
Please consider these comments and suggestions regarding proposed rule, Env-Wt 513.23:

As Written: Env-Wt 513.23 Modification of Existing Docking Structures. The department shall not approve any change in size, location, or configuration of an existing docking structure unless the applicant demonstrates, and the department finds, that the modification is less environmentally-impacting or provides for fewer boat slips and less construction surface area over public submerged lands than the current configuration.

We suggest amending Env-Wt 513.23 by changing the operator “and” to “or” as follows:

Env-Wt 513.23 Modification of Existing Docking Structures. The department shall not approve any change in size, location, or configuration of an existing docking structure unless the applicant demonstrates, and the department finds, that the modification is less environmentally-impacting or provides for fewer boat slips or less construction surface area over public submerged lands than the current configuration.

Consider that this rule (presently Env-Wt 402.21) is regularly waived to allow for reasonable modifications to existing structures. By changing the “and” to “or”, the intent of “*lesser impacting alternative*” is maintained and the rule more clearly provides for approval of what is generally being approved at present with a waiver.

Within reason, structures should be allowed modification when the changes are a less impacting alternative than the present structure.

Also, please note that in the proposed rules the word “*Existing*” is spelled wrong (the proposed text shows “*Exiting*”).

Thank you for considering these comments and suggestions.

Respectfully Submitted,



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