

(c) Notice of availability of the EIS. An announcement sheet giving a brief description of the proposed action, description of the administrative procedures to be followed, the date by which comments on the EIS are to be submitted to the department, and location where copies of the EIS are available for review will be distributed to all entities listed under subd. 1 to 4. The availability of the EIS may be announced through a notice of public hearing.

1. All local and regional units of government which have jurisdiction over the area that may be affected by the proposed action or reasonable alternatives to the proposed action. A request will be made to post the announcement sheet at the places normally used for public notice.

2. Local and regional news media in the area affected.

3. Groups, clubs, committees, or individuals which have demonstrated an interest and have requested receipt of this type of information.

4. All participants in the scoping process not covered in subd. 1. to 3.

(d) Period of time for comment on the EIS. 1. A period of not less than 45 days and not more than 90 days from the date the EIS is mailed, depending on the length and complexity of the EIS, shall be allowed for receipt of comments from state and federal agencies and the public except as provided in s. 144.836 (3) (c), Stats.

2. If other statutory time limits for department action conflict with the comment and review procedure set out in this subsection, the procedure may be adjusted so long as agency and public input is assured.

3. A reasonable request for extension beyond the initial review period, may be granted by the department for the review of the EIS, unless otherwise provided by law. The initial period for comments plus any extensions shall not exceed 90 days, unless otherwise provided by law.

4. If the department revises and recirculates an EIS under sub. (4), each version of the EIS shall be distributed in the same manner as the EIS under s. NR 150.22 (3), except the period of time to comment on a subsequent version of an EIS may be reduced to 30 days.

(e) Summary of comments. The department shall prepare a summary of comments received from the public or any other state, federal or local agency or tribal government on the proposed action or the department's environmental analysis. The summary may also summarize comments received at a hearing under s. NR 150.23, and contain the department's response to comments.

(4) SPECIAL EIS REVIEW PROCEDURES. Before reaching a decision under s. NR 150.24, the department may revise and redistribute an EIS or a portion of an EIS if it determines any of the following:

(a) Draft and final versions of an EIS are necessary to satisfy the requirements of a cooperating or lead agency to avoid separate agency EISs,

(b) The department's response to substantial public comments should be accomplished by revising and recirculating the EIS,

(c) The EIS and all comments received on it did not adequately address important environmental effects, reasonable major alternatives, or was otherwise inadequate, or

(d) Draft and final versions of an EIS are necessary to aid compliance with s. 1.11, Stats.

Note: While both an EA and an EIS have the same content requirements, EA's are usually prepared on less complex proposals with less complex impacts. The extent of the analysis in both the EA and the EIS reflects the extent and complexity of the proposed action and its associated impacts. As a result, the department may prepare an EA, later determine that the proposed action is a major action requiring the EIS process under this chapter, and circulate an adequate EA as the EIS.

History: Cr. (1) (a), (e) and (f), (2) (f) and (g), (3) (d) 3. and 4., (3) (e) and (4), (1) (b) to (d) renum. from NR 150.07 (2) to (4) and am., (2) renum. from NR 150.07 (1) (a) to (d) and am., (3) (a) to (d) renum. from NR 150.08 (1) (a) to (c) and (2) (d), Register, January, 1987, No. 373, eff. 2-1-87.

NR 150.23 EIS hearing procedures. (1) EIS INFORMATIONAL HEARING.

(a) Except as otherwise provided by law, the department shall hold a public informational hearing, in accordance with s. 227.018, Stats., on the proposed action and the EIS prior to making its decision. The hearing shall be held not less than 30 days after issuance of the EIS. The schedule for submission of written comments shall be set by the department before the close of the hearing.

(b) The hearing shall be held in the locality affected, unless otherwise provided by statute. On actions of statewide significance, the hearing may be held in Madison.

(c) The hearing shall be noticed as follows:

1. At least 30 days prior to the hearing, notice shall be mailed to all known departments and agencies required to grant any permit, license or approval necessary for the proposed actions; to any regional planning commission within which any part of the proposed action lies; to the governing bodies of all towns, villages, cities and counties within which any part of the proposed action lies; to any Native American community located within a town which receives notice; to the governing bodies of any towns, villages or cities and Native American communities affected by any part of the proposed action; and to the Wisconsin public intervenor and other interested persons who have requested such notification.

2. At least 25 days prior to the hearing, a class I notice as defined in ch. 985, Stats., shall be published in a newspaper likely to give notice in the area or to the person affected, or in the official state paper for actions of statewide significance.

3. Notwithstanding subs. 1. and 2., notice of hearing on an EIS concerning administrative rules shall be given in the same manner as notice is given for rules hearings.

(2) **RELATIONSHIP TO PROCEDURES OF OTHER AGENCIES.** This section is applicable to the extent it does not conflict with the procedures and rules of another agency if that agency is the lead agency on the EIS.

History: Cr. Register, January, 1979, No. 277, eff. 2-1-79; am. Register, February, 1981, No. 302, eff. 3-1-81; r. and recr. Register, June, 1986, No. 354, eff. 7-1-85; renum. from NR 150.09 (2) and (4) and am., Register, January, 1987, No. 373, eff. 2-1-87.

Register, January, 1987, No. 373