

3.	Administrative Rules	<p>a. Promulgation of new rules or changes in existing rules when the implementation of the proposed rule will have material impacts on the human environment, and the department has substantial discretion in formulating important provisions of the rule. Editorial changes in or clarifications of existing rules and the codification of existing department practice are excluded.</p>	II
		<p>b. Promulgation of new rules, emergency rules or changes in existing rules: The implementation will not have material impacts on the human environment, or the department has limited discretion in formulating important provisions of the rule.</p>	III
		<p>c. Promulgation of emergency rules to relieve conditions that are hazardous to life, health, property or the environment.</p>	IV
4.	Long-Range Plans	<p>a. Plans or modifications of plans adopted or approved by the department outlining a specific long-range course of action that would essentially pre-determine future individual department actions that may significantly affect the human environment.</p>	II
		<p>b. Plans or modifications of plans adopted or approved by the department that would not essentially pre-determine future individual department actions or significantly affect the physical or biological environment.</p>	IV
		<p>c. Program strategic plans.</p>	IV
5.	Areawide Water Quality Management Plans	<p>Adoption, revision, additions, updates or other modifications under ch. NR 121 for:</p>	
		<p>a. Delineation of areas over 1000 acres that may be served by a sewage collection system.</p>	II
		<p>b. Delineation of areas that may be served by a sewage collection system where the sum of the service area changes result in a cumulative increase to the service area of more than 5% during a calendar year.</p>	II
		<p>c. Delineation of areas that may be served by a sewage collection system and include wetlands, floodways or 60 contiguous acres or more.</p>	III
		<p>d. Other plan elements that would predetermine future department actions under ss. 144.04 and 147.02, Stats., or s. NR 110.08 (4) which require conformance to the areawide plan.</p>	III
		<p>e. Other.</p>	IV
6.	Priority Watershed Plans	<p>Approval of plans under ch. NR 120.</p>	IV
7.	Environmental Response and Repair	<p>a. Activities under s. 144.442, Stats., to respond and repair sites or facilities which pose a substantial danger to public health, welfare or the environment.</p>	III
		<p>b. Emergency environmental restoration including clean up of chemical spills.</p>	IV

(7) FINANCIAL ASSISTANCE. (a) *Education, Fish, Forestry, Parks and Recreation, Research, and Wildlife Related.*

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| 1. | General Criteria | Grants, aids, loans or other financial assistance for all or part of a proposal that would involve: | |
| | | a. Type II actions if carried out by the department. | II |
| | | b. Type III actions if carried out by the department. | III |
| 2. | LAWCON Grants | New individual land and water conservation fund (LAWCON) grants to local units of government for: | |
| | | a. Initial acquisition or development of a new community-wide park. | II |
| | | b. Initial acquisition, expansion or initial development of a new neighborhood park except as provided under subd. 1. | IV |
| | | c. Acquisition or development, except under subd. 1 or subpar. a or b | IV |
| 3. | State Grants for Local Parks and County Conservation Aids | a. New individual grants to local units of government under s. 23.09 (12), Stats., for enhancing fish and wildlife habitat activities except those under subd. 1. | IV |
| | | b. New individual grants to local units of government under s. 23.09 (11), Stats., for the initial acquisition or development of a new park or for additional acquisition or development in any existing park except under subd. 1. | IV |
| 4. | Snowmobile and Motorcycle Grants | Grants to local units of government under ss. 23.09 (25) (a), (26), 23.33 and 350.12 (4), Stats., for acquisition, development and maintenance of snowmobile and off-road-vehicle trails and facilities when the project involves: | |
| | | a. New trails and extensions to trails. | II |
| | | b. Modifications to existing trails. | III |
| 5. | Park and Forest Road Aids | Grants to towns and counties under s. 23.09 (27), Stats., for repair, maintenance or renovation of existing roads within or bordering department parks and forests. | IV |
| 6. | State Forestry Loans | Loans issued under s. 28.11 (8) (b) 2., Stats., except those under subd. 1. | IV |
| 7. | Wildlife Habitat Grants | New individual grants to counties under s. 23.09 (17m), Stats., for land management practices benefiting wildlife except those under subd. 1. | IV |
| 8. | Wildlife Damage Aids | Grants to counties under s. 29.598, Stats., for wildlife damage claims and prevention measures. | IV |
| 9. | Scenic Urban Waterway | Grants to municipalities under s. 30.275, Stats., except those under subd. 1.a. | III |

(b) *Air, Solid Waste, Water Regulation, Water Resources, Water Supply and Wastewater Related.*

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| 1. | Lake Management Grants | New individual grants to lake management organizations for proposals involving:

a. Actions otherwise listed as Type II under this section. |

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		b. Transfer, processing or incinerator facilities with a design capacity of less than 100 tons per day (wet weight) based on at least 8 hours of operation each day.	IV
		c. Noncontainerized storage facilities and air curtain destructors.	IV
		d. Solid waste landfills or hazardous waste facilities under s. 144.44 or 144.64, Stats.	IV
		e. Land spreading of solid waste under s. NR 180.14.	III
7.	Operating Licenses	Issuance of licenses under s. 144.44 or 144.64, Stats., for solid waste facilities or hazardous waste facilities.	IV
8.	Radioactive Waste	Approval of drilling for site exploration under s. 144.833, Stats.	II
9.	Construction Observation Reports	Approval of reports for solid or hazardous waste facility under ch. NR 180 or 181.	IV
10.	One-Time Disposal	Approval of facilities for one-time disposal of solid waste under s. NR 180.13 (2) (b) 2.	IV
11.	Closure Plans	Approval of plans for the closure of a solid or hazardous waste facility under s. NR 180.13 or 181.42 (8).	IV
12.	Solid Waste Open Burning	Licenses issued under s. 144.436, Stats., and approvals of wood burning facilities under ch. NR 180.	IV
13.	Solid Waste Exemptions	Exemptions from licensing granted under s. 144.44 (7), Stats., or ch. NR 180.	III
14.	Monitoring Plans	Approval of new or modified monitoring plans at facilities licensed under ch. NR 180.	IV
15.	Hazardous Waste Variances, Waivers and Exemptions	Variances, waivers and exemptions from licensing requirements under s. 144.64 (3), Stats., s. NR 181.19 or 181.53 (2).	IV
16.	Hazardous Waste Licenses	Issuance of transportation service licenses under s. 144.64 (1), Stats.	IV
17.	Solid Waste Management Plan	Final plan approvals under s. NR 185.07.	IV
18.	Engine Waste Oil Plans	Approval of informal plans of operation for collection and storage facilities under s. NR 183.07.	IV
19.	Waste Management Fund and Financial Responsibility	Actions under s. 144.441, Stats., for solid or hazardous waste disposal facilities.	IV
20.	Enforcement	a. Issuance of orders under s. 144.83 (4) (c), Stats., directing particular prospectors or operators to comply with ss. 144.80 to 144.94, Stats.	IV
		b. Issuance of orders to mine operators to comply with mining and reclamation plans, under s. 144.91 (1), Stats.	IV
		c. Performance of actions ordered under s. 144.91 (1), Stats., in the event of noncompliance, under s. 144.91 (2), Stats.	IV

- d. Issuance of enforcement orders under s. 144.44 (8) or 144.47, 144.72 and 144.73, Stats. IV
- e. Issuance of orders or department actions under ss. 144.76 (4) (a) and (b) and 144.76 (7), Stats. IV
- f. Waivers of compliance issued to prevent emergency conditions under ss. 144.44 (7) and 144.64 (1) (c), Stats. IV
- (f) *Water Regulation.*
1. Dredging Permits and contracts involving lakes and harbors, rivers and streams under s. 30.20, Stats., that involve:
- a. The removal of 3,000 cubic yards or more of material except when restoring the original dimensions of an area legally dredged during the 10 years prior to the date of application; II
- b. A potential for sediments to be characterized as a hazardous substance exists and more than 7 cubic yards of material would be removed; II
- c. Draining or filling affecting wetlands greater than 5 acres in size; II
- d. Draining or filling affected wetlands smaller than 5 acres; III
- e. All other activities. IV
2. Enlargement or Alterations of Waterways Activities defined in s. 30.19, Stats., involving:
- a. Connected waterways except as provided under subpar. c; II
- b. Unconnected waterways and grading when related to:
- Extraction of minerals or mineral aggregates, II
- Draining or filling affecting wetlands, greater than 5 acres in size II
- Draining or filling affecting wetlands smaller than 5 acres, III
- Other activities; IV
- c. Boat slips for the private use of riparian property owners. IV
3. Channel Changes Approvals to change the course of a navigable stream under s. 30.195, Stats., involving:
- a. Over 500 feet of stream length; II
- b. 500 feet or less of stream length. III
4. Fills or Structures Below the Ordinary High Watermark
- a. Permits issued under s. 30.12 (2), Stats., for structures on the beds of navigable waters. III
- b. Permits for sand blankets, fish cribs, shoreline protection and fords pursuant to s. 30.12 (3) (a) 1, 2, 3, and 4, Stats. IV

	c. Issuance of orders to enforce agreements to control pollution of interstate waters under s. 144.025 (2) (j), Stats.	IV
	d. Issuance of orders to abate or department abatement of nuisances under ss. 146.13 and 146.14, Stats., under s. 144.025 (2) (k), Stats.	IV
	e. Issuance of orders to obtain specific operating results from or to require modifications to, extensions of or replacement of systems or plants which tend to create a nuisance or menace to health or comfort under s. 144.025 (2) (r), Stats.	IV
	f. Prohibition of the installation or use of septic tanks in areas where they would impair water quality, under s. 144.025 (2) (q), Stats.	IV
	g. Department performance of actions ordered under s. 144.025 (2) (d) and (r), Stats., in cases of noncompliance and collection of the costs from the noncomplying owner, under s. 144.025 (2) (s), Stats.	IV
	h. Issuance of orders under s. 144.05, Stats., to owners of treatment plants to file plans for construction necessary to comply with the limitations imposed upon discharges of effluent, in counties exceeding 240,000 inhabitants, into specified lakes.	IV
	i. Issuance of orders to connect a sewerage system to that of an adjoining town, village or city, under s. 144.07, Stats.	IV
	j. Issuance of orders to abate or remove a nuisance, and upon noncompliance to abate or remove the nuisance, under s. 145.14 (1), Stats.	IV
	k. Revocation of permits under s. 147.03, Stats.	IV
	(j) <i>Wildlife.</i>	
1.	Special Deer Dealer License Issuance of licenses under s. 29.578, Stats.	IV
2.	Hunter's Choice, Party or Special Permits Issuance of permits under ss. 29.107 or 29.108, Stats.	IV
3.	Hunting Permits and Licenses Issuance of permits and licenses under ss. 29.085, 29.10 to 29.12 and 29.174, Stats.	IV
4.	Falconry Permits Issuance of permits under ch. NR 18.	IV
5.	Private Game and Fur Farm and Shooting Preserve Licenses Issuance of licenses under ss. 29.572 to 29.578, Stats.	IV
6.	Trapping Licenses Issuance of licenses under s. 29.13, Stats.	IV
7.	Wildlife Exhibit Licenses Issuance of licenses under s. 29.585, Stats.	IV
8.	Serving Game to Guests Issuance of permits under ss. 29.578 and 29.49, Stats.	IV
9.	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.	IV

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| 10. | Dog Trial and Training Permits | Issuance of permits under s. 29.255, Stats. | IV |
| 11. | Raptor Permits | Issuance of permits under s. 29.174, Stats., for the breeding and propagation of birds of prey. | IV |
| 12. | Fur Dealers License | Issuance of licenses under s. 29.134, Stats. | IV |

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; am. (3) (c) 12., Register, February, 1986, No. 362, eff. 3-1-86; r. and recr. Register, January, 1987, No. 373, eff. 2-1-87.

NR 150.04 Determination of need for an EIR or EIS. History: Cr. Register, January, 1979, No. 277, eff. 2-1-79; am., Register, February, 1981, No. 302, eff. 3-1-81; am. (2), (3), (5), (6) (intro.) and (a), (7), (8) (a) (intro.) and (c), (10) and (13), renum. (6) (d) to (f) to be (6) (e) to (g), cr. (6) (d), Register, February, 1984, No. 338, eff. 3-1-84; cr. (8m), Register, March, 1986, No. 363, eff. 4-1-86; r. Register, January, 1987, No. 373, eff. 2-1-87.

NR 150.10 Assistance to applicants. (1) Prior to making a formal application, any person considering a project that will require department approval may provide the department with a preliminary description of the proposed project and request that the department make a preliminary determination on the need for an EIR. The preliminary project description shall include a description of:

- (a) The planned development,
- (b) Major facilities and anticipated by products or pollutant discharges, and
- (c) The specific locations being considered for the project.

(2) Upon receipt of a request under this section, the department shall, based on the information provided, provide the person with a list of department authorizations, permits and approvals that may be required, other available information that may affect the feasibility of the proposed project, and within 45 days of a request complying with this section, make a preliminary determination on the need for an EIR.

(3) A final determination will not be made until formal applications are submitted to the department.

History: Cr. Register, January, 1987, No. 373, eff. 2-1-87.

NR 150.20 Environmental review process. The environmental review process shall apply to all actions of the department including both regulatory and department sponsored actions.

(1) **DETERMINATION OF APPROPRIATE PROCEDURES.** Upon the filing of an application with the department for permission to proceed with an action, and during the early planning stages on department sponsored actions, the department shall use the action type list in s. NR 150.03 to determine the minimum review process appropriate for the proposed action.

Note: Procedures required for Type III actions assure that unusual proposals or proposals in unusual situations receive the appropriate level of analysis.

(a) **Type IV actions.** Except as provided under s. NR 150.20 (2) (b), type IV actions do not require the EA or EIS process, do not require a news release, and are otherwise exempt from the procedural requirements of this chapter. The department may prepare and Register, January, 1987, No. 373