

General talking points:

We do not have any permit applications, nor do we know the exact location of the proposed development. Therefore, we are not able to say what permits will be required until we have more information from the company.

If asked... DNR was consulted when the state's proposal was being put together. As we would do for any business/company wishing to establish itself in Wisconsin, we offered general information on a wide array of possible permit options, the permitting process, explaining the steps necessary according to state law and guidance on how the process could be completed expediently. We could not be more specific at the time not knowing the exact location or specific requirements.

After legislation is introduced -

We do not have any permit applications, nor do we know the exact location of the proposed development. Therefore, determining what permits will be required, and which of the exemptions in the proposed legislation may apply is unknown until we have more details from the company.

The exemptions provided in this Bill will allow the department to proceed in a timely fashion for a development project in a specifically defined area, while ensuring that environmental standards for air, waste, and water quality are met and any impacts to wetlands are appropriately mitigated.

We always encourage companies to come to us early, to work with state and federal regulators so the necessary approvals can be identified and met/processed/approved in a timely manner.

Wetlands

Wetlands under Federal jurisdiction would still require the appropriate US EPA and US ACOE permits for any discharge of dredged or fill material into waters of the U.S. under Sec. 404 of the federal Clean Water Act. Many (but not all) waterbodies and wetlands in Wisconsin are waters of the U.S. and are subject to the Corps' Section 404 regulatory authority.

This Bill would exempt a company in a designated area from a duplicative state wetland permitting process for Federal jurisdictional wetlands.

The Bill would require mitigation of any fill of an acre of State or Federal jurisdictional wetlands within the defined area at a 2 acre to 1 ratio, which is greater than current law requires. (Under current law it's 1.2 to 1 acre ratio)

Wetland mitigation is a standard practice in numerous state projects and there are examples where completed mitigation projects have provided environmental benefit.

This wetlands exemption is similar to other projects that demonstrated a greater public economic benefit, including the one that allowed for the expansion of Lambeau Field.

Waterways

Similar to the development exemptions that already exist for Milwaukee County, this Bill would allow a company to construct, dredge, or enlarge any artificial water body that connects with an existing navigable waterway; construct or enlarge any part of an artificial water body that is or will be located within 500 feet of the ordinary high-water mark of, but that does not or will not connect with, an existing navigable waterway; grade or remove topsoil from the bank of any navigable waterway where the area exposed by the grading or removal will exceed 10,000 square feet; or change the course of or straighten a navigable stream for a defined area.

Additionally, while there are some exemptions for requiring permits for structures, deposits, bridges and culverts in navigable streams, the Department still retains the ability to require permits if there would be significant adverse impacts to the public rights and interests, environmental pollution, or injury to riparian rights.

Permitting Requirements

State and Federal air, water quality, solid and hazardous waste standards are required to be met.

EIS

Environmental impacts will be evaluated and considered as part of the permitting process, whether an EIS is conducted or not.

Under current law, an EIS has no regulatory consequence, but the department always takes environmental impacts into consideration when reviewing permit applications and will continue to do so but under the bill the process involved in putting an Environmental Impact Statement together, which can take months or in some cases up to a year, is not required.

Great Lakes Compact

Under this Bill all Great Lakes Compact requirements would still be met.

This exemption only pertains to straddling communities, is only a streamlining measure, and does not exempt an applicant from the requirements of the Great Lakes Compact.