

## **Notice of Hearing**

The Department of Natural Resources announces that it will hold a public hearing on a permanent rule to create ch. NR 851, relating to the management of diversions (transfers of water from the Great Lakes basin to outside of the Great Lakes basin) and intrabasin transfers including the application and review process and other related criteria (Board Order DG-03-22), at the time and place shown below.

The hearing will also include:

- Board Order DG-02-22, a permanent rule to create ch. NR 854, relating to statewide water supply service area planning for municipalities serving populations greater than 10,000 people.

### **Hearing Information**

Date: October 5, 2023

Time: 10:00 am

Virtual Location Link:

- Online via Zoom: <https://us02web.zoom.us/j/84073732724>
- Call in: 1 (646) 931-3860
- Meeting ID: 840 7373 2724

### **Rule Information**

The proposed rule establishes department procedures for managing Great Lakes diversions and intrabasin transfers. Diversions are defined as a transfer of water from the Great Lakes basin into a watershed outside the Great Lakes basin, or from the watershed of one of the Great Lakes into that of another, by any means of transfer, including a pipeline, canal, tunnel, aqueduct, channel, modification of the direction of a water course, tanker ship, tanker truck, or rail tanker, with few exceptions (s. 281.346(1)(h), Wis. Stats.). Intrabasin transfer means the transfer of water from the watershed of one of the Great Lakes into the watershed of another of the Great Lakes (s. 281.346(1)(jm), Wis. Stats.).

The rule specifies:

- Diversion and intrabasin transfer application requirements.
- Department application review processes.
- Department determinations related to approvals and denials of diversion applications.
- Public notice and participation requirements.
- Reporting requirements.

The rule also provides flexibility for Wisconsin to comply with the Great Lakes – St. Lawrence River Water Resources Compact rules and guidance.

## **Accessibility**

For the hearing or visually impaired, non-English speakers, or those with other personal circumstances which might make communication at the meeting/hearing difficult, the department will, to the maximum extent possible and with reasonable advance notice, provide aids including an interpreter, or a non-English, large-print, or recorded version of hearing documents. To access these resources, please contact the email address or phone number listed below as soon as possible.

## **Appearances at the Hearing and Submittal of Written Comments**

The public has the opportunity to testify at the hearing. Pre-registration is strongly encouraged if you plan to provide spoken comments during the hearing. To pre-register, either use the Zoom link above prior to the day of the hearing or download and complete the fillable [hearing appearance form](#) and send it to [Nicole.Clayton@wisconsin.gov](mailto:Nicole.Clayton@wisconsin.gov).

Comments on the proposed rule must be received on or before October 12, 2023. Written comments may be submitted by U.S. mail, E-mail, or through the internet and will have the same weight and effect as oral statements presented at the public hearing.

Written comments and any questions on the proposed rules should be submitted to:

Department of Natural Resources  
Attn: Nicole Clayton – DG/5  
P.O. Box 7921  
101 S. Webster Street,  
Madison, WI 53707-7921  
[Nicole.Clayton@wisconsin.gov](mailto:Nicole.Clayton@wisconsin.gov)

The rule may be viewed at: <https://dnr.wi.gov/news/input/ProposedPermanent.html>

Comments can be made at: [DNRAAdministrativeRulesComments@wisconsin.gov](mailto:DNRAAdministrativeRulesComments@wisconsin.gov)

The rule may be reviewed, and comments made at:  
<http://docs.legis.wisconsin.gov/code/chr/hearings>.

## **Initial Regulatory Flexibility Analysis**

The rule is not expected to impact small businesses.

## **Agency Small Business Regulatory Coordinator**

Emma Esch (608) 266-1959  
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