

Clearinghouse Rule 13-022

Report to
Legislative Council Rules Clearinghouse
NR 150, Wis. Adm. Code
Natural Resources Board Order OE-46-10

Wisconsin Statutory Authority

Section 1.11, Stats.

Federal Authority

Not applicable

Court Decisions Directly Relevant

None

Analysis of the Rule – Rule Effect – Reason for the Rule

The Department proposes to repeal and amend Ch. NR 150, Wis. Adm. Code, Environmental Analysis and Review Procedures for Department Actions. Ch. NR 150 guides the Department's implementation of the Wisconsin Environmental Policy Act (WEPA, established by Ch. 274, Laws of 1971) and s. 1.11, Wis. Stats. As currently written, Ch. NR 150 Wis. Adm. Code, results in duplicative staff effort in analyzing multiple similar projects and provides little public value in the form of meaningful public comments. First promulgated in 1981, ch. NR 150 was last reviewed and revised in 1987.

The rule change will make the Department's WEPA compliance more effective, meaningful and consistent with WEPA and s. 1.11, Wis. Stats. A new rule will emphasize the analysis of broad issues and policies, de-emphasize document production for individual project actions, and provide for meaningful public involvement.

The new rule will require that the Department: 1) identify and analyze environmental issues important for their geographic, multidisciplinary, or policy scope; 2) analyze issues earlier, before alternative options have been foreclosed; 3) provide that environmental analysis information be incorporated into departmental policy and decision making; 4) define and provide meaningful public involvement; 5) address the information/policy-driven requirements of s. 1.11(2)(e) and (h) as separate from the action/project-driven requirements of s. 1.11(2)(c); 6) identify and eliminate process requirements that have become duplicative over time as a result of changes in statutory authorities and administrative practice; and 7) replace the current ch. NR 150, Wis. Adm. Code, type list with criteria for identifying, prioritizing, analyzing and seeking public input on relevant issues.

Office of Energy and Environmental Analysis (OEEA) staff have obtained the input of an internal team of staff from several Department programs. OEEA has also involved a broad range of potentially interested and affected external parties. No controversies have emerged. There will be no impact on small business.

Agency Procedures for Promulgation

Public hearing, Natural Resources Board final adoption, Governor's Office of Regulatory Compliance final approval, followed by legislative review.

Description of any Forms

None

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