



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 02/04/2013 (Per: RCT)

Compile Draft – Appendix E **... Part I**

- | | |
|---|---|
| A ☞ The <u>2013</u> drafting file for LRBa0045 | F ☞ The <u>2013</u> drafting file for LRBa0055 |
| B ☞ The <u>2013</u> drafting file for LRBa0046 | G ☞ The <u>2013</u> drafting file for LRBa0057 |
| C ☞ The <u>2013</u> drafting file for LRBa0047 | H ☞ The <u>2013</u> drafting file for LRBa0074 |
| D ☞ The <u>2013</u> drafting file for LRBa0050 | I ☞ The <u>2013</u> drafting file for LRBa0081 |
| E ☞ The <u>2013</u> drafting file for LRBa0052 | J ☞ The <u>2013</u> drafting file for LRBa0082 |

2013 LRBa0052 has been copied/added to the drafting file for

2013 LRBa0085

2013 DRAFTING REQUEST

Senate Amendment (SA-SB1)

Received: 1/30/2013 Received By: btradewe
Wanted: Soon Same as LRB:
For: Thomas Tiffany (608) 266-2509 By/Representing: Larry Konopacki (Leg Council)
May Contact: Drafter: btradewe
Subject: Environment - mining Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Tiffany@legis.wi.gov
Carbon copy (CC) to: larry.konopacki@legis.wisconsin.gov
Anna.henning@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Approvals applied for after the mining permit application is submitted

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	btradewe 2/1/2013	chanaman 2/2/2013		_____	chanaman 2/2/2013		

FE Sent For:

<END>

2013 DRAFTING REQUEST

Senate Amendment (SA-SB1)

Received: 1/30/2013 Received By: btradewe
Wanted: Soon Same as LRB:
For: Thomas Tiffany (608) 266-2509 By/Representing: Larry Konopacki (Leg Council)
May Contact: Drafter: btradewe
Subject: Environment - mining Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Tiffany@legis.wi.gov
Carbon copy (CC) to: larry.konopacki@legis.wisconsin.gov
Anna.henning@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Approvals applied for after the mining permit application is submitted

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	btradewe	/p1 wlj 2/1		_____			

FE Sent For:

<END>

Tradewell, Becky

From: Konopacki, Larry
Sent: Tuesday, January 29, 2013 10:05 PM
To: Tradewell, Becky
Cc: Henning, Anna
Subject: FW: subsequent permits

Hi Becky, below is what the authors of SB1/AB1 would like to do for the amendment related to subsequent permit timelines and processes. Please prepare this as an amendment to SB1 for Sen. Tiffany.

- Amend s. 295.57 (8) (b) and (d) of the bill to provide that for applications for approvals applied for more than 60 days after the day on which the mining permit is administratively complete, the DNR shall attempt to complete its review in time for the approval to be included with the mining permit in the public comment period and informational hearing under s. 295.57 (8) (4) and (5). If the application for the approval is received too late for the DNR to so include the approval, apply the bulk sampling administrative completeness procedures and:
 - Require the DNR to hold a public hearing on all such approvals – require DNR to provide notice inviting public comment on the approval and indicating the time and location of the public hearing within 10 days of the day on which the application is administratively complete.
 - Require the DNR to issue its decision on the approval within 75 days of the day on which the application is administratively complete (unless individual permit for which federal law requires the opportunity for public comment or the ability to request a public hearing prior to the issuance of the approval, in which case use the same timeline in s. 295.45 (10g) (b)).
 - Modify par. (d) to provide that the requirements of that section apply to all permits applied for in time to be included in the mining permit public comment and hearing processes.

- Allow the **current-law processes, and the current-law timelines**, if any, to apply any approvals sought **after the mining permit is approved** (unless s. 295.63 (3) applies, in which case that subsection would control) As we discussed before, this means that if they would apply for something like a navigable waters activity approval or wetlands approval they would do so under ch. 30 and ch. 281, respectively, and not ch. 295., unless s. 295.63 (3) applies.

- Do not make any other separate change specific to a water withdrawal permit – s. 295.61 (6) is sufficient to address subsequent changes related to water withdrawal.

Thanks,
Larry

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

1/30/13 Per Larry Kasevich - For navigable waters permits, the substantive and procedural provisions in ch 30 would apply. For wetlands, the substantive and procedural provisions in ch 281 would apply - unless ~~the~~ ^{there is} modification, in which case s 295.63 would apply.

Also - For approval requested more than 60 days after ^{the} permit is requested, use the notice & hearing provisions in 295.57(4) & (5).

RET



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa0052/P1
RCT...

Sub 2/2 (earlier is better)

WJ

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT,
TO SENATE BILL 1**

1 At the locations indicated, amend the bill as follows:

2 ↓ **1.** Page 131, line 25: after "approval." insert "The department shall publish the
3 notice on its Internet site not more than 10 days after the application is considered
4 to be complete under sub. (8) (b) 1.".

5 **2.** Page 133, line 20: after "sub. (2)" insert "or more than 60 days after that day
6 but in time to allow the application to be considered at the public informational
7 hearing for the mining permit under sub. (5)".

8 **3.** Page 133, line 23: delete the material beginning with that line and ending
9 ^{With} page 134, line 4, and substitute:

10 "(b) 1. If an applicant files an application for an approval other than a mining
11 permit too late to allow the application to be considered at the public informational
12 hearing for the mining permit under sub. (5) but before the department issues the

1 decision to ^{approve} grant or deny the application for the mining permit, the application for
2 the approval is considered to be complete on the 30th day after the department
3 receives the application, unless, before that day, the department provides the
4 applicant with written notification that the application is not complete, stating the
5 reason for the determination and describing the specific information necessary to
6 make the application complete. If the department provides such a notice, the
7 applicant shall supplement the application by providing the specified information.
8 The application is considered to be complete when the applicant provides the
9 information.

10 2. Except as provided in subd. 3., the department shall approve the application
11 for an approval described in subd. 1., and issue the approval, or deny the application
12 after the separate public informational hearing for the approval required under sub.
13 (5) and no later than 75 days after the application for the approval is considered to
14 be complete under subd. 1.

15 3. Except as provided in par. (c), the department shall approve or deny the
16 application for an approval described in subd. 1. that is an individual permit for
17 which federal law requires the opportunity for public comment or the ability to
18 request a public hearing prior to issuance of the approval after the separate public
19 informational hearing required for the approval under sub. (5) and no later than 180
20 days after the application is considered to be complete under subd. 1.”.

21 4. Page 134, line 18: after “PROCEDURE.” insert “(a)”.

22 5. Page 134, line 21: after “approval” insert “for which the application is filed
23 before the department issues the decision to ^{approve} grant or deny the application for the
24 mining permit”.

1 **6.** Page 135, line 2: after that line insert:

2 “(b) The provisions of ss. 295.58 (5) and (6) and 295.77 concerning review of
3 department decisions and the duration of department decisions apply to any
4 approval for which the application is filed after the department issues the mining
5 permit, notwithstanding any provisions related to those matters in s. 44.40 or
6 169.25, subch. I or VI of ch. 77, ch. 23, 29, 30, 31, 169, 281, 283, 285, 289, or 291, or
7 rules promulgated under those provisions, except as provided in s. 281.343 (7r).”.

8 **7.** Page 143, line 17: after that line insert:

9 “(1m) APPLICABILITY. Subsections (2) to (11) do not apply to a wetland individual
10 permit or other approval that requires a wetland impact evaluation if the operator
11 files the application for the wetland individual permit or other approval after the
12 department issues the mining permit for the mining operation.”.

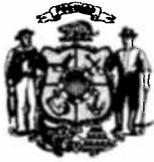
13 **8.** Page 155, line 8: after that line insert:

14 “(1m) LIMITATION. This section does not apply to any navigable water activity
15 associated with a mining operation if the application for the approval for the
16 navigable water activity is filed after the department issues a mining permit for the
17 mining operation.”.

18

(END)

Page 197, line 8: after "(g)" insert "(a)"



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa0052/P1
RCT:wlj:ch

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE BILL 1**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 131, line 25: after "approval." insert "The department shall publish the
3 notice on its Internet site not more than 10 days after the application is considered
4 to be complete under sub. (8) (b) 1."

5 **2.** Page 133, line 20: after "sub. (2)" insert "or more than 60 days after that day
6 but in time to allow the application to be considered at the public informational
7 hearing for the mining permit under sub. (5)".

8 **3.** Page 133, line 23: delete the material beginning with that line and ending
9 with page 134, line 4, and substitute:

10 "(b) 1. If an applicant files an application for an approval other than a mining
11 permit too late to allow the application to be considered at the public informational
12 hearing for the mining permit under sub. (5) but before the department issues the

1 decision to grant or deny the application for the mining permit, the application for
2 the approval is considered to be complete on the 30th day after the department
3 receives the application, unless, before that day, the department provides the
4 applicant with written notification that the application is not complete, stating the
5 reason for the determination and describing the specific information necessary to
6 make the application complete. If the department provides such a notice, the
7 applicant shall supplement the application by providing the specified information.
8 The application is considered to be complete when the applicant provides the
9 information.

10 2. Except as provided in subd. 3., the department shall approve the application
11 for an approval described in subd. 1., and issue the approval, or deny the application
12 after the separate public informational hearing for the approval required under sub.
13 (5) and no later than 75 days after the application for the approval is considered to
14 be complete under subd. 1.

15 3. Except as provided in par. (c), the department shall approve or deny the
16 application for an approval described in subd. 1. that is an individual permit for
17 which federal law requires the opportunity for public comment or the ability to
18 request a public hearing prior to issuance of the approval after the separate public
19 informational hearing required for the approval under sub. (5) and no later than 180
20 days after the application is considered to be complete under subd. 1.”.

21 4. Page 134, line 18: after “PROCEDURE.” insert “(a)”.

22 5. Page 134, line 21: after “approval” insert “for which the application is filed
23 before the department issues the decision to grant or deny the application for the
24 mining permit”.

