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| 86. | Set or Bank Pole Licenses  | Issuance of licenses under s. 29.36, Stats.  |
| 87. | Permits to Take, Export, Transport Possess or Propagate Endangered Species | Issuance of permits under s. 29.415 (6), Stats.  |
| 88. | Permits to Introduce Fish and Game   | Issuance of permits under s. 29.535, Stats., except the introduction of nonindigenous species.   |
| 89. | Certification of Municipal Fish Hatcheries                                 | Certification under s. 29.536, Stats.  |
| 90. | Confidential Status  | Actions on requests for confidential status under s. NR 2.19.  |
| 91. | Administrative Procedural Regulations                                      | Actions under ss. 227.014 (2) (a) and 227.09 (1), Stats.   |
| 92. | Rehabilitation Permits   | Issuance of permits under s. 29.174, Stats., for the temporary possession of wild animals to provide first aid and temporary care administered to orphaned, injured or confiscated wildlife. |

(c) *Financial Assistance*

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| 1. | LAWCON Grants-in-Aid   | New individual land and water conservation fund (LAWCON) grants-in-aid to local units of government for initial acquisition, expansion or initial development of a new neighborhood park; or for additional acquisition or development in any park that would be a Type III action if carried out by the department.   |
| 2. | State Grants-in-Aid for Local Parks and County Conservation Aids | New individual grants-in-aid to local units of government under s. 23.09 (12), Stats., for enhancing fish and wildlife habitat, where activities are involved that would be Type III actions if carried out by the department; or under ss. 23.09 (20) and 66.36 (1), Stats., for the initial acquisition, expansion or initial development of neighborhood parks or for additional acquisition or development in any park that would be a Type III action if carried out by the department. |

3. Snowmobile and Motorcycle Grants-in-Aid New individual grants-in-aid to local units of government under ss. 23.09 (25) (a) and (26) and 350.12 (4), Stats., for acquisition, development and maintenance of snowmobile and off-road-vehicle trails and facilities when the project involves actions that would be Type III if carried out by the department.
4. Wildlife Habitat Grants-in-Aid New individual grants-in-aid to counties under s. 23.09 (17m), Stats., for land management practices benefiting wildlife that would be a Type III action if carried out by the department.
5. Inland Lake Rehabilitation Grants-in-Aid New individual grants-in-aid to inland lake rehabilitation districts when the project involves actions that would be Type III under this chapter, and grants for feasibility studies.
6. Forestry Loans Loans issued under s. 28.11 (8) (b) 2., Stats., that would result in activities otherwise listed as Type III under this chapter.
7. Wastewater Facility Grants New individual grants-in-aid under the Wisconsin fund point source program, or department recommendations for new individual grants-in-aid or advance of allowance under the federal construction grants program, to municipalities for facilities planning (step one), development of plans and specifications (step two), or construction (step three).
8. Revenue Sharing Bond Certification of pollution abatement facilities.
9. Pollution Tax Exemptions Certification or approval for water pollution control facilities tax exemptions.
10. Feasibility Study Grants State grants to local units of government to conduct feasibility studies.
11. Floodplain and Shoreland Mapping Grants Grants-in-aid to municipalities under s. 87.31, Stats., to undertake mapping of floodplain and shoreland areas.
12. Solid Waste Management Grants Grants under ss. 144.781 to 144.784, Stats., to develop areawide solid waste management plans and to conduct feasibility studies.
13. Nonpoint Source Pollution Abatement Grants Grants to designated management agencies under s. 144.25, Stats., to implement priority watershed plans and local priority projects.

- (y) Issuance of orders under ss. 144.965 and 144.975, Stats.
- (z) Adoption or approval of enforcement plans to meet established standards or policies.
  - (za) Appropriation requests initiated by the department or developed on request by the department.
  - (zb) Adoption of emergency rules by the natural resources board under ss. 227.014 and 227.027, Stats.
  - (zc) Approval of plans of operation for solid waste landfills or hazardous waste facilities under s. 144.44 or 144.64, Stats.
  - (zd) Issuance of operating licenses for solid waste facilities or hazardous waste facilities under s. 144.44 or 144.64, Stats.
  - (ze) Issuance of enforcement orders under ss. 144.44 (8), 144.47, 144.72 and 144.73, Stats.
  - (zf) Issuance of orders or department actions under ss. 144.76 (4) (a) and (b) and 144.76 (7), Stats.
  - (zg) Waivers of compliance issued to prevent emergency conditions under ss. 144.44 (7) and 144.64 (1) (c), Stats.
  - (zh) Alteration, suspension, or revocation of permits under s. 144.395, Stats., except as provided in s. 144.395 (1) (e), Stats.
- (5) Unless the department determines otherwise, substantial changes in previous Type II actions will require an EA.
- (6) All actions not listed under sub. (1), (2), (3) or (4) shall be evaluated on a case-by-case basis for determination of type.
- (7) Where a proposed department action has been included in a previous EIS or EA prepared by the department or in accordance with s. NR 150.10, the department shall consider the relevance of the previous EIS or EA to the proposed action in determining the need for an EIS, supplemental FEIS or EA.
- (8) Where an EA is prepared on a proposal involving multiple regulatory actions, it must address each of the approvals and indicate the conformance of the project with applicable statutes, rules, and regulations.
- (9) When a Type III proposal involves identifiable impacts on habitat for threatened or endangered species or on unique, scarce or ecologically significant habitat types or ecosystems, the need to prepare an EA is substantially increased.
- (10) A copy of the action type list will be maintained for public review at the department's district offices and at the central office in Madison.
- (11) The action type list will be periodically updated to reflect a change in department programs or a change in the categorization of actions between Types I, II, and III.

History: Cr. Register, January, 1979, No. 277, eff. 2-1-79; am., Register, February, 1981, No. 302, eff. 3-1-81; am. (intro.), (1), (6) and (7), r. and recr. (2) to (4), Register, February, 1984, No. 338, eff. 3-1-84; am. (3) (b) 22. and (3) (b) 30., cr. (2) (b) 22.e. and (3) (b) 30m., Register, June, 1985, No. 354, eff. 7-1-85.

**NR 150.04 Determination of need for an EIR or EIS.** (1) Upon the filing of an application with the department for permission to proceed with an action, the department shall determine the need for preparing an EIS. During the early planning stages the department shall also determine the need for preparing an EIS on its sponsored actions. The action type list will be used to determine the category of the proposed action.

(2) The department will determine the need for an EIR to assist in making an environmental analysis of a proposed regulatory action and notify the person seeking permission within 30 days after the department has received the request for permission. The person seeking permission shall provide the EIR within an agreed time after consultation with the department.

(3) Prior to making formal application, any person considering a project that will require department permission may provide the department with a preliminary description of the proposed project. The preliminary project description shall include: the concept of development, a description of major facilities and anticipated pollutant discharges, the specific location or locations being considered for the project, and a request that the department make a preliminary determination on the need for an environmental impact report. Upon receipt of such a request, the department shall, based on the information provided, within 45 days provide the person with a list of department authority, permits and approvals that may be required, other available information that may affect the feasibility of the proposed project, and a preliminary determination on the need for an EIR. A final determination will not be made until formal applications are submitted to the department in accordance with sub. (2).

(4) The department may require an EIR if the area affected exceeds 40 acres, or the cost of the proposed action exceeds \$25,000. In determining the need for an EIR, the department will consider:

- (a) The scope and complexity of the proposed action;
- (b) The information available to the department;
- (c) The concerns of persons affected by the proposed action;
- (d) The effect of the proposal on the public interest.

(5) The department may hold an informational meeting on the applicant's EIR to gather additional information for determining the significance of the proposed action and its potential environmental impacts.

(6) Unless the department otherwise determines to prepare an EIS, in determining whether a Type II action is major and whether or not the action will significantly affect the quality of the human environment, the department shall base its decision on an EA which shall contain the following information:

(a) A brief description of the proposed action including a description of proposed prevention and mitigating measures, maps, graphs and other material where appropriate.

(b) A brief description of those factors in the human environment most directly affected by the proposed action.