

CR 86-182

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

STATE OF WISCONSIN)
) ss
DEPARTMENT OF NATURAL RESOURCES)

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. WZ-36-86 was duly approved and adopted by this Department on December 18, 1986. 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 20th day of February, 1987.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

4626M

RECEIVED

FEB 23 1987

3:10 pm
Revisor of Statutes
Bureau

5-1-87

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING AND REPEALING AND RECREATING RULES

.....
IN THE MATTER of amending ss. NR 333.03(25) .
and 335.03(8); and repealing and recreating .
s. NR 335.04(3) of the Wisconsin Administrative . WZ-36-86
Code pertaining to dam safety inspection fees .
.....

Analysis Prepared by the Department of Natural Resources

The rules are promulgated under the authority of ss. 31.20, 227.11(2)(a) and 227.16(2)(e), Stats., and interpret ss. 31.19 and 31.20, Stats.

1983 Wisconsin Act 27 (the 1983-85 budget) created a dam safety inspection program to be supported by fees charged to dam owners.

The fee system was established in ch. NR 335 to generate the revenue needed to cover the costs of the dam inspection program. The fees are based upon the product of the dam's structural height and maximum storage capacity and range between \$150 and \$2,500. 1985 Wisconsin Act 29 amended s. 31.20, Stats., to permit dam owners to pay the fees established in ch. NR 335 in annual instalments over 10 years. The proposed changes in ch. NR 335 will specify how fees will be billed and paid under the instalment plan and how owners can select the method of payment they prefer.

The definition of structural height is being changed for improved clarity and needs to be consistent in both NR 333 and 335.

SECTION 1. NR 333.03(25) is amended to read:

NR 333.03(25) "Structural height" means the difference in elevation in feet between the point of lowest elevation on the top of the dike of the dam before overtopping and the lowest elevation of the natural streambed stream or lake bed at the downstream toe of the dam.

SECTION 2. NR 335.03(8) is amended to read:

NR 335.03(8) "Structural height" means the difference in elevation in feet between the point of lowest elevation on the top of the dike of the dam

before overtopping and the lowest elevation of the natural stream or lake bed at the downstream toe of the dam.

SECTION 3. NR 335.04(3) is repealed and recreated to read:

NR 335.04(3) PAYMENT OPTIONS. (a) Lump sum. An owner who has chosen to pay the inspection fee as a lump sum or has expressed no preference on method of payment in the manner required by s. 31.20, Stats., shall pay the required fee within 30 days of receipt of the inspection report and fee statement.

(b) Instalment plan. 1. An owner who has advised the department in accordance with s. 31.20, Stats., that it prefers the instalment plan method shall pay 10% of the anticipated fee within 30 days after receipt of the annual fee statement beginning with fiscal year 1987. Following completion of the inspection and determination of the actual fee, the remaining annual payments will be adjusted accordingly by the department.

2. Any owner not previously notified of the payment options, or any new owner of an existing dam, may, upon request and written approval by the department, choose the instalment plan method of payment. The department may approve a request under this subdivision if it determines that allowing the instalment plan method of payment for the dam will not adversely affect the fiscal integrity of the inspection program.

3. For any new dam, the owner may request to pay the inspection fee on the instalment plan upon or after making application for a permit to construct the dam.

The foregoing rules were approved by the State of Wisconsin Natural Resources Board on December 18, 1986.

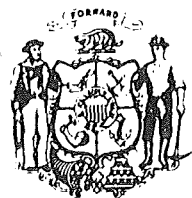
The rules contained herein shall take effect as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin February 18, 1987

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carol D. Besadny
Carol D. Besadny, Secretary

(SEAL)
7200H



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

February 18, 1987

IN REPLY REFER TO: 1020

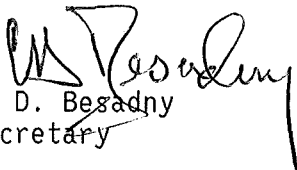
Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 904
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WZ-36-87. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Transportation, Tourism, and Conservation pursuant to s. 227.19, 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,


C. D. Besadny
Secretary

Enc.
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