BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARING
Natural Resources Board Order OE-10-14(E)

NOTICE IS HEREBY GIVEN THAT pursuant to ss. 227.16 and 227.17, Stats, the Department of Natural Resources, hereinafter the Department, will hold a public hearing on revisions to chapter NR 150 Wis. Admin. Code, relating to Emergency Board Order OE-10-14(E), related to the Department's environmental analysis procedures under the Environmental Policy Act. An emergency rule is needed to clarify the procedures for the review and analysis of new administrative rules in order to assure that the intent of the ch. NR 150 revision is being met and potential procedural questions do not invalidate the years of work and public engagement on new rules packages, and for additional housekeeping changes to ensure that the intent of the recent ch. NR 150 rewrite is being met, all in a manner that is consistent with past WEPA compliance approaches that have been upheld by the courts. Once the emergency rule is approved, a permanent rule will subsequently be required. The hearing will be held on the date(s) and at the time(s) and location(s) listed below.

Hearing Information

Date and Time	***Location***
Friday, September 26, 2014, 9:00 a.m.	State Natural Resources Building (GEF 2), 101 S. Webster Street, Madison, WI, 53707, Room G09

Reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Contact Jeff Schimpff, Wisconsin DNR, Madison, WI 53707; by E-mail to jeff.schimpff@wisconsin.gov, or by calling (608) 267-7853. A request must include specific information and be received at least 10 days before the date of the scheduled hearing.

Availability of the Proposed Rules and Fiscal Estimate
The proposed rule and supporting documents, including the fiscal estimate, may be viewed and downloaded from the Administrative Rules System Web site which can be accessed through the link https://health.wisconsin.gov/admrules/public/Home. If you do not have Internet access, a printed copy of the proposed rule and supporting documents, including the fiscal estimate, may be obtained free of charge by contacting Jim Pardee (BETEA/7), Department of Natural Resources, Bureau of Energy, Analysis and Sustainability, 101 S. Webster St, Madison, WI, 53703, or by calling (608) 266-0426.

Submitting Comments
Comments on the proposed rule must be received on or before October 13, 2014. Written comments may be submitted by U.S. mail, fax, E-mail, or through the Internet and will have the same weight and effect as oral statements presented at the public hearing. Written comments and any questions on the proposed rules should be submitted to:

Jeff Schimpff (BEAS/7)
Department of Natural Resources
Bureau of Energy, Analysis and Sustainability
101 S Webster St, Madison, WI 53703

Phone: (608) 267-7853
Fax: (608) 264-6048
E-mail: jeff.schimpff@wisconsin.gov
Internet: Use the Administrative Rules System Web site accessible through the link provided

Analysis Prepared by the Department of Natural Resources

1. Finding/nature of emergency (Emergency Rule only):

An emergency rule is needed to clarify the procedures for the review and analysis of new administrative rules in order to assure that the intent of the ch. NR 150 revision is being met and potential procedural

questions do not invalidate the years of work and public engagement on new rules packages, and for additional housekeeping changes to ensure that the intent of the recent ch. NR 150 rewrite is being met, all in a manner that is consistent with past WEPA compliance approaches that have been upheld by the courts. Once the emergency rule is approved, a permanent rule will subsequently be required.

2. Detailed description of the objective of the proposed rule:

The previous version of ch. NR 150 classified most administrative rules as "Type 3 actions", a classification requiring some form of public notice and no additional environmental analysis as part of the formal rules process.

The Rule changes would be simple editorial changes to clarify that emergency rules are "minor actions requiring no additional environmental analysis, and that the process for developing permanent rules are "equivalent analysis actions" under the new ch. NR 150, similar to how they were treated under the old ch. NR 150.

These changes would more clearly outline the required review process for administrative rules. Additional changes to clarify publication requirements, WEPA compliance determinations for various permits and plan approvals and other housekeeping changes, consistent with the intent of the rule, as presented to the public and approved by the NRB, may also come to light as implementation of the new rule progresses.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The rule change would clarify what was intended and what was presented to the public through the Natural Resources Board process for development of the current ch. NR 150.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

The department is responsible for compliance with department rules and procedures pursuant to s. 1.11, and 227.11, Stats., provides rule authority

Pursuant to s. 227.24(1)(a) Stats., the department finds that putting this rule into effect prior to the time it would take effect using the permanent rule process is necessary to ensure that the department and public time involved in lengthy rule processes for current rules is not compromised by a confusing definition in NR 150.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

48 hours.

6. List with description of all entities that may be affected by the proposed rule:

It is anticipated that no entities shall be affected by the proposed rule. This clarifies internal procedures for rules development.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None.

9. Anticipated number, month and locations of public hearings:

The Department anticipates holding one public hearing in the month of September 2014.

The Department will hold this hearing in Madison to seek public comment on the changes to the rule.

10. Effect on Small Business. This rule will have no effect on small business. The Small Business Regulatory Coordinator may be contacted at SmallBusiness@dnr.state.wi.us, or by calling (608) 266-1959.

Environmental Analysis
The Department has made a preliminary determination that adoption of the proposed rules would not involve significant adverse environmental effects and would not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on comments received, an environmental analysis may be prepared before proceeding. This analysis would summarize the Department's consideration of the impacts of the proposal and any reasonable alternatives.

Fiscal Estimate Summary
Because this is a housekeeping change affecting only internal DNR operations, no Fiscal Estimate will be prepared.

Dated at Madison, Wisconsin September 3, 2014

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Cathy Stepp
Cathy Stepp, Secretary