

CR 89-178

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary
Box 7921
Madison, Wisconsin 53707
TELEFAX NO. 608-267-3579
TDD NO. 608-267-6897

STATE OF WISCONSIN)
)
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. ER-69-89 was duly approved and adopted by this Department on January 25, 1990. 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.

RECEIVED

MAR 9 1990
2:55 pm
Revisor of Statutes
Bureau

IN TESTIMONY WHEREOF, I have here-
unto set my hand and affixed the
official seal of the Department at
the Natural Resources Building in
the City of Madison, this 7th
day of March, 1990.

Bruce B. Braun, Deputy Secretary

(SEAL)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES

.....
IN THE MATTER of creating ch. NR 29 of the .
Wisconsin Administrative Code pertaining to .
the establishment of fees for providing . ER-69-89
Endangered Resources information .
.....

Analysis Prepared by the Department of Natural Resources

Statutory authority: s. 227.11(2)(a), Stats.
Statutes interpreted: s. 23.27(3)(b), Stats.

Section 23.27(3)(b), Stats., created legislation authorizing the Department's Bureau of Endangered Resources to establish and charge a fee to recover actual costs of compiling and providing information from its Natural Heritage Inventory to requesters.

Chapter NR 29 is created to establish methods of charging fees, fee amounts, and criteria for fee waiver or reduction.

SECTION 1. Chapter NR 29 is created to read:

NR 29.01 PURPOSE. This chapter establishes and describes fees for providing natural heritage inventory information, pursuant to s. 23.27(3)(b), Stats.

NR 29.01 APPLICABILITY. The provisions of this chapter apply to all persons who request natural heritage inventory information from the department of natural resources.

NR 29.03 DEFINITIONS. As used in this chapter:

(1) "Department" means the department of natural resources.

(2) "Natural heritage inventory information" means information collected by the department under the natural heritage inventory program, including information on the biology, existence and locations of native plant and animal communities and of endangered, threatened and critical species; the degree of endangerment and protective status of these communities and species; information on managed lands; life-history information on Wisconsin's native flora and fauna, and biological consultation and recommendation.

(3) "Person" means an individual or any corporation, partnership, association or body politic.

NR 29.04 FEES FOR PROVIDING NATURAL HERITAGE INVENTORY INFORMATION. (1)

The department may charge a fee for compiling and providing natural heritage inventory information to any person requesting that information for the purposes authorized in s. 23.27(3)(b), Stats.

(a) The department shall charge a minimum fee of \$60 per request, for which the department will provide up to 3 hours of staff time. The \$60 fee includes the associated administrative costs in compiling, interpreting and providing appropriate natural heritage inventory information. The department shall charge an additional \$20 for each hour, or any portion thereof, of staff time required in excess of 3 hours to answer the request.

(b) For frequent requesters of natural heritage inventory information, the department may set and charge an annual fee for providing updated copies of all or any portion of the actual natural heritage inventory data and for providing training and support in the use and interpretation of this data. This annual fee shall be no less than \$500 and no greater than \$1,000.

(2)(a) The department may waive or reduce fees for any person with whom the department has a contractual agreement or other mechanism by which the department's costs are reimbursed, or a memorandum of understanding by which the department is obligated to provide natural heritage inventory information.

(b) The department may waive or reduce fees for providing natural heritage inventory information for any research or educational project, where it has been determined that:

1. Such waiver is in the public interest because the project furthers the interests of the endangered resources program; and

2. The department has determined the requester has demonstrated that they are not financially capable of paying the fee. The department may request financial statements.

Note: Requests for natural heritage inventory information and the associated fees for the provision of this information should contact the Bureau of Endangered Resources at P.O. Box 7921, Madison, WI 53707, phone (608) 266-2625.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on January 25, 1990.

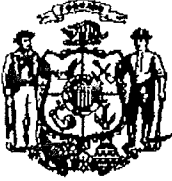
The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin March 7, 1990

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary
Box 7921

Madison, Wisconsin 53707

TELEFAX NO. 608-267-3579

TDD NO. 608-267-6897

March 7, 1990

Mr. Gary L. Poulson
Assistant Revisor of Statutes
Suite 702
30 W. Mifflin Street

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MAR 9 1990

Revisor of Statutes
Bureau

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. ER-69-89. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Urban Affairs, Environmental Resources, Utilities and Elections pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are 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, appearing to read "C. D. Besadny".

C. D. Besadny
Secretary

Enc.