

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: WT-22-19

Relating to: The administration, procedures and enforcement of the Wisconsin Wetland and Waterway regulatory program; chs. 300, 301, 305, and 310, Wis. Adm. Code

Rule Type: Permanent

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

This rule will be proposed as a permanent rule.

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

The waterway and wetland program plans to revise chs. NR 300, 301, 305 and 310, Wis. Adm. Code related to the administration, procedures and enforcement of their permit program. The purpose of these codes is to 1.) establish procedures, timelines and fees for permitting, exemption and other regulatory determinations within the waterway and wetland program; 2.) update administrative procedures to align with statutory requirements; 3) clarify the wetland identification and confirmation process and fee system; and 4) other administrative updates. Legislative and programmatic changes have occurred since the original code language was drafted necessitating the need to update these rules.

The proposed rule changes may include procedural revisions and updates, removal of obsolete language, updates to ensure rule language is consistent with the statutes, updates to permit fees and approval processes, and language related to jurisdictional determinations. Additional rule changes may be considered to effectuate the goals describe in this scope statement.

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 revised rule will clarify and codify the department's current practice and implementation. The department will also better define the implementation and process for statutory authorities specified in ch. 30, 23.321 and s. 281.36, Wis. Stat.,

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

Chapters 30, 31, 88, Wis. Stats. and ss. 23.321, 227.11(2)(a) and 281.36, Wis. Stats.

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

The department anticipates that the lead drafter of the rule will spend 200 hours on the rule development process, other waterway and wetland program staff will spend another 200 hours on the rule, and the following groups will spend a combined 100 hours on the rule development: rule coordinators, Bureau Director, Division Administrator, economist, Board Liaison, program attorneys.

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

Wetland and Waterway program permit recipients, consultants, department staff, US Army Corps of Engineers staff.

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 :

Watershed program timelines are currently more rapid than federal timelines.

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

The revised rule is not likely to have a significant economic impact on small businesses. The Department believes the economic impact would be minimal to moderate because the regulatory changes are minor and seek to clarify the Department's current implementation practices. No mandatory fees will be created through this rule making effort although some additional services may be offered within the existing regulatory scope of ch. 30, 23.321 and s. 281.36, Wis. Stats.

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

The Department anticipates holding one public hearing in the month of October 2020. Hearing city will be Madison.

The Department will hold this hearing to get input on the proposed revisions to NR 300, 301, 305 and 310, Wis. Adm. Code.

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