

Report to
Legislative Council Rules Clearinghouse
NR 135 and 340, Wis. Adm. Code
Natural Resources Board Order No. WA-14-06

Wisconsin Statutory Authority

ss. 30.201, 295.12 and 227.11(2)(a), Stats., interpreting s. 30.201 and subch. I of ch. 295, Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

Chapter NR 135 on nonmetallic mining reclamation, has been in effect for nearly 5 years. As a result of administering the program in that time, various issues have arisen and the need to clarify and refine certain provisions of the rule has become apparent. Many of the proposed changes are needed to remove language that was only applicable to the start-up phase of the regulatory program, primarily in terms of issuing permits and approvals for mining operations that were active at the time the rule was initially promulgated. Those specific provisions are no longer necessary and are proposed to be removed from the rule. In addition to those changes, the proposed modifications address report and fee submittal requirements, minor wording clarification and procedural modifications and also includes a slight increase in fees payable to the Department and enhancement of the dispute resolution and appeals processes. Proposed changes to ch. NR 340 on nonmetallic mining and reclamation associated with navigable waterways and adjacent areas reflect recent statutory changes authorizing additional acceptable forms of financial assurance and make the financial assurance provisions of ch. NR 340 more consistent with those of ch. NR 135. The rule changes will affect nonmetallic mine operators and county and municipal regulatory authorities that implement the nonmetallic mining reclamation program through specific local ordinances.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

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