purposes that include facilitating communications with the mining company, reviewing and commenting on reclamation plans, and negotiating an agreement between the local or tribal government and the mining company. The law requires the mining company to appoint a person to be the liaison with the local impact committee and requires the mining company to make reasonable efforts to design and carry out mining operations in harmony with community development objectives. Under some circumstances, a local impact committee may receive funding from the investment and local impact fund board.

This bill provides for local impact committees for proposed iron mines in a manner similar to the manner in which those committees are established under current law.

Rights and conditions relating to mining contracts and leases

Current law establishes certain rights and imposes certain conditions with respect to contracts or leases that authorize a person to dig for ores and minerals, including the conditions under which a miner may retain ore and minerals discovered on the land, a miner's obligation to keep and to provide certain records concerning mine operations, and the consequences to a miner who conceals or disposes of any ores or minerals for the purpose of defrauding a lessor. Current law also establishes a maximum term for exploration mining leases with regard to minerals that contain metals.

This bill limits these current law provisions to mining activities relating to nonferrous metallic mining.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.370 (2) (gh) of the statutes is amended to read:

2 20.370 **(2)** (gh) ~~*Mining —*~~ *Nonferrous metallic mining regulation and*
3 *administration.* The amounts in the schedule for the administration, regulation and
4 enforcement of nonferrous metallic mining exploration, prospecting, mining and
5 mine reclamation activities under ch. 293. All moneys received under ch. 293 shall
6 be credited to this appropriation.

7 **SECTION 2.** 20.370 (2) (gi) of the statutes is created to read:

1 20.370 **(2)** (gi) *Ferrous metallic mining operations.* All moneys received under
2 subch. III of ch. 295 for the department of natural resource's operations related to
3 ferrous metallic exploration and mining.

4 **SECTION 3.** 20.455 (1) (gh) of the statutes is amended to read:

5 20.455 **(1)** (gh) *Investigation and prosecution.* Moneys received under ss. 23.22
6 (9) (c), 49.49 (6), 100.263, 133.16, 281.98 (2), 283.91 (5), 289.96 (3) (b), 291.97 (3),
7 292.99 (2), 293.87 (4) (b), 295.19 (3) (b) 2., 295.79 (4) (b), and 299.97 (2), for the
8 expenses of investigation and prosecution of violations, including attorney fees.

9 **SECTION 4.** 20.566 (7) (e) of the statutes is amended to read:

10 20.566 **(7)** (e) *Investment and local impact fund supplement.* The amounts in
11 the schedule to supplement par. (v) for the purposes of ss. 70.395, 293.33 (4) ~~and~~,
12 293.65 (5) (a), and 295.443.

13 **SECTION 5.** 20.566 (7) (v) of the statutes is amended to read:

14 20.566 **(7)** (v) *Investment and local impact fund.* From the investment and local
15 impact fund, all moneys received under s. 70.395 (1e) and (2) (dc) and (dg), less the
16 moneys appropriated under s. 20.370 (2) (gr), to be disbursed under ss. 70.395 (2) (d)
17 to (g), 293.33 (4) ~~and~~, 293.65 (5) (a), and 295.443.

18 **SECTION 6.** 29.604 (4) (intro.) of the statutes is amended to read:

19 29.604 **(4)** PROHIBITION. (intro.) Except as provided in sub. (6r) and (7m) or as
20 permitted by departmental rule or permit:

21 **SECTION 7.** 29.604 (4) (c) (intro.) of the statutes is amended to read:

22 29.604 **(4)** (c) (intro.) No person may do any of the following to any wild plant
23 of an endangered or threatened species that is on public property or on property that
24 he or she does not own or lease, except in the course of forestry or agricultural

practices ~~or~~, in the construction, operation, or maintenance of a utility facility, or as part of bulk sampling activities under s. 295.45:

SECTION 8. 29.604 (7m) of the statutes is created to read:

29.604 **(7m)** BULK SAMPLING ACTIVITIES. A person may take, transport, or possess a wild animal on the department's endangered and threatened species list without a permit under this section if the person avoids and minimizes adverse impacts to the wild animal to the extent practicable, if the taking, transporting, or possession does not result in wounding or killing the wild animal, and if the person takes, transports, or possesses the wild animal for the purpose of bulk sampling activities under s. 295.45.

SECTION 9. 30.12 (3m) (c) (intro.) of the statutes is amended to read:

30.12 **(3m)** (c) (intro.) The department shall issue an individual permit to a riparian owner for a structure or a deposit pursuant to an application under par. (a) if the department finds that all of the following ~~apply~~ requirements are met:

SECTION 10. 30.123 (8) (c) of the statutes is renumbered 30.123 (8) (c) (intro.) and amended to read:

30.123 **(8)** (c) (intro.) The department shall issue an individual permit pursuant to an application under par. (a) if the department finds that ~~the~~ all of the following requirements are met:

1. The bridge or culvert will not materially obstruct navigation~~,~~.

2. The bridge or culvert will not materially reduce the effective flood flow capacity of a stream~~, and~~.

3. The bridge or culvert will not be detrimental to the public interest.

SECTION 11. 30.133 (2) of the statutes is amended to read:

30.133 **(2)** This section does not apply to riparian land located within the boundary of any hydroelectric project licensed or exempted by the federal government, if the conveyance is authorized under any license, rule or order issued by the federal agency having jurisdiction over the project. This section does not apply to riparian land that is associated with an approval required for bulk sampling or mining that is required under subch. III of ch. 295.

SECTION 12. 30.19 (4) (c) (intro.) of the statutes is amended to read:

30.19 **(4)** (c) (intro.) The department shall issue an individual permit pursuant to an application under par. (a) if the department finds that all of the following ~~apply~~ requirements are met:

SECTION 13. 30.195 (2) (c) (intro.) of the statutes is amended to read:

30.195 **(2)** (c) (intro.) The department shall issue an individual permit applied for under this section to a riparian owner if the department determines that all of the following ~~apply~~ requirements are met:

SECTION 14. 31.23 (3) (e) of the statutes is created to read:

31.23 **(3)** (e) This subsection does not apply to a bridge that is constructed, maintained, or operated in association with mining or bulk sampling that is subject to subch. III of ch. 295.

SECTION 15. 44.40 (5) of the statutes is amended to read:

44.40 **(5)** This section does not apply as provided in s. 295.45 (6) or to any state agency action which is subject to 16 USC 461 to 470mm.

SECTION 16. 70.395 (1e) of the statutes is amended to read:

70.395 **(1e)** DISTRIBUTION. Fifteen days after the collection of the tax under ss. 70.38 to 70.39, the department of administration, upon certification of the department of revenue, shall transfer the amount collected in respect to mines not

in operation on November 28, 1981, to the investment and local impact fund, except that the department of administration shall transfer 50 percent of the amount collected from each person extracting ferrous metallic minerals to the investment and local impact fund and the department of revenue shall deposit 50 percent of the amount collected from any such person into the general fund.

SECTION 17. 87.30 (2) of the statutes is renumbered 87.30 (2) (a) and amended to read:

87.30 **(2)** (a) ~~Every~~ Except as provided in par. (b), every structure, building, fill, or development placed or maintained within any floodplain in violation of a zoning ordinance adopted under this section, or s. 59.69, 61.35 or 62.23 is a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of any municipality, the state or any citizen thereof. Any person who places or maintains any structure, building, fill or development within any floodplain in violation of a zoning ordinance adopted under this section, or s. 59.69, 61.35 or 62.23 may be fined not more than $50 for each offense. Each day during which such violation exists is a separate offense.

SECTION 18. 87.30 (2) (b) of the statutes is created to read:

87.30 **(2)** (b) Paragraph (a) does not apply to a structure, building, fill, or development placed or maintained as part of a mining operation covered by a mining permit under s. 295.58.

SECTION 19. 107.001 (1) of the statutes is amended to read:

107.001 **(1)** "Exploration mining lease" means any lease, option to lease, option to purchase or similar conveyance entered into for the purpose of determining the presence, location, quality or quantity of ~~metalliferous~~ nonferrous metallic minerals or for the purpose of mining, developing or extracting ~~metalliferous~~ nonferrous

metallic minerals, or both under ch. 293. Any lease, option to lease, option to purchase or similar conveyance entered into by a mining company is rebuttably presumed to be an exploration mining lease.

SECTION 20. 107.001 (2) of the statutes is repealed.

SECTION 21. 107.01 (intro.) of the statutes is amended to read:

107.01 Rules governing mining rights. (intro.) Where there is no contract between the parties or terms established by the landlord to the contrary the following rules and regulations shall be applied to mining contracts and leases for the digging of ~~ores and~~ nonferrous metallic minerals:

SECTION 22. 107.01 (2) of the statutes is amended to read:

107.01 **(2)** The discovery of a crevice or range containing ~~ores or minerals~~ nonferrous metallic minerals shall entitle the discoverer to the ores or minerals pertaining thereto, subject to the rent due the discoverer's landlord, before as well as after the ~~ores or minerals~~ nonferrous metallic minerals are separated from the freehold; but such miner shall not be entitled to recover any ~~ores or minerals~~ nonferrous metallic minerals or the value thereof from the person digging on the miner's range in good faith and known to be mining thereon until the miner shall have given notice of the miner's claim; and the miner shall be entitled to the ~~ores or minerals~~ nonferrous metallic minerals dug after such notice.

SECTION 23. 107.02 of the statutes is amended to read:

107.02 Mining statement; penalty. When there is no agreement between the parties to any mining lease, license or permit, to mine or remove ~~ore~~ nonferrous metallic minerals from any lands in this state, regulating the method of reporting the amount of ~~ore~~ nonferrous metallic minerals taken, the person mining and removing the ~~ore or ores~~ nonferrous metallic minerals shall keep proper and correct

books, and therefrom to make and deliver by or before the fifteenth day of each month to the lessor, owner or person entitled thereto, a detailed statement covering the operations of the preceding month. The statement shall show the total amount of tons or pounds of each kind of ~~ore~~ nonferrous metallic minerals produced; if sold, then to whom sold, giving the date of sale, date of delivery to any railroad company, naming the company, and the station where delivered or billed for shipment; the name and address of the purchaser; the price per ton at which sold and the total value of each kind of ~~ore~~ nonferrous metallic minerals so sold. The books shall be always open to any owner, lessor, licensor or stockholder, if the owner, lessor or licensor is a corporation, and to any person or stockholder interested in any such mining operations, for the purpose of inspection and taking copies thereof or abstracts therefrom. Any person and every officer, agent or employee of any thereof, who violates this section, or who makes any false or incomplete entries on any such books or statements, shall be fined not less than $100 or imprisoned in the county jail for not more than 3 months or both.

SECTION 24. 107.03 of the statutes is amended to read:

107.03 Conflicting claims. In case of conflicting claims to a crevice or range bearing ~~ores or~~ nonferrous metallic minerals the court may continue any action to enforce a claim or grant any necessary time for the purpose of allowing parties to prove up their mines or diggings if it satisfactorily appears necessary to the ends of justice. In such case the court or judge may appoint a receiver and provide that the mines or diggings be worked under the receiver's direction, subject to the order of the court, in such manner as best ascertains the respective rights of the parties. The ~~ores or~~ nonferrous metallic minerals raised by either party pending the dispute shall be

delivered to the receiver, who may, by order of the court or judge, pay any rent or other necessary expenses therefrom.

SECTION 25. 107.04 of the statutes is amended to read:

107.04 Lessee's fraud; failure to work mine. Any miner who conceals or disposes of any ~~ores or~~ nonferrous metallic minerals or mines or diggings for the purpose of defrauding the lessor of rent or who neglects to pay any rent on ~~ores or~~ nonferrous metallic minerals raised by the miner for 3 days after the notice thereof and claim of the rent, shall forfeit all right to his or her mines, diggings or range; and the landlord after the concealment or after 3 days have expired from the time of demanding rent, may proceed against the miner to recover possession of the mines or diggings in circuit court as in the case of a tenant holding over after the termination of the lease. If a miner neglects to work his or her mines or diggings according to the usages of miners, without reasonable excuse, he or she shall likewise forfeit the mines or diggings and the landlord may proceed against the miner in like manner to recover possession of the mines or diggings.

SECTION 26. 107.11 of the statutes is amended to read:

107.11 Account of ~~ore~~ nonferrous metallic minerals received. Every person operating a metal recovery system and every purchaser of ~~ores and~~ nonferrous metallic minerals shall keep a substantially bound book, ruled into suitable columns, in which shall be entered from day to day, as ~~ores or~~ nonferrous metallic minerals are received, the following items: the day, month and year when received; the name of the person from whom purchased; the name of the person by whom hauled and delivered; name of the owner of the land from which the ~~ores or~~ nonferrous metallic minerals were obtained, or if not known, the name of the diggings or some distinct description of the land. The bound book shall be kept at the

1 furnace or at the usual place of business of such person or purchaser or his or her
2 agent in this state, and shall be open to authorized representatives of the department
3 of revenue at reasonable times for inspection and taking extracts.

4 **SECTION 27.** 107.12 of the statutes is amended to read:

5 **107.12 Penalty.** If any person operating a metal recovery system or purchaser
6 of ~~ores and~~ nonferrous metallic minerals or the agent of any such person or purchaser
7 doing business fails to keep such a book or to make such entries as required under
8 s. 107.11 or unreasonably refuses to show the book for inspection or taking extracts
9 or makes false entries in the book he or she shall forfeit $10 for each offense, one–half
10 to the use of the prosecutor; and each day such failure or refusal continues shall be
11 deemed a distinct and separate offense.

12 **SECTION 28.** 107.20 (1) of the statutes is amended to read:

13 107.20 **(1)** Any provision of an exploration mining lease entered into after April
14 25, 1978, granting an option or right to determine the presence, location, quality or
15 quantity of ~~metalliferous~~ nonferrous metallic minerals shall be limited to a term not
16 exceeding 10 years from the date on which the exploration mining lease is recorded
17 in the office of the register of deeds of the county where the property is located, except
18 that any provision of an exploration mining lease entered into after April 25, 1978,
19 granting an option or right to determine the quality and quantity of ~~metalliferous~~
20 nonferrous metallic minerals under a prospecting permit shall be limited to a term
21 not exceeding 10 years from the date that the lessee applies for a prospecting permit
22 under s. 293.35, if the lessee applies for the prospecting permit within 10 years from
23 the date on which the exploration mining lease is recorded in the office of the register
24 of deeds of the county where the property is located.

25 **SECTION 29.** 107.20 (2) of the statutes is amended to read:

107.20 **(2)** Any provision of an exploration mining lease entered into after April 25, 1978, granting an option or right to develop or extract ~~metalliferous~~ nonferrous metallic minerals shall be limited to a term not exceeding 50 years from the date on which the exploration mining lease is recorded in the office of the register of deeds of the county where the property is located.

SECTION 30. 107.30 (1) of the statutes is amended to read:

107.30 **(1)** "Concentrates" means the nonferrous mineral–rich, finished, primary products of a concentrator.

SECTION 31. 107.30 (18) of the statutes is amended to read:

107.30 **(18)** "Refining" means the process by which ~~metal or valuable~~ a nonferrous metallic mineral is extracted and purified from an ore or concentrate and includes but is not limited to hydrometallurgical operations such as leaching and pyrometallurgical operations such as fire refining, roasting and cindering.

SECTION 32. 107.30 (20) of the statutes is amended to read:

107.30 **(20)** "Smelting" means any metallurgical operation in which nonferrous metal is separated by fusion from those impurities with which it may be chemically combined or physically mixed such as in ores.

SECTION 33. 160.19 (12) of the statutes is amended to read:

160.19 **(12)** The requirements in this section shall not apply to rules governing an activity regulated under ch. 293 or subch. III of ch. 295, or to a solid waste facility regulated under subch. III of ch. 289 which is part of an activity regulated under ch. 293 or subch. III of ch. 295, except that the department may promulgate new rules or amend rules governing this type of activity, practice or facility if the department determines that the amendment or promulgation of rules is necessary to protect public health, safety or welfare.

1 **SECTION 34.** 196.491 (4) (b) 2. of the statutes is amended to read:

2 196.491 **(4)** (b) 2. The person shows to the satisfaction of the commission that
3 the person reasonably anticipates, at the time that construction of the equipment or
4 facilities commences, that on each day that the equipment and facilities are in
5 operation the person will consume no less than 70% of the aggregate kilowatt hours
6 output from the equipment and facilities in manufacturing processes at the site
7 where the equipment and facilities are located <u>or in ferrous mineral mining and</u>
8 <u>processing activities governed by subch. III of ch. 295 at the site where the mining</u>
9 <u>and processing equipment and facilities are located</u>.

10 **SECTION 35.** 281.65 (2) (a) of the statutes is amended to read:

11 281.65 **(2)** (a) "Best management practices" means practices, techniques or
12 measures, except for dredging, identified in areawide water quality management
13 plans, which are determined to be effective means of preventing or reducing
14 pollutants generated from nonpoint sources, or from the sediments of inland lakes
15 polluted by nonpoint sources, to a level compatible with water quality objectives
16 established under this section and which do not have an adverse impact on fish and
17 wildlife habitat. The practices, techniques or measures include land acquisition,
18 storm sewer rerouting and the removal of structures necessary to install structural
19 urban best management practices, facilities for the handling and treatment of
20 milkhouse wastewater, repair of fences built using grants under this section and
21 measures to prevent or reduce pollutants generated from mine tailings disposal sites
22 for which the department has not approved a plan of operation under s. 289.30 <u>or s.</u>
23 <u>295.51</u>.

24 **SECTION 36.** 281.75 (17) (b) of the statutes is amended to read:

281.75 **(17)** (b) This section does not apply to contamination which is compensable under subch. II of ch. 107 or s. 293.65 (4) or to contamination arising out of mining operations governed by subch. III of ch. 295.

SECTION 37. 287.13 (5) (e) of the statutes is amended to read:

287.13 **(5)** (e) Solid waste produced by a commercial business or industry which is disposed of or held for disposal in an approved facility, as defined under s. 289.01 (3), or a mining waste site, as defined in s. 295.41 (31), covered by a mining permit under s. 295.58, owned, or leased by the generator and designed and constructed for the purpose of accepting that type of solid waste.

SECTION 38. 289.35 of the statutes is amended to read:

289.35 Shoreland and floodplain zoning. Solid waste facilities are prohibited within areas under the jurisdiction of shoreland and floodplain zoning regulations adopted under ss. 59.692, 61.351, 62.231 ~~and~~, 87.30, and 281.31, except that the department may issue permits authorizing facilities in such areas. If the department issues a permit under this section, the permit shall specify the location, height, or size of the solid waste facility authorized under the permit.

SECTION 39. 289.62 (2) (g) 2. and 6. of the statutes are amended to read:

289.62 **(2)** (g) 2. For nonhazardous tailing solids ~~or for nonacid producing taconite tailing solids~~, 0.2 cent per ton.

6. For nonhazardous waste rock ~~or for nonacid producing taconite waste rock~~, 0.1 cent per ton.

SECTION 40. 292.01 (1m) of the statutes is amended to read:

292.01 **(1m)** "Approved mining facility" has the meaning given in s. 289.01 (4) and includes a mining waste site as defined in s. 295.41 (31).

SECTION 41. Chapter 293 (title) of the statutes is amended to read:

CHAPTER 293

NONFERROUS METALLIC MINING

SECTION 42. 293.01 (5) of the statutes is amended to read:

293.01 **(5)** "Mineral exploration" or "exploration", unless the context requires otherwise, means the on–site geologic examination from the surface of an area by core, rotary, percussion or other drilling, where the diameter of the hole does not exceed 18 inches, for the purpose of searching for nonferrous metallic minerals or establishing the nature of a known nonferrous metallic mineral deposit, and includes associated activities such as clearing and preparing sites or constructing roads for drilling.

SECTION 43. 293.01 (7) of the statutes is amended to read:

293.01 **(7)** "Merchantable by–product" means all waste soil, rock, mineral, liquid, vegetation and other material directly resulting from or displaced by the mining, cleaning or preparation of nonferrous metallic minerals during mining operations which are determined by the department to be marketable upon a showing of marketability made by the operator, accompanied by a verified statement by the operator of his or her intent to sell such material within 3 years from the time it results from or is displaced by mining. If after 3 years from the time merchantable by–product results from or is displaced by mining such material has not been transported off the mining site, it shall be considered and regulated as refuse unless removal is continuing at a rate of more than 12,000 cubic yards per year.

SECTION 44. 293.01 (8) of the statutes is repealed.

SECTION 45. 293.01 (9) of the statutes is amended to read:

293.01 **(9)** "Mining" or "mining operation" means all or part of the process involved in the mining of nonferrous metallic minerals, other than for exploration or

prospecting, including commercial extraction, agglomeration, beneficiation, construction of roads, removal of overburden and the production of refuse.

SECTION 46. 293.01 (12) of the statutes is amended to read:

293.01 **(12)** "Mining site" means the surface area disturbed by a mining operation, including the surface area from which the nonferrous metallic minerals or refuse or both have been removed, the surface area covered by refuse, all lands disturbed by the construction or improvement of haulageways, and any surface areas in which structures, equipment, materials and any other things used in the mining operation are situated.

SECTION 47. 293.01 (12m) of the statutes is created to read:

293.01 **(12m)** "Nonferrous metallic mineral" means an ore or other earthen material to be excavated from the natural deposits on or in the earth for its metallic content but not primarily for its iron oxide content.

SECTION 48. 293.01 (18) of the statutes is amended to read:

293.01 **(18)** "Prospecting" means engaging in the examination of an area for the purpose of determining the quality and quantity of nonferrous metallic minerals, other than for exploration but including the obtaining of ~~an ore~~ a nonferrous metallic mineral sample, by such physical means as excavating, trenching, construction of shafts, ramps and tunnels and other means, other than for exploration, which the department, by rule, identifies, and the production of prospecting refuse and other associated activities. "Prospecting" shall not include such activities when the activities are, by themselves, intended for and capable of commercial exploitation of the underlying nonferrous ore body. However, the fact that prospecting activities and construction may have use ultimately in mining, if approved, shall not mean that prospecting activities and construction constitute mining within the meaning of sub.

(9), provided such activities and construction are reasonably related to prospecting requirements.

SECTION 49. 293.01 (25) of the statutes is amended to read:

293.01 **(25)** "Refuse" means all waste soil, rock, mineral, liquid, vegetation and other material, except merchantable by–products, directly resulting from or displaced by the prospecting or mining and from the cleaning or preparation of nonferrous metallic minerals during prospecting or mining operations, and shall include all waste materials deposited on or in the prospecting or mining site from other sources.

SECTION 50. 293.21 (1) (a) of the statutes is amended to read:

293.21 **(1)** (a) "Driller" means a person who performs core, rotary, percussion or other drilling involved in exploration for nonferrous metallic minerals.

SECTION 51. 293.25 (2) (a) of the statutes is amended to read:

293.25 **(2)** (a) *Applicability.* Except as provided under par. (b), ss. 293.21 and 293.81 and rules promulgated under those sections apply to radioactive waste site exploration, to activities related to radioactive waste site exploration and to persons engaging in or intending to engage in radioactive waste site exploration or related activities in the same manner as those sections and rules are applicable to nonferrous metallic mineral exploration, to activities related to nonferrous metallic mineral exploration and to persons engaging in or intending to engage in nonferrous metallic mineral exploration or related activities.

SECTION 52. 293.25 (4) of the statutes is amended to read:

293.25 **(4)** REGULATION OF EXPLORATION AND RELATED PROVISIONS. Sections 293.13, 293.15 (1) to (12), 293.85, 293.87 and 293.89 and rules promulgated under those sections apply to radioactive waste site exploration, to activities related to

radioactive waste site exploration and to persons engaging in or intending to engage in radioactive waste site exploration or related activities in the same manner as those sections and rules are applicable to nonferrous metallic mineral exploration, to activities related to nonferrous metallic mineral exploration and to persons engaging in or intending to engage in nonferrous metallic mineral exploration or related activities.

SECTION 53. 293.37 (4) (b) of the statutes is amended to read:

293.37 **(4)** (b) If the department finds that the anticipated life and total area of a nonferrous metallic mineral deposit are of sufficient magnitude that reclamation of the mining site consistent with this chapter requires a comprehensive plan for the entire affected area, it shall require an operator to submit with the application for a mining permit, amended mining site or change in mining or reclamation plan, a comprehensive long–term plan showing, in detail satisfactory to the department, the manner, location and time for reclamation of the entire area of contiguous land which will be affected by mining and which is owned, leased or under option for purchase or lease by the operator at the time of application. Where a nonferrous metallic mineral deposit lies on or under the lands of more than one operator, the department shall require the operators to submit mutually consistent comprehensive plans.

SECTION 54. 293.47 (1) (b) of the statutes is amended to read:

293.47 **(1)** (b) "Geologic information" means information concerning descriptions of ~~an~~ a nonferrous ore body, descriptions of reserves, tonnages and grades of nonferrous ore, descriptions of a drill core or bulk sample including analysis, descriptions of drill hole depths, distances and similar information related to the nonferrous ore body.

SECTION 55. 293.50 (1) (b) of the statutes is amended to read:

1 293.50 **(1)** (b) "Sulfide ore body" means a mineral deposit in which nonferrous
2 metals are mixed with sulfide minerals.

3 **SECTION 56.** 293.50 (2) (intro.) of the statutes is amended to read:

4 293.50 **(2)** (intro.) Beginning on May 7, 1998, the department may not issue a
5 permit under s. 293.49 for the purpose of the mining of a sulfide ore body until all of
6 the following conditions are satisfied:

7 **SECTION 57.** 293.50 (2) (a) of the statutes is amended to read:

8 293.50 **(2)** (a) The department determines, based on information provided by
9 an applicant for a permit under s. 293.49 and verified by the department, that a
10 mining operation has operated in a sulfide ore body which, together with the host
11 nonferrous rock, has a net acid generating potential in the United States or Canada
12 for at least 10 years without the pollution of groundwater or surface water from acid
13 drainage at the tailings site or at the mine site or from the release of heavy metals.

14 **SECTION 58.** 293.50 (2) (b) of the statutes is amended to read:

15 293.50 **(2)** (b) The department determines, based on information provided by
16 an applicant for a permit under s. 293.49 and verified by the department, that a
17 mining operation that operated in a sulfide ore body which, together with the host
18 nonferrous rock, has a net acid generating potential in the United States or Canada
19 has been closed for at least 10 years without the pollution of groundwater or surface
20 water from acid drainage at the tailings site or at the mine site or from the release
21 of heavy metals.

22 **SECTION 59.** 293.51 (1) of the statutes is amended to read:

23 293.51 **(1)** Upon notification that an application for a prospecting or mining
24 permit has been approved by the department but prior to commencing prospecting
25 or mining, the operator shall file with the department a bond conditioned on faithful

performance of all of the requirements of this chapter and all rules adopted by the department under this chapter. The bond shall be furnished by a surety company licensed to do business in this state. In lieu of a bond, the operator may deposit cash, certificates of deposit or government securities with the department. Interest received on certificates of deposit and government securities shall be paid to the operator. The amount of the bond or other security required shall be equal to the estimated cost to the state of fulfilling the reclamation plan, in relation to that portion of the site that will be disturbed by the end of the following year. The estimated cost of reclamation of each prospecting or mining site shall be determined by the department on the basis of relevant factors including, but not limited to, expected changes in the price index, topography of the site, methods being employed, depth and composition of overburden and depth of <u>nonferrous metallic</u> mineral deposit being mined.

SECTION 60. 293.65 (3) (a) of the statutes is amended to read:

293.65 **(3)** (a) An approval under s. 281.34 is required to withdraw groundwater <u>for prospecting or mining</u> or to dewater mines if the capacity and rate of withdrawal of all wells involved in the withdrawal of groundwater or the dewatering of mines exceeds 100,000 gallons each day. A permit under s. 283.31 is required to discharge pollutants resulting from the dewatering of mines.

SECTION 61. 293.65 (3) (b) of the statutes is amended to read:

293.65 **(3)** (b) The department may not issue an approval under s. 281.34 if the withdrawal of groundwater for prospecting or mining purposes or the dewatering of mines will result in the unreasonable detriment of public or private water supplies or the unreasonable detriment of public rights in the waters of the state. No withdrawal of groundwater <u>for prospecting or mining purposes</u> or <u>the</u> dewatering of

mines may be made to the unreasonable detriment of public or private water supplies or the unreasonable detriment of public rights in the waters of the state.

SECTION 62. 293.86 of the statutes is amended to read:

293.86 Visitorial powers of department. Any duly authorized officer, employee or representative of the department may enter and inspect any property, premises or place on or at which any prospecting or ~~metallic~~ mining operation or facility is located or is being constructed or installed at any reasonable time for the purpose of ascertaining the state of compliance with this chapter and chs. 281, 285, 289 to 292, ~~295~~ and 299, subchs. I and II of ch. 295, and rules adopted pursuant thereto. No person may refuse entry or access to any such authorized representative of the department who requests entry for purposes of inspection, and who presents appropriate credentials, nor may any person obstruct, hamper or interfere with any such inspection. The department shall furnish to the prospector or operator, as indicated in the prospecting or mining permit, a written report setting forth all observations, relevant information and data which relate to compliance status.

SECTION 63. Chapter 295 (title) of the statutes is amended to read:

CHAPTER 295

NONMETALLIC MINING RECLAMATION;

OIL AND GAS;

FERROUS METALLIC MINING

SECTION 64. 295.16 (4) (f) of the statutes is amended to read:

295.16 **(4)** (f) Any mining operation, the reclamation of which is required in a permit obtained under ch. 293 or subch. III of ch. 295.

SECTION 65. Subchapter III of chapter 295 [precedes 295.40] of the statutes is created to read:

1 **CHAPTER 295**

2 SUBCHAPTER III

3 FERROUS METALLIC MINING

4 **295.40 Legislative findings.** The legislature finds all of the following:

5 **(1)** That attracting and aiding new mining enterprises and expanding the
6 mining industry in Wisconsin is part of Wisconsin public policy.

7 **(2)** That mining for nonferrous metallic minerals is different from mining for
8 ferrous minerals because in mining for nonferrous metallic minerals, sulfite
9 minerals react, when exposed to air and water, to form acid drainage.

10 **(3)** That if the mineral products and waste materials associated with
11 nonferrous metallic sulfide mining operations are not properly managed and
12 controlled, they can cause significant damage to the environment, affect human
13 health, and degrade the quality of life of the affected community.

14 **(4)** That the special concerns surrounding nonferrous metallic mining warrant
15 more stringent regulatory measures than those warranted for ferrous mining
16 operations.

17 **(5)** That the provisions in ch. 293, 2009 stats., are a deterrent to ferrous mining
18 in this state and are not necessary to ensure that ferrous mining will be conducted
19 in an environmentally sound manner.

20 **(6)** That simplifying and shortening the permitting process for ferrous metallic
21 mineral mining when compared to nonferrous metallic mineral mining, as
22 Minnesota and Michigan have done, will encourage ferrous metallic mineral mining
23 in Wisconsin and create jobs and generate resources for the state.

24 **(7)** That because of the fixed location of ferrous mineral deposits in the state,
25 it is probable that mining those deposits will result in adverse impacts to areas of

special natural resource interest and to wetlands, including wetlands located within areas of special natural resource interest and that, therefore, the use of wetlands for bulk sampling and mining activities, including the disposal or storage of mining wastes or materials, or the use of other lands for mining activities that would have a significant adverse impact on wetlands, is presumed to be necessary.

295.41 Definitions. In this subchapter:

(1) "Air pollution" means the presence in the atmosphere of one or more air contaminants in such quantities and of such duration as is injurious to human health or welfare, animal or plant life, or property.

(2) "Applicant" means a person who applies for, or is preparing to apply for, an exploration license or a mining permit or who files a bulk sampling plan.

(3) "Approval" means any permit, license, certification, contract, or other authorization that the department issues, or any other action by the department, that is required for exploration, to engage in bulk sampling at a bulk sampling site, or to construct or operate a mining site, including any action required for any of the following:

(a) The withdrawal of land entered as county forest land under s. 28.11 and any modification of, or amendment to, a county forest land use plan necessitated by the withdrawal of the land.

(b) The withdrawal of land entered as forest cropland under s. 77.10.

(c) The withdrawal of land designated as managed forest land under subch. VI of ch. 77 and any modification of, or amendment to, a managed forest land management plan necessitated by the withdrawal of the land.

1 **(4)** "Background water quality" means the concentration of a substance in
2 groundwater as determined by monitoring at locations that will not be affected by
3 a mining site.

4 **(5)** "Baseline water quality" means the concentration of a substance in
5 groundwater or surface water as determined by monitoring before mining operations
6 begin.

7 **(6)** "Borrow materials" means soil or rock used in construction or reclamation
8 activities.

9 **(7)** "Bulk sampling" means excavating in a potential mining site by removing
10 less than 10,000 tons of material for the purposes of obtaining site–specific data to
11 assess the quality and quantity of the ferrous mineral deposits and of collecting data
12 from and analyzing the excavated materials in order to prepare the application for
13 a mining permit or for any other approval.

14 **(8)** "Closing" means the time at which a mining waste site ceases to accept
15 mining wastes.

16 **(9)** "Closure" means the actions taken by an operator to prepare a mining waste
17 site for long–term care and to make it suitable for other uses.

18 **(10)** "Construct" means to engage in a program of on–site construction,
19 including site clearing, grading, dredging, or filling of land.

20 **(11)** "Department" means the department of natural resources.

21 **(12)** "Disposal" means the discharge, deposit, injection, dumping, or placing of
22 a substance into or on any land or water.

23 **(14)** "Environmental impact report" means a document submitted by a person
24 seeking a mining permit that discloses environmental impacts of the proposed
25 mining.

1 **(15)** "Environmental impact statement" means a detailed statement under s.
2 1.11 (2) (c).
3 **(16)** "Environmental pollution" means contaminating or rendering unclean or
4 impure the air, land, or waters of the state, or making the air, land, or waters of the
5 state injurious to public health or animal or plant life.
6 **(17)** "Exploration license" means a license under s. 295.44.
7 **(18)** "Ferrous mineral" means an ore or earthen material in natural deposits
8 in or on the earth that primarily exists in the form of an iron oxide, including taconite
9 and hematite.
10 **(19)** "Fill area" means an area proposed to receive or that is receiving direct
11 application of mining waste.
12 **(20)** "Freeboard" means the height of the top of a dam above the adjacent liquid
13 surface within the impoundment.
14 **(21)** "Groundwater" means any of the waters of the state occurring in a
15 saturated subsurface geological formation of rock or soil.
16 **(22)** "Groundwater quality" means the chemical, physical, biological, thermal,
17 or radiological quality of groundwater at a site or within an underground aquifer.
18 **(23)** "Groundwater quality standards" means numerical values consisting of
19 enforcement standards and preventive action limits contained in Table 1 of s. NR
20 140.10, and Table 2 of s. NR 140.12, Wis. Adm. Code, and any preventive action limits
21 for indicator parameters identified under s. NR 140.20 (2).
22 **(24)** "Leachate" means water or other liquid that has been contaminated by
23 dissolved or suspended materials due to contact with refuse disposed of on the
24 mining site.

1 **(25)** "Merchantable by–product" means all waste soil, rock, mineral, liquid,
2 vegetation, and other material directly resulting from or displaced by the mining,
3 cleaning, or preparation of minerals, during mining operations, that are determined
4 by the department to be marketable upon a showing of marketability made by the
5 operator, accompanied by a verified statement by the operator of his or her intent to
6 sell the material within 3 years from the time it results from or is displaced by
7 mining.

8 **(26)** "Mining" means all or part of the process involved in the mining of a
9 ferrous mineral, other than for exploration, including commercial extraction,
10 agglomeration, beneficiation, construction of roads, removal of overburden, and the
11 production of refuse, involving the removal of more than 15,000 tons of earth
12 material a year in the regular operation of a business for the purpose of extracting
13 a ferrous mineral.

14 **(27)** "Mining permit" means the permit under s. 295.58.

15 **(28)** "Mining plan" means a proposal for mining on a mining site, including a
16 description of the systematic activities to be used for the purpose of extracting
17 ferrous minerals.

18 **(29)** "Mining site" means the surface area disturbed by mining, including the
19 surface area from which the ferrous minerals or refuse or both have been removed,
20 the surface area covered by refuse, all lands disturbed by the construction or
21 improvement of haulageways, and any surface areas in which structures,
22 equipment, materials, and any other things used in the mining are situated.

23 **(30)** "Mining waste" means tailings, waste rock, mine overburden, waste
24 treatment sludges, or other discarded material, including solid, liquid, semi–solid,
25 or contained gaseous material, resulting from mining or from the cleaning or

1 preparation of ferrous minerals during mining operations, except that "mining
2 waste" does not include topsoil and mine overburden intended to be returned to the
3 mining site or used in the reclamation process and that is placed on the mining site
4 for those purposes, as provided for in the approved mining plan, and does not include
5 merchantable by–products.

6 **(31)** "Mining waste site" means any land or appurtenances thereto used for the
7 storage or disposal of mining waste or for the storage of merchantable by–products,
8 but does not include land or appurtenances used in the production or transportation
9 of mining waste, such as the concentrator, haul roads, or tailings pipelines, that are
10 part of the mining site.

11 **(32)** "Nonferrous metallic mineral" means an ore or other earthen material to
12 be excavated from natural deposits on or in the earth for its metallic content but not
13 primarily for its iron oxide content.

14 **(33)** "Operator" means any person who is engaged in mining, or who holds a
15 mining permit, whether individually, jointly, or through subsidiaries, agents,
16 employees, or contractors.

17 **(34)** "Overburden" means any unconsolidated material that overlies bedrock.

18 **(35)** "Person" means an individual, corporation, limited liability company,
19 partnership, association, local governmental agency, interstate agency, state agency,
20 or federal agency.

21 **(36)** "Piping" means the progressive erosion of materials from an embankment
22 or foundation caused by the seepage of water.

23 **(37)** "Principal shareholder" means any person who owns at least 10 percent
24 of the beneficial ownership of an applicant or operator.

1 **(38)** "Reagent" means a substance or compound that is added to a system in
2 order to bring about a chemical reaction or is added to see if a reaction occurs to
3 confirm the presence of another substance.

4 **(39)** "Reclamation" means the process by which an area physically or
5 environmentally affected by exploration or mining is rehabilitated to either its
6 original state or to a state that provides long–term environmental stability.

7 **(40)** "Reclamation plan" means the proposal for the reclamation of an
8 exploration site under s. 295.44 (2) (b) or a mining site under s. 295.49.

9 **(41)** "Refuse" means all mining waste and all waste materials deposited on or
10 in the mining site from other sources, except merchantable by–products.

11 **(42)** "Related person" means any person that owns or operates a mining site
12 in the United States and that is one of the following when an application for a mining
13 permit is submitted to the department:

14 (a) The parent corporation of the applicant.

15 (b) A person that holds more than a 30 percent ownership interest in the
16 applicant.

17 (c) A subsidiary or affiliate of the applicant in which the applicant holds more
18 than a 30 percent ownership interest.

19 **(44)** "Subsidence" means lateral or vertical ground movement caused by a
20 failure, initiated at the mine, of a man–made underground mine, that directly
21 damages residences or commercial buildings, except that "subsidence" does not
22 include lateral or vertical ground movement caused by earthquake, landslide, soil
23 conditions, soil erosion, soil freezing and thawing, or roots of trees and shrubs.

1 **(45)** "Tailings" means waste material resulting from beneficiation of crushed
2 ferrous minerals at a concentrator or from washing, concentration, or treatment of
3 crushed ferrous minerals.

4 **(46)** "Unsuitable" means that the land proposed for mining is not suitable for
5 mining because the mining activity will more probably than not destroy or
6 irreparably damage any of the following:

7 (a) Habitat required for survival of species of vegetation or wildlife designated
8 as endangered through prior inclusion in rules adopted by the department, if the
9 endangered species cannot be reestablished elsewhere.

10 (b) Unique features of the land, as determined by state or federal designation
11 and incorporated in rules adopted by the department, as any of the following, which
12 cannot have their unique characteristic preserved by relocation or replacement
13 elsewhere:

14 1. Wilderness areas.

15 2. Wild and scenic rivers.

16 3. National or state parks.

17 4. Wildlife refuges and areas.

18 5. Listed properties, as defined in s. 44.31 (4).

19 **(46m)** "Wastewater and sludge storage or treatment lagoon" means a
20 man–made containment structure that is constructed primarily of earthen
21 materials, that is for the treatment or storage of wastewater, storm water, or sludge,
22 and that is not a land disposal system, as defined in s. NR 140.05 (11), Wis. Adm.
23 Code.

24 **(47)** "Waters of the state" has the meaning given in s. 281.01 (18).

1 **(48)** "Water supply" means the sources and their surroundings from which
2 water is supplied for drinking or domestic purposes.

3 **(49)** "Wetland" has the meaning given in s. 23.32 (1).

4 **295.43 Responsibilities related to mining.** The department shall serve as
5 the central unit of state government to ensure that the impact from mining and
6 reclamation on the air, lands, waters, plants, fish, and wildlife in this state will be
7 minimized and mitigated to the extent practicable. The administration of
8 occupational health and safety laws and rules that apply to mining remain
9 exclusively the responsibility of the department of safety and professional services.
10 The powers and duties of the geological and natural history survey under s. 36.25 (6)
11 remain exclusively the responsibility of the geological and natural history survey.
12 Nothing in this section prevents the department of safety and professional services
13 and the geological and natural history survey from cooperating with the department
14 in the exercise of their respective powers and duties.

15 **295.44 Exploration. (1)** DEFINITIONS. In this section:

16 (a) "Abandonment" means the filling or sealing of a drillhole.

17 (b) "Clay slurry" means a fluid mixture of native clay formation or commercial
18 clay or clay mineral products and water prepared with only the amount of water
19 necessary to produce fluidity.

20 (c) "Concrete grout" means a mixture consisting of type A portland cement and
21 an equal or lesser volume of dry sand combined with water.

22 (d) "Driller" means a person who performs core, rotary, percussion, or other
23 drilling involved in exploration for ferrous minerals.

24 (e) "Drilling site" means the area disturbed by exploration, including the
25 drillhole.

1 (f) "Dump bailer" means a cylindrical container with a valve that empties the
2 contents of the container at the bottom of a drillhole.
3 (g) "Explorer" means any person who engages in exploration or who contracts
4 for the services of drillers for the purpose of exploration.
5 (h) "Exploration" means the on–site geologic examination from the surface of
6 an area by core, rotary, percussion, or other drilling, where the diameter of the hole
7 does not exceed 18 inches, for the purpose of searching for ferrous minerals or
8 establishing the nature of a known ferrous mineral deposit, including associated
9 activities such as clearing and preparing sites or constructing roads for drilling.
10 "Exploration" does not include drilling for the purpose of collecting soil samples or
11 for determining radioactivity by means of placement of devices that are sensitive to
12 radiation.
13 (i) "License year" means the period beginning on July 1 of any year and ending
14 on the following June 30.
15 (j) "Neat cement grout" means a mixture consisting of type A portland cement
16 and water.
17 (k) "Termination" means the filling of drillholes and the reclamation of a
18 drilling site.
19 **(2)** LICENSE. No person may engage in exploration, or contract for the services
20 of drillers for purposes of exploration, without an annual license from the
21 department. The department shall provide copies of the application for an
22 exploration license to the state geologist upon issuance of the exploration license. A
23 person seeking an exploration license shall file an application that includes all of the
24 following:
25 (a) An exploration plan that includes all of the following:

1. A description of the site where the exploration will take place and a map of that area showing the locations of the exploration.

2. A description of the means and method that will be used for the exploration.

3. A description of the grading and stabilization of the excavation, sides, and benches that will be conducted.

4. A description of how the grading and stabilization of any deposits of refuse will be conducted.

5. A description of how any diversion and drainage of water from the exploration site will be conducted.

6. A description of how any backfilling will be conducted.

7. A description of how any pollutant–bearing minerals or materials will be covered.

8. A description of how the topsoils will be removed and stockpiled or how other measures will be taken to protect topsoils before exploration.

9. A description of how vegetative cover will be provided.

10. A description of how any water impoundment will be accomplished.

11. Identification of the means and method that will be used to prevent significant environmental pollution to the extent practicable.

(b) A reclamation plan, designed to minimize adverse effects to the environment to the extent practicable, that includes all of the following:

1. A description of how all toxic and hazardous wastes and other solid waste will be disposed of in solid or hazardous waste disposal facilities licensed under ch. 289 or 291 or otherwise in an environmentally sound manner.

2. A description of how topsoil will be preserved for purposes of future use in reclamation.

1 3. A description of how revegetation will be conducted to stabilize disturbed
2 soils and prevent air and water pollution to the extent practicable.
3 4. A description of how disturbance to wetlands will be minimized to the extent
4 practicable.
5 5. A statement that all drillholes will be abandoned in compliance with sub. (5).
6 (c) An exploration license fee of $300.
7 (d) A bond, as provided in sub. (3) (a).
8 (e) A certificate of insurance showing that the applicant has in force a liability
9 insurance policy issued by an insurance company licensed to do business in this state
10 covering all exploration conducted or contracted for by the explorer in this state and
11 affording personal injury and property damage protection in a total amount
12 determined to be adequate by the department, but not more than $1,000,000 and not
13 less than $50,000.
14 (f) A copy of the applicant's most recent annual report to the federal securities
15 and exchange commission on form 10–K, or, if this is not available, a report of the
16 applicant's current assets and liabilities or other data necessary to establish that the
17 applicant is competent to conduct exploration in this state.
18 **(2m)** CONFIDENTIALITY. The department shall protect as confidential any
19 information, other than effluent data, contained in an application for an exploration
20 license, upon a showing that the information is entitled to protection as a trade
21 secret, as defined in s. 134.90 (1) (c), and any information relating to the location,
22 quality, or quantity of a ferrous mineral deposit, to production or sales figures, or to
23 processes or production unique to the applicant or that would tend to adversely affect
24 the competitive position of the applicant if made public.

1 **(3)** BOND. (a) An applicant shall submit, as part of the application for an
2 exploration license, a bond in the amount of $5,000 that is conditioned on faithful
3 performance of the requirements of this section, that is issued by a surety company
4 licensed to do business in this state, and that provides that the bond may not be
5 canceled by the surety, except after not less than 90 days' notice to the department
6 in writing by registered or certified mail.

7 (b) If the surety for a bond submitted under par. (a) issues a cancellation notice,
8 the explorer shall deliver a replacement bond at least 30 days before the expiration
9 of the 90 day notice period. If the explorer fails to submit a replacement bond, the
10 explorer may not engage in exploration until the explorer submits a replacement
11 bond.

12 (c) If the license of the surety company for a bond submitted under par. (a) is
13 revoked or suspended, the explorer, within 30 days after receiving written notice
14 from the department, shall deliver a replacement bond. If the explorer fails to submit
15 a replacement bond, the explorer may not engage in exploration until the explorer
16 submits a replacement bond.

17 (d) The department may require that the amount of the bond submitted under
18 this subsection be increased at any time, if the department determines that the level
19 of activity by the explorer makes it likely that the bond would be inadequate to fund
20 the termination of all drillholes for which the explorer is responsible.

21 (e) The department shall release a bond submitted under this subsection one
22 year after the issuance of the last certificate of completion of exploration under sub.
23 (9) (c) 3. if the explorer no longer holds an exploration license and the department
24 determines that the explorer has complied with this section.

1 **(4)** ISSUANCE OR DENIAL OF EXPLORATION LICENSE. (a) Except as provided in par.
2 (c), within 10 business days of receiving an administratively complete application for
3 an exploration license, the department shall issue the exploration license or provide
4 the notice required under par. (f) of intent not to issue the exploration license, unless
5 the application is for an upcoming license year. If an application is for an upcoming
6 license year, the department shall issue the exploration license or provide the notice
7 required under par. (f) of intent not to issue the exploration license within 10
8 business days of receiving an administratively complete application or on the next
9 July 1, whichever is later.

10 (b) An application for an exploration license is considered to be
11 administratively complete on the day that it is submitted, unless, before the 10th
12 business day after receiving the application, the department provides the applicant
13 with written notification that the application is not administratively complete. The
14 department may determine that an application is not administratively complete only
15 if the application does not include an exploration plan; a reclamation plan; an
16 exploration license fee; a bond; a certificate of insurance; or a copy of the applicant's
17 most recent annual report to the federal securities and exchange commission on form
18 10–K, or, if this is not available, a report of the applicant's current assets and
19 liabilities or other data necessary to establish that the applicant is competent to
20 conduct exploration in this state. The department may not consider the quality of
21 the information provided. In a notice provided under this paragraph, the
22 department shall identify what is missing from the application.

23 (c) If the department provides notification, in compliance with par. (b), that an
24 application is not administratively complete, the department shall issue the
25 exploration license or provide the notice required under par. (f) of intent not to issue

1 the license within 7 business days of receipt of the missing item, unless the
2 application is for an upcoming license year. If the application is for an upcoming
3 license year, the department shall issue the exploration license or provide the notice
4 required under par. (f) of intent not to issue the exploration license within 7 business
5 days of receipt of the missing item or on the next July 1, whichever is later.

6 (d) If the department does not comply with par. (a) or (c), the application is
7 automatically approved and the department shall issue an exploration license that
8 includes the requirements in sub. (5). The explorer may engage in exploration based
9 on the automatic approval, notwithstanding any delay by the department in issuing
10 the license.

11 (e) Subject to par. (f), the department shall deny an application for an
12 exploration license if the department finds that, after the activities in the exploration
13 plan and the reclamation plan have been completed, the exploration will have a
14 substantial and irreparable adverse impact on the environment or present a
15 substantial risk of injury to public health and welfare.

16 (f) Before denying an application, the department shall provide the applicant
17 with written notification of its intent not to issue the exploration license, setting
18 forth all of the reasons for its intent not to issue the exploration license, including
19 reference to competent evidence supporting its position. The department shall
20 provide the person with an opportunity to correct any deficiencies in the exploration
21 plan or restoration plan within 10 business days. If the person amends the
22 exploration plan or reclamation plan and corrects the deficiencies, the department
23 shall issue the exploration license within 10 business days of receipt of the amended
24 exploration plan or reclamation plan, unless the application is for an upcoming
25 license year. If an application is for an upcoming license year, the department shall

issue the exploration license within 10 business days of receipt of the amended exploration plan or reclamation plan or on the next July 1, whichever is later. If the department determines that the deficiencies have not been corrected, it shall deny the application, in writing, setting forth all of the reasons for its determination, including reference to competent evidence supporting the determination.

(5) REQUIREMENTS IN EXPLORATION LICENSE. The department shall include all of the following in an exploration license:

(a) A requirement that if the explorer wishes to temporarily abandon a drillhole so that the explorer may use the drillhole for future exploration, the explorer leave the well casing in place and seal the upper end of the casing with a watertight threaded or welded cap.

(b) A requirement to permanently abandon a drillhole 4 inches in diameter or smaller by filling the drillhole from the bottom upward to the surface of the ground with concrete grout or neat cement grout.

(c) A requirement to abandon a drillhole larger than 4 inches in diameter by filling the drillhole from the bottom upward to the surface of the ground with concrete grout or neat cement grout or in one of the following ways:

1. If the drillhole is constructed in limestone, dolomite, shale, or Precambrian formations, such as granite, gabbro, gneiss, schist, slate, greenstone, or quartzite, by filling the drillhole with gravel or crushed rock or, if it is physically impracticable to use gravel or crushed rock and if the department approves, with clay slurry, from the bottom upward to a point 20 feet below the top of the first rock formation encountered below the surface of the ground or to at least 40 feet below the surface of the ground, whichever is the greater depth, and filling the remainder of the drillhole with concrete grout or neat cement grout.

2. If the drillhole is constructed in sandstone formation, by filling the drillhole with disinfected sand or pea gravel or, if it is physically impracticable to use sand or pea gravel and if the department approves, with clay slurry, from the bottom upward to a point 20 feet below the top of the first rock formation encountered below the surface of the ground or to at least 40 feet below the surface of the ground, whichever is the greater depth, and filling the remainder of the drillhole with concrete grout or neat cement grout.

3. If the drillhole is constructed in glacial drift or other unconsolidated formation, by filling the hole with clean clay slurry to a point 20 feet below the surface of the ground and filling the remainder of the drillhole with concrete grout or neat cement grout.

4. If the drillhole is constructed in mixed rock types, by filling the drillhole as provided in subds. 1., 2., and 3., and providing a concrete grout or neat cement grout plug that extends at least 20 feet above and below the point of surface contact between each recognized geologic rock type.

(d) 1. A requirement to use a conductor pipe or, when practical, a dump bailer when filling a drillhole.

2. A requirement to keep the bottom end of the conductor pipe submerged in concrete grout or neat cement grout at all times when concrete grout or neat cement grout is placed under water using a conductor pipe.

3. A requirement to fill the drillhole at the same time that all or part of the drillhole casing is removed from an unconsolidated formation, such as sand or gravel, that will not remain open upon abandonment of a drillhole and to keep the end of the casing below the surface of the fill material throughout the operation.

1 (e) A requirement to obtain approval from the department of the method of
2 containing the flow from, and the method of eventual abandonment of, a drillhole
3 that penetrates an aquifer under artesian pressure so that the groundwater flows at
4 the surface of the ground.

5 **(6)** RENEWALS. (a) An explorer wishing to renew an exploration license shall
6 file with the department a renewal application that includes all of the following:

7 1. A renewal fee of $150.

8 2. A bond that satisfies sub. (3) (a).

9 3. A certificate of insurance that satisfies sub. (2) (e).

10 4. A copy of the applicant's most recent annual report to the federal securities
11 and exchange commission on form 10–K, or, if this is not available, a report of the
12 applicant's current assets and liabilities or other data necessary to establish that the
13 applicant is competent to conduct exploration in this state.

14 5. Either a statement that no changes are being proposed to the exploration
15 plan and reclamation plan previously approved by the department or a new
16 exploration plan or reclamation plan if the applicant proposes to make changes.

17 (b) Except as provided in par. (d), within 10 business days of receiving an
18 administratively complete application for renewal of an exploration license, the
19 department shall renew the exploration license or provide the notice, required under
20 par. (g), of intent not to renew the exploration license.

21 (c) An application for renewal of an exploration license is considered to be
22 administratively complete on the day that it is submitted, unless, before the 10th
23 business day after receiving the application, the department provides the explorer
24 with written notification that the application is not administratively complete. The
25 department may determine that an application is not administratively complete only

if the application does not include a renewal fee; a bond; a certificate of insurance; a copy of the applicant's most recent annual report to the federal securities and exchange commission on form 10–K, or, if this is not available, a report of the applicant's current assets and liabilities or other data necessary to establish that the applicant is competent to conduct exploration in this state; or either a statement that no changes are being proposed to the exploration plan and reclamation plan previously approved by the department or a new exploration plan or reclamation plan if the applicant proposes to make changes. The department may not consider the quality of any information provided. In a notice provided under this paragraph, the department shall identify what is missing from the application.

(d) If the department provides notification, in compliance with par. (c), that an application is not administratively complete, the department shall renew the exploration license or provide the notice, required under par. (g), of intent not to renew the exploration license within 7 business days of receipt of the missing item.

(e) If the department does not comply with par. (b) or (d), the application for renewal is automatically approved.

(f) Subject to par. (g), the department shall deny an application for renewal of an exploration license only if the applicant has filed a new exploration plan or reclamation plan and the department finds that the exploration, after completion of the new exploration plan and the new reclamation plan, will have a substantial and irreparable adverse impact on the environment or present a substantial risk of injury to public health and welfare.

(g) Before denying an application, the department shall provide the person who submitted the application with written notification of its intent not to renew the exploration license, setting forth all of the reasons for its intent not to renew the

1 exploration license, including reference to competent evidence supporting its
2 position. The department shall provide the person with an opportunity to correct any
3 deficiencies in the exploration plan or restoration plan within 10 business days. If
4 the person amends the exploration plan or reclamation plan and corrects the
5 deficiencies, the department shall renew the exploration license within 10 business
6 days of receipt of the amended exploration plan or reclamation plan. If the
7 department determines that the deficiencies have not been corrected, it shall deny
8 the application, in writing, setting forth all of the reasons for it's determination,
9 including reference to competent evidence supporting the determination.

10 (h) The renewal of an exploration license takes effect on the date of issuance
11 and expires on the following June 30.

12 **(7)** REVOCATION OR SUSPENSION OF EXPLORATION LICENSE. After a hearing, the
13 department may revoke or suspend an exploration license if it determines that any
14 of the following apply:

15 (a) The explorer has not complied with a statute, a rule promulgated by the
16 department, or a condition in the exploration license.

17 (b) The explorer has failed to increase bond amounts to adequate levels as
18 provided under sub (3) (d).

19 **(8)** NOTICE PROCEDURE. (a) An explorer shall notify the department of the
20 explorer's intent to drill on a parcel by registered mail at least 5 days prior to the
21 beginning of drilling. Notice is considered to be given on the date that the
22 department receives the notice. In the notice, the explorer shall specify which
23 drillholes identified in the exploration plan the explorer intends to drill. The
24 explorer shall send the notice to the subunit of the department with authority over
25 mine reclamation.

1 (b) A notice of intent to drill provided under par. (a) remains in effect for one
2 year beginning on the date that the department receives the notice. If the explorer
3 wishes to continue drilling on the parcel after the notice is no longer in effect, the
4 explorer shall resubmit a notice of intent to drill on the parcel.

5 **(9)** REPORTS. (a) Within 10 days after completing the temporary or permanent
6 abandonment of a drillhole, an explorer shall file with the department an
7 abandonment report that describes the means and method used in the abandonment
8 and is signed by an authorized representative of the explorer attesting to the
9 accuracy of the information contained in the report. The explorer shall submit the
10 abandonment report to the department's district office for the district in which the
11 drilling site is located.

12 (b) After permanent abandonment of a drillhole and regrading and
13 revegetation of the drilling site, an explorer shall notify the department of
14 completion of termination of the drilling site. The explorer shall submit the notice,
15 in writing, to the department's district office for the district in which the drilling site
16 is located.

17 (c) 1. After receipt of a notice under par. (b), the department shall notify the
18 explorer in writing whether the termination is satisfactory or unsatisfactory. If the
19 termination is unsatisfactory, the department shall inform the explorer of the
20 necessary corrective measures. Following the completion of corrective measures, the
21 explorer shall file written notice with the department's district office for the district
22 in which the drilling site is located specifying the means and method used and
23 stating that termination is complete.

1 2. If an explorer fails to comply with corrective measures identified under subd.
2 1., the department may suspend the explorer's exploration license in accordance with
3 sub. (7).

4 3. Upon satisfactory completion of termination of a drilling site, the
5 department shall issue a certificate of completion. The department may not issue a
6 certificate of completion for a drilling site that has only been temporarily abandoned.

7 **(10)** DRILLING FEES. Upon the submission of a report under sub. (9) (a) of
8 temporary abandonment of a drillhole, if the drillhole is temporarily abandoned, or
9 upon submission of a report under sub. (9) (a) of permanent abandonment of a
10 drillhole, if the drillhole is not temporarily abandoned, the explorer shall pay a fee
11 to the department. The fee is $100 per drillhole for the first 20 drillholes for which
12 a report is filed in a license year and $50 for each subsequent drillhole for which a
13 report is filed in that license year.

14 **(11)** INSPECTIONS. (a) Any duly authorized officer, employee, or representative
15 of the department may enter and inspect any property, premises, or place on or at
16 which exploration is being performed at any reasonable time for the purpose of
17 ascertaining the state of compliance with this section. No explorer may refuse entry
18 or access to any authorized representative of the department who requests entry for
19 the purposes of inspection and who presents appropriate credentials.

20 (b) No person may obstruct, hamper, or interfere with any inspection
21 authorized in par. (a).

22 (c) No inspector may obstruct, hamper, or interfere with exploration activities.

23 **(12)** EXEMPTION. This section does not apply to an operator with a mining
24 permit who is engaged in exploration activities on lands included in a mining plan

1 and reclamation plan, if the mining plan or reclamation plan contains provisions
2 relating to termination of the exploration activities.

3 **(13)** ENVIRONMENTAL ANALYSIS NOT REQUIRED. The department is not required
4 to prepare an environmental impact statement or an environmental assessment for
5 an application for an exploration license.

6 **295.443 Local impact committee; local agreement. (1)** A county, town,
7 village, city, or tribal government likely to be substantially affected by potential or
8 proposed mining may designate an existing committee, or establish a committee, for
9 purposes of:

10 (a) Facilitating communications between operators and itself.

11 (b) Analyzing implications of mining.

12 (c) Reviewing and commenting on reclamation plans.

13 (d) Developing solutions to mining–induced growth problems.

14 (e) Recommending priorities for local action.

15 (f) Formulating recommendations to the investment and local impact fund
16 board regarding distribution of funds under s. 70.395 (2) (g) related to mining for
17 ferrous minerals.

18 (g) Negotiating a local agreement under sub. (1m).

19 **(1m)** A county, town, village, city, or tribal government that requires an
20 operator to obtain an approval or permit under a zoning or land use ordinance and
21 a county, town, village, or city in which any portion of a proposed mining site is
22 located may, individually or in conjunction with other counties, towns, villages,
23 cities, or tribal governments, enter into one or more agreements with an operator for
24 the development of a mining operation. The local agreement may include any of the
25 following:

1 (a) A legal description of the land subject to the agreement and the names of
2 its legal and equitable owners.
3 (b) The duration of the agreement.
4 (c) The uses permitted on the land.
5 (d) A description of any conditions, terms, restrictions, or other requirements
6 determined to be necessary by the county, town, village, city, or tribal government for
7 the public health, safety, or welfare of its residents.
8 (e) A description of any obligation undertaken by the county, town, village, city,
9 or tribal government to enable the development to proceed.
10 (f) The applicability or nonapplicability of county, town, village, city, or tribal
11 ordinances, approvals, or resolutions.
12 (g) A provision for the amendment of the agreement.
13 (h) Other provisions determined to be reasonable and necessary by the parties
14 to the agreement.
15 **(2)** A county, town, village, city, or tribal government affected in common with
16 another county, town, village, city, or tribal government by a proposed or existing
17 mine may cooperatively designate or establish a joint committee, but may also
18 maintain a separate committee under sub. (1). Committees under this section may
19 include representatives of affected units of government, business, and industry,
20 manpower, health, protective or service agencies, school districts, or environmental
21 and other interest groups or other interested parties.
22 **(3)** Persons applying for an exploration license under s. 295.44 shall thereafter
23 appoint a liaison person to any committee established under sub. (1) or (2), and shall
24 provide such reasonable information as is requested by the committee. Operators
25 and persons applying for an exploration license under s. 295.44 shall thereafter

make reasonable efforts to design and operate mining operations in harmony with community development objectives.

(4) Committees established under sub. (1) or (2) may be funded by their appointing authority, and may, through their appointing authority, submit a request for operating funds to the investment and local impact fund board under s. 70.395. Committees established under sub. (1) shall be eligible for funds only if the county, town, village or city is also a participant in a joint committee, if any, established under sub. (2). The investment and local impact fund board may not grant funds for the use of more than one committee established under sub. (1) in relation to a particular mining proposal unless a joint committee has been established under sub. (2). The investment and local impact fund board shall grant operating funds to any committee that submits a request and is eligible under this subsection and s. 70.395 (2) (fm). Committees may hire staff, enter into contracts with private firms or consultants or contract with a regional planning commission or other agency for staff services for mining–related purposes or the purposes under s. 70.395 (2) (fm).

295.45 Bulk sampling plan. (1) A person who intends to engage in bulk sampling may file a bulk sampling plan with the department. The collection of data under a bulk sampling plan may include sampling and analysis related to geophysical, geochemical, groundwater, and surface water conditions, as well as any other data or studies necessary to prepare an application for a mining permit, including the mining plan, reclamation plan, mining waste site feasibility study and plan of operation, or any other approval required for the proposed mining.

(2) A person shall include all of the following in a bulk sampling plan:

(a) A description and map of the bulk sampling site, including the number of acres in the site, the number of acres of land that will be disturbed, if any, associated