalation costs and interest charges).
8. Other costs necessary to complete the project.

These costs shall be projected to the anticipated date of operation of the proposed project.

If estimated project costs are required by the public service commission in conjunction with a proposed project or action, the format required by the commission may be used for supplying costs to the department.

(c) The department may seek such further information as it deems necessary to determine whether it must prepare an EIS under section 1.11, Wis. Stats.

(d) If the department determines that an EIS shall be required for the proposed project or action in accordance with NR 150.04, it shall send a letter to the applicant stating its intent to prepare an EIS and requesting a certified statement of the estimated cost of the proposed project or action. The following format will be used by the applicant to certify the estimated cost:

Department of Natural Resources  
Bureau of Environmental Impact  
Box 7921  
Madison, Wisconsin 53707

Date \_\_\_\_\_

Gentlemen:

I hereby certify that the estimated cost of the (name of proposed project or action) is \$\_\_\_\_\_ and that the itemized list of these costs which is attached to and made a part of this certification is based on current records of the (name of applicant/company) which are available for Department of Natural Resources inspection if required.

(signature of responsible official)

(name and address of applicant/company)

(e) Upon receipt of the certified statement the department shall evaluate and verify the cost figure and supporting information. The department shall then notify the applicant by certified mail and indicate on an invoice the estimated cost of the project or proposed action and the amount of fee to be paid.

(f) The department shall charge a fee of .05% of the estimated cost of the project or proposed action or \$10 whichever is greater. This fee shall not be applied to environmental impact statements completed prior to July 31, 1975; or to impact statements prepared by the department for municipal, state and federal projects or actions.

(g) Upon receipt of the invoice, the applicant may pay the fee in one sum or in equal installments. The number of installment payments shall be negotiated between the applicant and the department on a case-by-case basis. The department shall not commence work on the EIS until the initial payment has been received from the applicant. The applicant shall pay the entire fee prior to the public hearing on the EIS.

(h) If the applicant withdraws the application for the proposed project or action for any reason once the process of preparing an EIS has been initiated, the department shall refund any payment or portion thereof that is over and above the expenses actually and reasonably incurred by the department.

(i) Upon completion of the EIS and prior to the required public hearing, the department shall contact the applicant and determine if there has been a substantial change in the estimated cost of the proposed project or action. Fee charges shall be adjusted by the department if the original estimated cost has increased or decreased by 15% or more. The applicant shall remit additional payment or receive a refund in accordance with the department's adjusted estimates of the original cost. Additional payment shall be remitted by the applicant in accordance with NR 150.11(1)(g).

(j) Payment of fees for the preparation of an EIS pursuant to section 23.40, Wis. Stats., shall not be construed to imply department consent or approval of the proposed project or action; to commit the department in any way to grant or deny any permit, license, approval or authority; to limit in any way subsequent essential and approved modifications, future ordered changes and statutory obligations of the department to enforce criteria or standards of environmental quality; or to restrict the department in any way from acting or not acting contingent upon the recommendations or certifications of any other federal, state, county or municipal government or agency.

(k) If the EIS is found to be legally or technically inadequate as a result of the public hearing process or by a court of law, the department may seek additional information from the applicant. Under these circumstances the applicant will not be charged an additional fee for preparing an addendum to the EIS.

(2) The fees collected under this section shall be deposited in the general fund.

NR 150.12 Severability. Should any section, paragraph, phrase, sentence or clause of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on June 17, 1976.

The rules contained herein shall take effect upon publication in the Wisconsin Administrative Register.

Dated at Madison, Wisconsin 11 October 1976

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Anthony S. Earl  
Anthony S. Earl, Secretary

(SEAL)