



CR 85-149

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES ) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy 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. EA-29-85 was duly approved and adopted by this Department on November 20, 1985. 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 General Executive Facility #2 in the City of Madison, this 22<sup>nd</sup> day of January, 1986.

*Bruce B. Braun*  
Bruce B. Braun, Deputy Secretary

(SEAL)

6290J

RECEIVED

JAN 23 1986

*2:50 pm*  
Revisor of Statutes  
Bureau

*4-1-86*

ORDER OF THE WISCONSIN NATURAL RESOURCES BOARD  
CREATING RULES

.....  
IN THE MATTER of creating ss. NR 150.02(28m) and .  
NR 150.04(8m) of the Wisconsin Administrative Code.  
pertaining to the preparation of environmental .  
assessments .  
.....

EA-29-85

Analysis Prepared by the  
Department of Natural Resources

The current rules, relating to preparation of an environmental assessment (EA) to determine whether an environmental impact statement (EIS) under s. 1.11, Stats., the Wisconsin Environmental Policy Act (WEPA), is necessary require that department staff or its consultants "prepare" the EA.

The federal rules which interpret and administer the National Environmental Policy Act (NEPA), under 40 CFR 1506.5, authorize the use of an applicant-prepared EA or use of material submitted by an applicant upon independent review and acceptance of responsibility for its accuracy by the federal agency charged with preparing the EA.

Consistent with the federal practice under NEPA, the proposed rules would allow the department to use information submitted by an applicant as part of an EA upon independent evaluation and acceptance of responsibility for its accuracy by the department.

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Pursuant to authority vested in the State of Wisconsin Natural Resources Board by ss. 1.11 and 227.02(1)(e), Stats., the State of Wisconsin Natural Resources Board hereby creates rules interpreting s. 1.11, Stats., as follows:

SECTION 1. NR 150.02(28m) is created to read:

NR 150.02(28m) "Prepared by the department", for purposes of EA's under ss. NR 150.03(7) and 150.04(8)(a), means prepared:

(a) By department employees or consultants; or

(b) In part by the department and in part by applicants for department permission, or applicants' consultants upon review and approval under s. NR 150.04(8m).

SECTION 2. NR 150.04(8m) is created to read:

NR 150.04(8m)(a) Except for the EIS evaluation section of an EA as described in sub. (6)(g), any part of an EA may be prepared by an applicant for department permission or the applicant's consultant following the department's evaluation of the environmental issues and acceptance of responsibility for its scope and content.

(b) If the department chooses to use information submitted by an applicant or applicant's consultant, after independent evaluation and assumption of responsibility for its accuracy, the names of the department's employees or its consultants responsible for the evaluation shall be included in the list of preparers in the EA.

(c) It is the intent of this subsection that acceptable work not be redone, but that it be verified by the department.

(d) The department's review and verification under this subsection shall be consistent with that required under s. NR 150.05(4).

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on November 20, 1985.

The rules contained herein shall take effect as provided in s. 227.026(1)(intro.), Stats.

Dated at Madison, Wisconsin

January 21, 1986.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)  
7044H



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

January 21, 1986

IN REPLY REFER TO: 1020

Mr. Orlan L. Prestegard  
Revisor of Statutes  
Suite 904  
30 W. Mifflin Street

RECEIVED

JAN 23 1986

Revisor of Statutes  
Bureau

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. EA-29-85. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.018, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

A handwritten signature in cursive script that reads "C. D. Besadny".

C. D. Besadny  
Secretary

Enc.

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