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STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carroll D. Besadny, 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. WR-57-83 was duly approved and adopted by this Department on September 26, 1984. 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.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 10th day of January, 1985.

Carroll D. Besadny

Carroll D. Besadny, Secretary

(SEAL)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES

.....
IN THE MATTER of creating ch. NR 335 .
of the Wisconsin Administrative Code . WR-57-83
pertaining to dam safety inspection fees .
.....

Analysis Prepared by Department of Natural Resources

1983 Wisconsin Act 27 (the 1983-85 budget) created a dam safety inspection program to be supported by fees charged dam owners. The Legislature directed the Department to inspect all large dams once every 10 years, plus inspect any dam in response to complaints or at the Department's discretion. Dams inspected by a federal agency are exempt from Department inspection if the inspection report is provided to the Department.

The fee system is established to generate the revenue needed to cover the costs of dam inspection, technical evaluations and the report to the dam owner. The fee is based upon the product of the dams structural height and maximum storage capacity. Fees would range between \$150 and \$2,500.

For the approximately 880 dams in Wisconsin that presently do not receive any inspections, a priority system will be developed for each dam's inspection over the next 10 years.

Pursuant to the authority vested in the State of Wisconsin, Natural Resources Board by ss. 31.19, 31.20 and 227.014(2)(a), Stats., the State of Wisconsin Natural Resources Board hereby creates rules interpreting ss. 31.19 and 31.20, Stats., as follows:

SECTION 1. Chapter NR 335 is created to read:

NR 335.01 PURPOSE. The purpose of this chapter is to establish, pursuant to s. 31.20, Stats., reasonable fees for inspections of dams and reservoirs conducted by the department under s. 31.19(2), (3) and (4), Stats.

NR 335.04 DAM INSPECTION FEES. (1) The department shall conduct a detailed inspection of each large dam which is maintained or operated in or across navigable waters at least once every 10 years. Such an inspection is not required if the dam is inspected periodically by or under the supervision of a federal agency in a manner which is acceptable to the department and if the results of the inspection are made available to the department. Upon complaint or at its discretion the department may inspect any dam or reservoir in or across any navigable or nonnavigable waters.

(a) Every person who owns a dam inspected by the department shall pay an inspection fee according to the following fee schedule:

<u>Product of Structural Height x Maximum Storage Capacity</u>	<u>Inspection Fee</u>
0-499	\$ 150
500-749	200
750-999	250
1000-1499	300
1500-1999	350
2000-2999	400
3000-3999	500
4000-4999	600
5000-7499	750
7500-9999	1,000
10000-14999	1,500
15000-19999	2,000
20000 and over	2,500

(b) If the department, upon investigation in response to a complaint, determines that a detailed inspection of a dam is unnecessary, the department may waive imposition of the inspection fee authorized by this section.

(2) Upon completion of an inspection of any dam or reservoir, the department shall send to the owner of the dam an inspection report and a statement for the required inspection fee.

(3) The owner of the dam shall pay the required inspection fee to the department within 30 days of receipt of the inspection report and fee statement.

NR 335.05 FORFEITURE ACTION. The department may seek forfeitures under s. 31.23, Stats., for failure to pay the inspection fee required under this chapter. Payment of such a forfeiture does not relieve the person from paying the fee required under this chapter.

Note: The procedures in ss. 23.50 to 23.85, Stats., shall apply to all actions to recover forfeitures under s. 31.23, Stats.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on September 26, 1984

The rules contained herein shall take effect as provided in s. 227.026(1)(intro.), Stats.

Dated at Madison, Wisconsin January 10, 1985

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

January 10, 1985

IN REPLY REFER TO: 1020

Mr. Orlan L. Prestegard
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411 West
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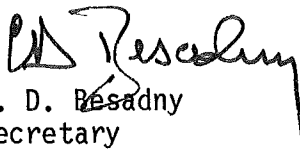
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Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WR-57-83. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.018, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


C. D. Besadny
Secretary

Enc.

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