

Program Guidance – Post-Closure Modifications: Covers and Changes in Property Boundaries, RR 987

Summary of Changes Based on Public Comments

Thank you to the individuals that provided feedback and comments on the Department of Natural Resources proposed program guidance titled “Post-Closure Modifications: Covers and Changes in Property Boundaries“. Two comments were submitted to the Department during the public comment period. Comments are included in this document.

No changes were made to the guidance based on comments received, as the issues were beyond the scope of this guidance.

- DNR staff are meeting with WI DOT staff to discuss the implementation concerns (instead of extending the comment period). These issues will be addressed in the DOT/RR Memorandum of Understanding or other internal process guides, as applicable.
- The public notification and access to information on post-closure changes concern is currently subject to requirements in ch. NR 725, Wis. Adm. Code, and will be addressed in an upcoming, separate guidance (Draft RR 982).

The final guidance was issued on April 28, 2016.

If you have any questions, please contact Jane Lemcke at (608) 267-0554 or Jane.Lemcke@wisconsin.gov.

Comments received:

From: TeBeest, Sharlene - DOT
To: Lemcke, Jane M - DNR
Cc:
Subject: Requesting time extension for comments

Sent: Fri 01/08/2016 7:01 PM

Hi Jane,

Our Real Estate section is reviewing the impacts of the guidance for post closure modifications on their operations and would like a little more time to determine if we will comment. Can we have 2 weeks?

Meanwhile, one of the questions they had is what is the time period for DNR review each of the closure modification situations? (This is important for our early acquisition and excess land sale processes). One of the comments staff brought up was that for some of our excess parcel sales, the fee for changing the deed records in BRRTS could exceed the amount of the sale.

Thank you!

Shar

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Lemcke, Jane M - DNR

From: Laura Olah <info@cswab.org>
Sent: Tuesday, December 29, 2015 11:03 AM
To: Lemcke, Jane M - DNR
Subject: re: guidance

RE: <http://dnr.wi.gov/news/input/guidance.html>

It would be good if public notification and access are clarified a bit more. For example, will modifications be permanently linked to the original closure documentation? How will interested parties (neighbors, public commenters on the original closure, users of public lands, etc.) be informed of a proposed change in the remedy? It is reasonable to expect public interest if a proposed change is intermittently or ultimately less protective.

Laura

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Post-closure modifications are typically requested by a property owner for changes made to their property. The changes are documented by approvals (most often an addendum to the closure letter) for any changes made to one or more continuing obligations. These addendums or other approvals will be included as PDFs in the tracking system, BRRTS on the Web, at <http://dnr.wi.gov/botw/SetUpBasicSearchForm.do>. This ensures that information about continuing obligation changes due to post-closure modifications will be accessible for future property owners and for future transactions.

If a change in remedy is necessary and might affect other properties, a case would be reopened, and would be subject to the ch. NR 725, Wis. Adm. Code, notifications to affected parties of continuing obligations prior to submittal of the closure request. Closure cannot be approved unless the remedy is protective, as required under ch. NR 726, Wis. Adm. Code.