

Natural Resources 350 Rule Revision



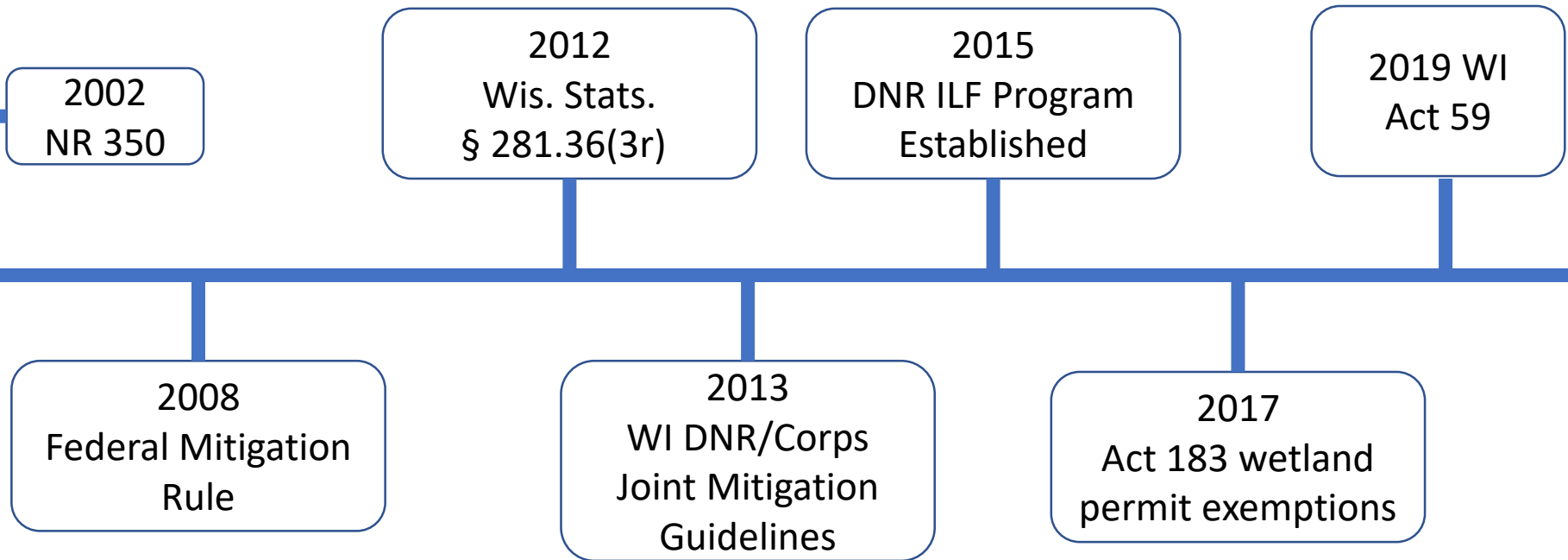
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Technical Advisory Group

- No formal structure or process requirements
- Comments on rule provisions by June meeting
- Preliminary public comment before the required public hearings

NR 350 Rule Revision Timeline	
Milestone	Date
Scope Statement Governor approval	June 2019
Scope Statement NR Board approval	August 2019
Draft rule completed	April 2020
Technical Advisory Group review	June 2020
Public hearings	Aug-Sept 2020
Rule revisions	Fall 2020
Rule approval	2021
Legislative review	2021
Rule Promulgation	2021

Why Revise Now?



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- Current NR 350 rule was written in 2002
- Federal Mitigation rule in 2008 set current federal requirements for mitigation banks and ILF programs
- 2012 statute change made mitigation mandatory for wetland individual permit applications
- The 2013 DNR and Corps Mitigation Guidelines detail the mitigation processes used by DNR today
- The ILF program's first full year of operation was 2015
- 2017 Act 183 created the artificial and nonfederal wetland exemptions, some of which now require mitigation
- 2019 Act 59 changed the mitigation sequence to start with smaller HUC 8 watersheds where possible



Current NR 350 (2002)

Still applicable:

- Mitigation bank establishment and operation (s. 8)
- Financial assurances for private mitigation projects (s. 8)
- Provisions for mitigation site protection and DNR oversight (s. 9)



Changes Needed - Permittees

- New definitions, remove outdated language (s. 3)
- Mitigation Sequence (s . 4) with current statute process
 - Mitigation for wetland exemptions
 - Permittees first buy credits in the HUC 8 watershed
- Amount of mitigation required (s. 5) according to 281.36, Stats.
 - Credit ratios updated to reflect 2013 Guidelines



Changes Needed - Mitigation

- New definitions, remove outdated language (s. 3)
- Use current terminology throughout private banking sections (s. 7, 8, 9, 10)
- More accurate mitigation site credit assessment language according to current practice (s. 6)



Key Additions

1. Mitigation site requirements for private mitigation banks and for in-lieu fee program projects
 - Site design and plan (s. 7)
 - Monitoring plan (s. 9)
 - Construction report (s. 9)
2. In-lieu fee program operation (s. 11)
 - Site identification and request for proposals
 - Credit fee schedule
 - Mitigation site protection and long-term management



Economic Analysis

- The result of the new rule is processes and requirements that give administrative code structure to current practices that have been in place since the 2013 Guidelines were implemented
- Little or no impact to small businesses is anticipated