

**2013 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB1)**

Received: 2/11/2013 Received By: btradewe  
Wanted: As time permits Same as LRB: s0008  
For: Scott Suder (608) 267-0280 By/Representing: Jen Esser (Sen. Tiffany's ofc.)  
May Contact: Drafter: btradewe  
Subject: Environment - mining Addl. Drafters: jkreye  
Nat. Res. - nav. waters mglass  
Nat. Res. - wet/shore/flood rkite  
Tax, Other - miscellaneous

Extra Copies:

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

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Iron mining with assembly amendments adopted in committee

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**Instructions:**

Incorporate into a substitute amendment all of the amendments adopted in the assembly committee

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**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>
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FE Sent For:

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/1	btradewe	1 cjs 2/11/13	ph				

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State of Wisconsin  
2013 - 2014 LEGISLATURE

Today

50009/1



LRE0008/1  
RCT/MGG/RK/JK:cjs:ph

Companion RM run

**SENATE** <sup>9A</sup> **SUBSTITUTE AMENDMENT,**  
**TO** <sup>9A</sup> **SENATE BILL 1**

No change

Gen Cat

1 AN ACT *to repeal* 107.001 (2) and 293.01 (8); *to renumber and amend* 30.123  
2 (8) (c) and 87.30 (2); *to amend* 20.370 (2) (gh), 20.455 (1) (gh), 20.566 (7) (e),  
3 20.566 (7) (v), 25.46 (7), 29.604 (4) (intro.), 29.604 (4) (c) (intro.), 30.025 (1e) (a),  
4 30.12 (3m) (c) (intro.), 30.133 (2), 30.19 (4) (c) (intro.), 30.195 (2) (c) (intro.),  
5 32.02 (12), 70.375 (1) (as), 70.375 (1) (bm), 70.375 (4) (h), 70.38 (2), 70.395 (1e),  
6 70.395 (2) (dc) 1., 70.395 (2) (dc) 2., 70.395 (2) (dc) 3., 70.395 (2) (dc) 4., 70.395  
7 (2) (fm), 70.395 (2) (g) (intro.), 70.395 (2) (g) 3., 70.395 (2) (h) 1., 70.395 (2) (hg),  
8 70.395 (2) (hr), 70.395 (2) (hw), 107.001 (1), 107.01 (intro.), 107.01 (2), 107.02,  
9 107.03, 107.04, 107.11, 107.12, 107.20 (1), 107.20 (2), 107.30 (8), 107.30 (15),  
10 107.30 (16), 160.19 (12), 196.491 (3) (a) 3. b., 196.491 (4) (b) 2., 281.36 (3g) (h)  
11 2., 281.65 (2) (a), 281.75 (17) (b), 283.84 (3m), 287.13 (5) (e), 289.35, 289.62 (2)  
12 (g) 2. and 6., 292.01 (1m), chapter 293 (title), 293.01 (5), 293.01 (7), 293.01 (9),  
13 293.01 (12), 293.01 (18), 293.01 (25), 293.21 (1) (a), 293.25 (2) (a), 293.25 (4),

1           293.37 (4) (b), 293.47 (1) (b), 293.50 (1) (b), 293.50 (2) (intro.), 293.50 (2) (a),  
2           293.50 (2) (b), 293.51 (1), 293.65 (3) (a), 293.65 (3) (b), 293.86, chapter 295 (title),  
3           295.16 (4) (f), 299.85 (7) (a) 2. and 4., 299.95, 323.60 (5) (d) 3., 706.01 (9) and  
4           710.02 (2) (d); **to repeal and recreate** 70.375 (1) (ar); and **to create** 20.370 (2)  
5           (gi), 23.321 (2g), 29.604 (7m), 30.025 (1e) (c), 31.23 (3) (e), 70.375 (4m), 77.105,  
6           77.883, 87.30 (2) (b), 196.491 (3) (a) 3. c., 227.483 (3) (c), 293.01 (12m),  
7           subchapter III of chapter 295 [precedes 295.40] and 323.60 (1) (gm) of the  
8           statutes; **relating to:** regulation of ferrous metallic mining and related  
9           activities, procedures for obtaining approvals from the Department of Natural  
10          Resources for the construction of utility facilities, making an appropriation,  
11          and providing penalties.

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

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

13           20.370 (2) (gh) ~~*Mining*~~— *Nonferrous metallic mining regulation and*  
14           *administration*. The amounts in the schedule for the administration, regulation and  
15           enforcement of *nonferrous metallic mining* exploration, prospecting, mining and  
16           mine reclamation activities under ch. 293. All moneys received under ch. 293 shall  
17           be credited to this appropriation.

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

19           20.370 (2) (gi) *Ferrous metallic mining operations*. All moneys received under  
20           subch. III of ch. 295 for the department of natural resource's operations related to  
21           ferrous metallic exploration and mining.

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

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

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

6           20.566 (7) (e) *Investment and local impact fund supplement.* The amounts in  
7           the schedule to supplement par. (v) for the purposes of ss. 70.395, 293.33 (4) ~~and~~,  
8           293.65 (5) (a), 295.443, and 295.61 (9) (a) and (c).

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

10          20.566 (7) (v) *Investment and local impact fund.* From the investment and local  
11          impact fund, all moneys received under s. 70.395 (1e) and (2) (dc) and (dg), less the  
12          moneys appropriated under s. 20.370 (2) (gr), to be disbursed under ss. 70.395 (2) (d)  
13          to (g), 293.33 (4) ~~and~~, 293.65 (5) (a), 295.443, and 295.61 (9) (a) and (c).

14          **SECTION 6.** 23.321 (2g) of the statutes is created to read:

15          23.321 (2g) **SERVICES FOR MINING OPERATIONS.** In addition to those persons  
16          authorized to request a wetland identification or confirmation under sub. (2) (b) or  
17          (c), a holder of an easement may request such an identification or confirmation if the  
18          identification or confirmation is associated with an application for a wetland  
19          individual permit or other approval for which a wetland impact evaluation is  
20          required and that is subject to s. 295.60.

21          **SECTION 7.** 25.46 (7) of the statutes is amended to read:

22          25.46 (7) The fees imposed under s. 289.67 (1) for environmental management,  
23          except that ~~for each ton of waste, of the fees imposed under s. 289.67 (1) (cp) or (cv),~~  
24          \$3.20 for each ton of waste is for nonpoint source water pollution abatement.

25          **SECTION 9.** 29.604 (4) (intro.) of the statutes is amended to read:

1           29.604 (4) PROHIBITION. (intro.) Except as provided in sub. (6r) and (7m) or as  
2 permitted by departmental rule or permit:

3           **SECTION 10.** 29.604 (4) (c) (intro.) of the statutes is amended to read:

4           29.604 (4) (c) (intro.) No person may do any of the following to any wild plant  
5 of an endangered or threatened species that is on public property or on property that  
6 he or she does not own or lease, except in the course of forestry or agricultural  
7 practices ~~or~~, in the construction, operation, or maintenance of a utility facility, or as  
8 part of bulk sampling activities under s. 295.45:

9           **SECTION 11.** 29.604 (7m) of the statutes is created to read:

10          29.604 (7m) BULK SAMPLING ACTIVITIES. A person may take, transport, or  
11 possess a wild animal on the department's endangered and threatened species list  
12 without a permit under this section if the person avoids and minimizes adverse  
13 impacts to the wild animal to the extent practicable, if the taking, transporting, or  
14 possession does not result in wounding or killing the wild animal, and if the person  
15 takes, transports, or possesses the wild animal for the purpose of bulk sampling  
16 activities under s. 295.45.

17          **SECTION 12.** 30.025 (1e) (a) of the statutes is amended to read:

18          30.025 (1e) (a) Except as provided in ~~par. (b)~~ par. (b) and (c), this section applies  
19 to a proposal to construct a utility facility if the utility facility is required to obtain,  
20 or give notification of the wish to proceed under, one or more permits.

21          **SECTION 13.** 30.025 (1e) (c) of the statutes is created to read:

22          30.025 (1e) (c) This section does not apply to a proposal to construct a utility  
23 facility for ferrous mineral mining and processing activities governed by subch. III  
24 of ch. 295, unless the person proposing to construct the utility facility elects to  
25 proceed in the manner provided under this section.

1           **SECTION 21.** 30.12 (3m) (c) (intro.) of the statutes is amended to read:

2           30.12 (3m) (c) (intro.) The department shall issue an individual permit to a  
3           riparian owner for a structure or a deposit pursuant to an application under par. (a)  
4           if the department finds that all of the following apply requirements are met:

5           **SECTION 22.** 30.123 (8) (c) of the statutes is renumbered 30.123 (8) (c) (intro.)  
6           and amended to read:

7           30.123 (8) (c) (intro.) The department shall issue an individual permit  
8           pursuant to an application under par. (a) if the department finds that ~~the~~ all of the  
9           following requirements are met:

10           1. The bridge or culvert will not materially obstruct navigation.

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

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

14           **SECTION 23.** 30.133 (2) of the statutes is amended to read:

15           30.133 (2) This section does not apply to riparian land located within the  
16           boundary of any hydroelectric project licensed or exempted by the federal  
17           government, if the conveyance is authorized under any license, rule or order issued  
18           by the federal agency having jurisdiction over the project. This section does not apply  
19           to riparian land that is associated with an approval required for bulk sampling or  
20           mining that is required under subch. III of ch. 295.

21           **SECTION 24.** 30.19 (4) (c) (intro.) of the statutes is amended to read:

22           30.19 (4) (c) (intro.) The department shall issue an individual permit pursuant  
23           to an application under par. (a) if the department finds that all of the following apply  
24           requirements are met:

25           **SECTION 25.** 30.195 (2) (c) (intro.) of the statutes is amended to read:

1           30.195 (2) (c) (intro.) The department shall issue an individual permit applied  
2 for under this section to a riparian owner if the department determines that all of the  
3 following apply requirements are met:

4           **SECTION 26.** 31.23 (3) (e) of the statutes is created to read:

5           31.23 (3) (e) This subsection does not apply to a bridge that is constructed,  
6 maintained, or operated in association with mining or bulk sampling that is subject  
7 to subch. III of ch. 295.

8           **SECTION 27.** 32.02 (12) of the statutes is amended to read:

9           32.02 (12) Any person operating a plant which creates waste material which,  
10 if released without treatment would cause stream pollution, for the location of  
11 treatment facilities. This subsection does not apply to a person licensed with a  
12 permit under ch. 293 or subch. III of ch. 295.

13           **SECTION 27g.** 70.375 (1) (ar) of the statutes is repealed and recreated to read:

14           70.375 (1) (ar) “Internal Revenue Code” means the federal Internal Revenue  
15 Code, as amended, and applicable federal regulations adopted by the federal  
16 department of the treasury.

17           **SECTION 28.** 70.375 (1) (as) of the statutes is amended to read:

18           70.375 (1) (as) “Mine” means an excavation in or at the earth’s surface made  
19 to extract metalliferous minerals for which a permit has been issued under s. 293.49  
20 or 295.58.

21           **SECTION 29.** 70.375 (1) (bm) of the statutes is amended to read:

22           70.375 (1) (bm) “Mining-related purposes” means activities which are directly  
23 in response to the application for a mining permit under s. 293.37 or 295.47; directly  
24 in response to construction, operation, curtailment of operation or cessation of  
25 operation of a metalliferous mine site; or directly in response to conditions at a

1 metalliferous mine site which is not in operation. “Mining-related purposes” also  
2 includes activities which anticipate the economic and social consequences of the  
3 cessation of mining. “Mining-related purposes” also includes the purposes under s.  
4 70.395 (2) (g).

5 **SECTION 30.** 70.375 (4) (h) of the statutes is amended to read:

6 70.375 (4) (h) The cost of premiums for bonds required under s. 293.51, 295.45  
7 (5), or 295.59.

8 **SECTION 30d.** 70.375 (4m) of the statutes is created to read:

9 70.375 (4m) **GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.** Except as otherwise  
10 provided under this section, a person subject to the tax imposed under sub. (2), shall  
11 use generally accepted accounting principles to determine the person’s net proceeds  
12 occupation tax liability under this section.

13 **SECTION 31.** 70.38 (2) of the statutes is amended to read:

14 70.38 (2) **COMBINED REPORTING.** If the same person extracts metalliferous  
15 minerals from different sites in this state, the net proceeds for each site for which a  
16 permit has been issued under s. 293.49 or 295.58 shall be reported separately for the  
17 purposes of computing the amount of the tax under s. 70.375 (5).

18 **SECTION 32.** 70.395 (1e) of the statutes is amended to read:

19 70.395 (1e) **DISTRIBUTION.** Fifteen days after the collection of the tax under ss.  
20 70.38 to 70.39, the department of administration, upon certification of the  
21 department of revenue, shall transfer the amount collected in respect to mines not  
22 in operation on November 28, 1981, to the investment and local impact fund, except  
23 that, after the payments are made under sub. (2) (d) 1., 2., and 2m., the department  
24 of administration shall transfer 60 percent of the amount collected from each person

1 extracting ferrous metallic minerals to the investment and local impact fund and 40  
2 percent of the amount collected from any such person to the general fund.

3 **SECTION 33.** 70.395 (2) (dc) 1. of the statutes is amended to read:

4 70.395 (2) (dc) 1. Each person intending to submit an application for a mining  
5 permit under s. 293.37 or 295.47 shall pay ~~\$50,000~~ \$75,000 to the department of  
6 revenue for deposit in the investment and local impact fund at the time that the  
7 person notifies the department of natural resources under s. 293.31 (1) or 295.465  
8 of that intent.

9 **SECTION 34.** 70.395 (2) (dc) 2. of the statutes is amended to read:

10 70.395 (2) (dc) 2. A person making a payment under subd. 1. shall pay an  
11 additional ~~\$50,000~~ \$75,000 upon notification by the board that the board has  
12 distributed 50% of the payment under subd. 1.

13 **SECTION 35.** 70.395 (2) (dc) 3. of the statutes is amended to read:

14 70.395 (2) (dc) 3. A person making a payment under subd. 2. shall pay an  
15 additional ~~\$50,000~~ \$75,000 upon notification by the board that the board has  
16 distributed all of the payment under subd. 1. and 50% of the payment under subd.  
17 2.

18 **SECTION 36.** 70.395 (2) (dc) 4. of the statutes is amended to read:

19 70.395 (2) (dc) 4. Six months after the signing of a local agreement under s.  
20 293.41 or 295.443 for the proposed mine for which the payment is made, the board  
21 shall refund any funds paid under this paragraph but not distributed under par. (fm)  
22 from the investment and local impact fund to the person making the payment under  
23 this paragraph.

24 **SECTION 37.** 70.395 (2) (fm) of the statutes is amended to read:

1           70.395 (2) (fm) The board may distribute a payment received under par. (dc)  
2 to a county, town, village, city, tribal government or local impact committee  
3 authorized under s. 293.41 (3) or 295.443 only for legal counsel, qualified technical  
4 experts in the areas of transportation, utilities, economic and social impacts,  
5 environmental impacts and municipal services and other reasonable and necessary  
6 expenses incurred by the recipient that directly relate to the good faith negotiation  
7 of a local agreement under s. 293.41 or 295.443 for the proposed mine for which the  
8 payment is made.

9           **SECTION 37d.** 70.395 (2) (g) (intro.) of the statutes is amended to read:

10           70.395 (2) (g) (intro.) The board may distribute the revenues received under  
11 sub. (1e) or proceeds thereof in accordance with par. (h) for the following purposes,  
12 with a preference to private sector economic development projects under subd. 3., as  
13 the board determines necessary:

14           **SECTION 37e.** 70.395 (2) (g) 3. of the statutes is amended to read:

15           70.395 (2) (g) 3. Studies and projects for local private sector economic  
16 development.

17           **SECTION 38.** 70.395 (2) (h) 1. of the statutes is amended to read:

18           70.395 (2) (h) 1. Distribution shall first be made to those municipalities in  
19 which metalliferous minerals are extracted or were extracted within 3 years  
20 previous to December 31 of the current year, or in which a permit has been issued  
21 under s. 293.49 or 295.58 to commence mining;

22           **SECTION 39.** 70.395 (2) (hg) of the statutes is amended to read:

23           70.395 (2) (hg) The board shall, by rule, establish fiscal guidelines and  
24 accounting procedures for the use of payments under pars. (d), (f), (fm) and (g), sub.  
25 (3) and ~~s. ss.~~ 293.65 (5) and 295.61 (9).

1           **SECTION 40.** 70.395 (2) (hr) of the statutes is amended to read:

2           70.395 (2) (hr) The board shall, by rule, establish procedures to recoup  
3 payments made, and to withhold payments to be made, under pars. (d), (f), (fm) and  
4 (g), sub. (3) and ~~s. ss.~~ 293.65 (5) and 295.61 (9) for noncompliance with this section  
5 or rules adopted under this section.

6           **SECTION 41.** 70.395 (2) (hw) of the statutes is amended to read:

7           70.395 (2) (hw) A recipient of a discretionary payment under par. (f) or (g), sub.  
8 (3) or ~~s. ss.~~ 293.65 (5) and 295.61 (9) or any payment under par. (d) that is restricted  
9 to mining-related purposes who uses the payment for attorney fees may do so only  
10 for the purposes under par. (g) 6. and for processing mining-related permits or other  
11 approvals required by the municipality. The board shall recoup or withhold  
12 payments that are used or proposed to be used by the recipient for attorney fees  
13 except as authorized under this paragraph. The board may not limit the hourly rate  
14 of attorney fees for which the recipient uses the payment to a level below the hourly  
15 rate that is commonly charged for similar services.

16           **SECTION 41m.** 77.105 of the statutes is created to read:

17           **77.105 Ferrous mining.** (1) The department may not issue an order of  
18 withdrawal under s. 77.10 (1) based on the cutting of timber or other forest crops or  
19 other activities on forest cropland if all of the following requirements are met:

20           (a) The cutting or activity is necessary to engage in bulk sampling, as defined  
21 in s. 295.41 (7).

22           (b) The area that will be affected by the cutting or the activity does not exceed  
23 5 acres.

1 (c) A bulk sampling plan has been filed with the department under s. 295.45  
2 and all approvals that are required for bulk sampling have been issued by the  
3 department.

4 (d) The revegetation plan that is part of the bulk sampling plan described under  
5 par. (c) includes forestry practices that will ensure that the timber, forest crops, and  
6 other vegetation that will be cut or otherwise affected will be restored to the greatest  
7 extent possible.

8 (2) The requirement under sub. (1) (d) does not apply to forest cropland that  
9 is within a mining site described in a preapplication notification under s. 295.465 or  
10 in an application for a ferrous mining permit under s. 295.58.

11 **SECTION 41q.** 77.883 of the statutes is created to read:

12 **77.883 Ferrous mining.** (1) The department may not issue an order of  
13 withdrawal under s. 77.88 (1) based on the cutting of timber or other activities on  
14 managed forest land if all of the following requirements are met:

15 (a) The cutting or activity is necessary to engage in bulk sampling, as defined  
16 in s. 295.41 (7).

17 (b) The area that will be affected by the cutting or the activity does not exceed  
18 5 acres.

19 (c) A bulk sampling plan has been filed with the department under s. 295.45  
20 and all approvals that are required for bulk sampling have been issued by the  
21 department.

22 (d) The revegetation plan that is part of the bulk sampling plan described under  
23 par. (c) includes forestry practices that will ensure that the merchantable timber and  
24 other vegetation that will be cut or otherwise affected will be restored to the greatest  
25 extent possible.

1           (2) The requirement under sub. (1) (d) does not apply to managed forest land  
2 that is within a mining site described in a preapplication notification under s.  
3 295.465 or in an application for a mining permit under s. 295.58.

4           (3) Section 77.86 (1) (c) and (d) do not apply to cutting of timber or another  
5 activity on managed forest land if all of the requirements in sub. (1) (a) to (d) are met.

6           **SECTION 42.** 87.30 (2) of the statutes is renumbered 87.30 (2) (a) and amended  
7 to read:

8           87.30 (2) (a) ~~Every~~ Except as provided in par. (b), every structure, building, fill,  
9 or development placed or maintained within any floodplain in violation of a zoning  
10 ordinance adopted under this section, or s. 59.69, 61.35 or 62.23 is a public nuisance  
11 and the creation thereof may be enjoined and maintenance thereof may be abated by  
12 action at suit of any municipality, the state or any citizen thereof. Any person who  
13 places or maintains any structure, building, fill or development within any  
14 floodplain in violation of a zoning ordinance adopted under this section, or s. 59.69,  
15 61.35 or 62.23 may be fined not more than \$50 for each offense. Each day during  
16 which such violation exists is a separate offense.

17           **SECTION 43.** 87.30 (2) (b) of the statutes is created to read:

18           87.30 (2) (b) Paragraph (a) does not apply to a structure, building, fill, or  
19 development placed or maintained as part of a mining operation covered by a mining  
20 permit under s. 295.58 except to the extent that regulation of the placement or  
21 maintenance of the structure, building, fill, or development is required for  
22 compliance with a floodplain zoning ordinance as provided under s. 295.607 (3).

23           **SECTION 44.** 107.001 (1) of the statutes is amended to read:

24           107.001 (1) "Exploration mining lease" means any lease, option to lease, option  
25 to purchase or similar conveyance entered into for the purpose of determining the

1 presence, location, quality or quantity of ~~metalliferous nonferrous metallic~~ minerals  
2 or for the purpose of mining, developing or extracting ~~metalliferous nonferrous~~  
3 ~~metallic~~ minerals, or both under ch. 293. Any lease, option to lease, option to  
4 purchase or similar conveyance entered into by a mining company is rebuttably  
5 presumed to be an exploration mining lease.

6 SECTION 45. 107.001 (2) of the statutes is repealed.

7 SECTION 46. 107.01 (intro.) of the statutes is amended to read:

8 **107.01 Rules governing mining rights.** (intro.) Where there is no contract  
9 between the parties or terms established by the landlord to the contrary the following  
10 rules and regulations shall be applied to mining contracts and leases for the digging  
11 of ~~ores and~~ nonferrous metallic minerals:

12 SECTION 47. 107.01 (2) of the statutes is amended to read:

13 107.01 (2) The discovery of a crevice or range containing ~~ores or minerals~~  
14 nonferrous metallic minerals shall entitle the discoverer to the ~~ores or minerals~~  
15 nonferrous metallic minerals pertaining thereto, subject to the rent due the  
16 discoverer's landlord, before as well as after the ~~ores or minerals~~ nonferrous metallic  
17 minerals are separated from the freehold; but such miner shall not be entitled to  
18 recover any ~~ores or minerals~~ nonferrous metallic minerals or the value thereof from  
19 the person digging on the miner's range in good faith and known to be mining thereon  
20 until the miner shall have given notice of the miner's claim; and the miner shall be  
21 entitled to the ~~ores or minerals~~ nonferrous metallic minerals dug after such notice.

22 SECTION 48. 107.02 of the statutes is amended to read:

23 **107.02 Mining statement; penalty.** When there is no agreement between the  
24 parties to any mining lease, license or permit, to mine or remove ~~ore~~ nonferrous  
25 metallic minerals from any lands in this state, regulating the method of reporting

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

18 **SECTION 49.** 107.03 of the statutes is amended to read:

19 **107.03 Conflicting claims.** In case of conflicting claims to a crevice or range  
20 bearing ~~ores or~~ nonferrous metallic minerals the court may continue any action to  
21 enforce a claim or grant any necessary time for the purpose of allowing parties to  
22 prove up their mines or diggings if it satisfactorily appears necessary to the ends of  
23 justice. In such case the court or judge may appoint a receiver and provide that the  
24 mines or diggings be worked under the receiver's direction, subject to the order of the  
25 court, in such manner as best ascertains the respective rights of the parties. The ~~ores~~

1 ~~or~~ nonferrous metallic minerals raised by either party pending the dispute shall be  
2 delivered to the receiver, who may, by order of the court or judge, pay any rent or other  
3 necessary expenses therefrom.

4 **SECTION 50.** 107.04 of the statutes is amended to read:

5 **107.04 Lessee's fraud; failure to work mine.** Any miner who conceals or  
6 disposes of any ~~ores~~ ~~or~~ nonferrous metallic minerals or mines or diggings for the  
7 purpose of defrauding the lessor of rent or who neglects to pay any rent on ~~ores~~ ~~or~~  
8 nonferrous metallic minerals raised by the miner for 3 days after the notice thereof  
9 and claim of the rent, shall forfeit all right to his or her mines, diggings or range; and  
10 the landlord after the concealment or after 3 days have expired from the time of  
11 demanding rent, may proceed against the miner to recover possession of the mines  
12 or diggings in circuit court as in the case of a tenant holding over after the  
13 termination of the lease. If a miner neglects to work his or her mines or diggings  
14 according to the usages of miners, without reasonable excuse, he or she shall likewise  
15 forfeit the mines or diggings and the landlord may proceed against the miner in like  
16 manner to recover possession of the mines or diggings.

17 **SECTION 51.** 107.11 of the statutes is amended to read:

18 **107.11 Account of ~~ore~~ nonferrous metallic minerals received.** Every  
19 person operating a metal recovery system and every purchaser of ~~ores~~ ~~and~~  
20 nonferrous metallic minerals shall keep a substantially bound book, ruled into  
21 suitable columns, in which shall be entered from day to day, as ~~ores~~ ~~or~~ nonferrous  
22 metallic minerals are received, the following items: the day, month and year when  
23 received; the name of the person from whom purchased; the name of the person by  
24 whom hauled and delivered; name of the owner of the land from which the ~~ores~~ ~~or~~  
25 nonferrous metallic minerals were obtained, or if not known, the name of the

1 diggings or some distinct description of the land. The bound book shall be kept at the  
2 furnace or at the usual place of business of such person or purchaser or his or her  
3 agent in this state, and shall be open to authorized representatives of the department  
4 of revenue at reasonable times for inspection and taking extracts.

5 **SECTION 52.** 107.12 of the statutes is amended to read:

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

13 **SECTION 53.** 107.20 (1) of the statutes is amended to read:

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

1           **SECTION 54.** 107.20 (2) of the statutes is amended to read:

2           107.20 (2) Any provision of an exploration mining lease entered into after April  
3 25, 1978, granting an option or right to develop or extract ~~metalliferous nonferrous~~  
4 metallic minerals shall be limited to a term not exceeding 50 years from the date on  
5 which the exploration mining lease is recorded in the office of the register of deeds  
6 of the county where the property is located.

7           **SECTION 55.** 107.30 (8) of the statutes is amended to read:

8           107.30 (8) “Mining” or “mining operation” ~~has the meaning set forth in s. 293.01~~  
9 (9) means all or part of the process involved in the mining of metallic minerals, other  
10 than for exploration or prospecting, including commercial extraction,  
11 agglomeration, beneficiation, construction of roads, removal of overburden, and the  
12 production of refuse.

13           **SECTION 56.** 107.30 (15) of the statutes is amended to read:

14           107.30 (15) “Prospecting” ~~has the meaning set forth in s. 293.01 (18)~~ means  
15 engaging in the examination of an area for the purpose of determining the quality  
16 and quantity of minerals, other than for exploration but including the obtaining of  
17 an ore sample, by such physical means as excavating, trenching, construction of  
18 shafts, ramps, and tunnels and other means, other than for exploration, which the  
19 department of natural resources, by rule, identifies, and the production of  
20 prospecting refuse and other associated activities. “Prospecting” does not include  
21 such activities when the activities are, by themselves, intended for and capable of  
22 commercial exploitation of the underlying ore body. The fact that prospecting  
23 activities and construction may have use ultimately in mining, if approved, does not  
24 mean that prospecting activities and construction constitute mining within the

1 meaning of sub. (8), provided such activities and construction are reasonably related  
2 to prospecting requirements.

3 **SECTION 57.** 107.30 (16) of the statutes is amended to read:

4 107.30 (16) "Prospecting site" ~~has the meaning set forth in s. 293.01 (21)~~ means  
5 the lands on which prospecting is actually conducted as well as those lands on which  
6 physical disturbance will occur as a result of such activity.

7 **SECTION 58.** 160.19 (12) of the statutes is amended to read:

8 160.19 (12) The requirements in this section shall not apply to rules governing  
9 an activity regulated under ch. 293 or subch. III of ch. 295, or to a solid waste facility  
10 regulated under subch. III of ch. 289 which is part of an activity regulated under ch.  
11 293 or subch. III of ch. 295, except that the department may promulgate new rules  
12 or amend rules governing this type of activity, practice or facility if the department  
13 determines that the amendment or promulgation of rules is necessary to protect  
14 public health, safety or welfare.

15 **SECTION 59.** 196.491 (3) (a) 3. b. of the statutes is amended to read:

16 196.491 (3) (a) 3. b. ~~Within~~ Except as provided under subd. 3. c., within 20  
17 days after the department provides a listing specified in subd. 3. a. to a person, the  
18 person shall apply for the permits and approvals identified in the listing. The  
19 department shall determine whether an application under this subd. 3. b. is complete  
20 and, no later than 30 days after the application is filed, notify the applicant about  
21 the determination. If the department determines that the application is incomplete,  
22 the notice shall state the reason for the determination. An applicant may  
23 supplement and refile an application that the department has determined to be  
24 incomplete. There is no limit on the number of times that an applicant may refile  
25 an application under this subd. 3. b. If the department fails to determine whether

1 an application is complete within 30 days after the application is filed, the  
2 application shall be considered to be complete. The department shall complete action  
3 on an application under this subd. 3. b. for any permit or approval that is required  
4 prior to construction of a facility within 120 days after the date on which the  
5 application is determined or considered to be complete.

6 **SECTION 60.** 196.491 (3) (a) 3. c. of the statutes is created to read:

7 196.491 (3) (a) 3. c. The 20-day deadline specified in subd. 3. b. for applying  
8 for the applicable permits and approvals specified in the listing provided by the  
9 department does not apply to a person proposing to construct a utility facility for  
10 ferrous mineral mining and processing activities governed by subch. III of ch. 295.

11 **SECTION 61.** 196.491 (4) (b) 2. of the statutes is amended to read:

12 196.491 (4) (b) 2. The person shows to the satisfaction of the commission that  
13 the person reasonably anticipates, at the time that construction of the equipment or  
14 facilities commences, that on each day that the equipment and facilities are in  
15 operation the person will consume no less than 70% of the aggregate kilowatt hours  
16 output from the equipment and facilities in manufacturing processes at the site  
17 where the equipment and facilities are located or in ferrous mineral mining and  
18 processing activities governed by subch. III of ch. 295 at the site where the equipment  
19 and facilities are located.

20 **SECTION 62.** 227.483 (3) (c) of the statutes is created to read:

21 227.483 (3) (c) If the proceeding relates to mining for ferrous minerals, as  
22 defined in s. 295.41 (18), that the petition, claim, or defense was commenced, used,  
23 or continued primarily for the purpose of causing delay to an activity authorized  
24 under a license that is the subject of the hearing.

25 **SECTION 64.** 281.36 (3g) (h) 2. of the statutes is amended to read:

1           281.36 (3g) (h) 2. If, within 30 days after an application under subd. 1. is  
2 received by the department, the department does not either request additional  
3 information or inform the applicant that a wetland individual permit will be required  
4 as provided in par. (i), the discharge shall be considered to be authorized under the  
5 wetland general permit and the applicant may proceed without further notice,  
6 hearing, permit, or approval if the discharge is carried out in compliance with all of  
7 the conditions of the general permit, except as provided in s. 295.60 (3) (b).

8           **SECTION 65.** 281.65 (2) (a) of the statutes is amended to read:

9           281.65 (2) (a) “Best management practices” means practices, techniques or  
10 measures, except for dredging, identified in areawide water quality management  
11 plans, which are determined to be effective means of preventing or reducing  
12 pollutants generated from nonpoint sources, or from the sediments of inland lakes  
13 polluted by nonpoint sources, to a level compatible with water quality objectives  
14 established under this section and which do not have an adverse impact on fish and  
15 wildlife habitat. The practices, techniques or measures include land acquisition,  
16 storm sewer rerouting and the removal of structures necessary to install structural  
17 urban best management practices, facilities for the handling and treatment of  
18 milkhouse wastewater, repair of fences built using grants under this section and  
19 measures to prevent or reduce pollutants generated from mine tailings disposal sites  
20 for which the department has not approved a plan of operation under s. 289.30 or s.  
21 295.51.

22           **SECTION 66.** 281.75 (17) (b) of the statutes is amended to read:

23           281.75 (17) (b) This section does not apply to contamination which is  
24 compensable under subch. II of ch. 107 or s. 293.65 (4) or 295.61 (8).

25           **SECTION 67.** 283.84 (3m) of the statutes is amended to read:

1           283.84 (3m) A person engaged in mining, as defined in s. 293.01 (9) or 295.41  
2           (26), prospecting, as defined in s. 293.01 (18), bulk sampling, as defined in s. 295.41  
3           (7), or nonmetallic mining, as defined in s. 295.11 (3), may not enter into an  
4           agreement under sub. (1).

5           **SECTION 68.** 287.13 (5) (e) of the statutes is amended to read:

6           287.13 (5) (e) Solid waste produced by a commercial business or industry which  
7           is disposed of or held for disposal in an approved facility, as defined under s. 289.01  
8           (3), or a mining waste site, as defined in s. 295.41 (31), covered by a mining permit  
9           under s. 295.58, owned or leased by the generator or on which the generator holds  
10          an easement and designed and constructed for the purpose of accepting that type of  
11          solid waste.

12          **SECTION 69.** 289.35 of the statutes is amended to read:

13          **289.35 Shoreland and floodplain zoning.** Solid waste facilities are  
14          prohibited within areas under the jurisdiction of shoreland and floodplain zoning  
15          regulations adopted under ss. 59.692, 61.351, 62.231 and, 87.30, and 281.31, except  
16          that the department may issue permits authorizing facilities in such areas. If the  
17          department issues a permit under this section, the permit shall specify the location,  
18          height, and size of the solid waste facility authorized under the permit.

19          **SECTION 70.** 289.62 (2) (g) 2. and 6. of the statutes are amended to read:

20          289.62 (2) (g) 2. For nonhazardous tailing solids ~~or for nonacid producing~~  
21          ~~taconite tailing solids~~, 0.2 cent per ton.

22          6. For nonhazardous waste rock ~~or for nonacid producing taconite waste rock~~,  
23          0.1 cent per ton.

24          **SECTION 71.** 292.01 (1m) of the statutes is amended to read:



1           **SECTION 76.** 293.01 (9) of the statutes is amended to read:

2           293.01 (9) “Mining” or “mining operation” means all or part of the process  
3 involved in the mining of nonferrous metallic minerals, other than for exploration or  
4 prospecting, including commercial extraction, agglomeration, beneficiation,  
5 construction of roads, removal of overburden and the production of refuse.

6           **SECTION 77.** 293.01 (12) of the statutes is amended to read:

7           293.01 (12) “Mining site” means the surface area disturbed by a mining  
8 operation, including the surface area from which the nonferrous metallic minerals  
9 or refuse or both have been removed, the surface area covered by refuse, all lands  
10 disturbed by the construction or improvement of haulageways, and any surface areas  
11 in which structures, equipment, materials and any other things used in the mining  
12 operation are situated.

13           **SECTION 78.** 293.01 (12m) of the statutes is created to read:

14           293.01 (12m) “Nonferrous metallic mineral” means an ore or other earthen  
15 material to be excavated from the natural deposits on or in the earth for its metallic  
16 content but not primarily for its iron oxide content.

17           **SECTION 79.** 293.01 (18) of the statutes is amended to read:

18           293.01 (18) “Prospecting” means engaging in the examination of an area for the  
19 purpose of determining the quality and quantity of nonferrous metallic minerals,  
20 other than for exploration but including the obtaining of ~~an ore~~ a nonferrous metallic  
21 mineral sample, by such physical means as excavating, trenching, construction of  
22 shafts, ramps and tunnels and other means, other than for exploration, which the  
23 department, by rule, identifies, and the production of prospecting refuse and other  
24 associated activities. “Prospecting” shall not include such activities when the  
25 activities are, by themselves, intended for and capable of commercial exploitation of

1 the underlying nonferrous ore body. However, the fact that prospecting activities and  
2 construction may have use ultimately in mining, if approved, shall not mean that  
3 prospecting activities and construction constitute mining within the meaning of sub.  
4 (9), provided such activities and construction are reasonably related to prospecting  
5 requirements.

6 **SECTION 80.** 293.01 (25) of the statutes is amended to read:

7 293.01 (25) "Refuse" means all waste soil, rock, mineral, liquid, vegetation and  
8 other material, except merchantable by-products, directly resulting from or  
9 displaced by the prospecting or mining and from the cleaning or preparation of  
10 nonferrous metallic minerals during prospecting or mining operations, and shall  
11 include all waste materials deposited on or in the prospecting or mining site from  
12 other sources.

13 **SECTION 81.** 293.21 (1) (a) of the statutes is amended to read:

14 293.21 (1) (a) "Driller" means a person who performs core, rotary, percussion  
15 or other drilling involved in exploration for nonferrous metallic minerals.

16 **SECTION 82.** 293.25 (2) (a) of the statutes is amended to read:

17 293.25 (2) (a) *Applicability.* Except as provided under par. (b), ss. 293.21 and  
18 293.81 and rules promulgated under those sections apply to radioactive waste site  
19 exploration, to activities related to radioactive waste site exploration and to persons  
20 engaging in or intending to engage in radioactive waste site exploration or related  
21 activities in the same manner as those sections and rules are applicable to  
22 nonferrous metallic mineral exploration, to activities related to nonferrous metallic  
23 mineral exploration and to persons engaging in or intending to engage in nonferrous  
24 metallic mineral exploration or related activities.

25 **SECTION 83.** 293.25 (4) of the statutes is amended to read:

1           293.25 (4) REGULATION OF EXPLORATION AND RELATED PROVISIONS. Sections  
2           293.13, 293.15 (1) to (12), 293.85, 293.87 and 293.89 and rules promulgated under  
3           those sections apply to radioactive waste site exploration, to activities related to  
4           radioactive waste site exploration and to persons engaging in or intending to engage  
5           in radioactive waste site exploration or related activities in the same manner as  
6           those sections and rules are applicable to nonferrous metallic mineral exploration,  
7           to activities related to nonferrous metallic mineral exploration and to persons  
8           engaging in or intending to engage in nonferrous metallic mineral exploration or  
9           related activities.

10           **SECTION 84.** 293.37 (4) (b) of the statutes is amended to read:

11           293.37 (4) (b) If the department finds that the anticipated life and total area  
12           of a nonferrous metallic mineral deposit are of sufficient magnitude that reclamation  
13           of the mining site consistent with this chapter requires a comprehensive plan for the  
14           entire affected area, it shall require an operator to submit with the application for  
15           a mining permit, amended mining site or change in mining or reclamation plan, a  
16           comprehensive long-term plan showing, in detail satisfactory to the department, the  
17           manner, location and time for reclamation of the entire area of contiguous land which  
18           will be affected by mining and which is owned, leased or under option for purchase  
19           or lease by the operator at the time of application. Where a nonferrous metallic  
20           mineral deposit lies on or under the lands of more than one operator, the department  
21           shall require the operators to submit mutually consistent comprehensive plans.

22           **SECTION 85.** 293.47 (1) (b) of the statutes is amended to read:

23           293.47 (1) (b) “Geologic information” means information concerning  
24           descriptions of ~~an~~ a nonferrous ore body, descriptions of reserves, tonnages and  
25           grades of nonferrous ore, descriptions of a drill core or bulk sample including

1 analysis, descriptions of drill hole depths, distances and similar information related  
2 to the nonferrous ore body.

3 **SECTION 86.** 293.50 (1) (b) of the statutes is amended to read:

4 293.50 (1) (b) “Sulfide ore body” means a mineral deposit in which nonferrous  
5 metals are mixed with sulfide minerals.

6 **SECTION 87.** 293.50 (2) (intro.) of the statutes is amended to read:

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

10 **SECTION 88.** 293.50 (2) (a) of the statutes is amended to read:

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

17 **SECTION 89.** 293.50 (2) (b) of the statutes is amended to read:

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

25 **SECTION 90.** 293.51 (1) of the statutes is amended to read:

1           293.51 (1) Upon notification that an application for a prospecting or mining  
2 permit has been approved by the department but prior to commencing prospecting  
3 or mining, the operator shall file with the department a bond conditioned on faithful  
4 performance of all of the requirements of this chapter and all rules adopted by the  
5 department under this chapter. The bond shall be furnished by a surety company  
6 licensed to do business in this state. In lieu of a bond, the operator may deposit cash,  
7 certificates of deposit or government securities with the department. Interest  
8 received on certificates of deposit and government securities shall be paid to the  
9 operator. The amount of the bond or other security required shall be equal to the  
10 estimated cost to the state of fulfilling the reclamation plan, in relation to that  
11 portion of the site that will be disturbed by the end of the following year. The  
12 estimated cost of reclamation of each prospecting or mining site shall be determined  
13 by the department on the basis of relevant factors including, but not limited to,  
14 expected changes in the price index, topography of the site, methods being employed,  
15 depth and composition of overburden and depth of nonferrous metallic mineral  
16 deposit being mined.

17           **SECTION 91.** 293.65 (3) (a) of the statutes is amended to read:

18           293.65 (3) (a) An approval under s. 281.34 is required to withdraw groundwater  
19 for prospecting or mining or to dewater mines if the capacity and rate of withdrawal  
20 of all wells involved in the withdrawal of groundwater or the dewatering of mines  
21 exceeds 100,000 gallons each day. A permit under s. 283.31 is required to discharge  
22 pollutants resulting from the dewatering of mines.

23           **SECTION 92.** 293.65 (3) (b) of the statutes is amended to read:

24           293.65 (3) (b) The department may not issue an approval under s. 281.34 if the  
25 withdrawal of groundwater for prospecting or mining purposes or the dewatering of

1 mines will result in the unreasonable detriment of public or private water supplies  
2 or the unreasonable detriment of public rights in the waters of the state. No  
3 withdrawal of groundwater for prospecting or mining purposes or ~~the~~ dewatering of  
4 mines may be made to the unreasonable detriment of public or private water supplies  
5 or the unreasonable detriment of public rights in the waters of the state.

6 **SECTION 93.** 293.86 of the statutes is amended to read:

7 **293.86 Visitorial powers of department.** Any duly authorized officer,  
8 employee or representative of the department may enter and inspect any property,  
9 premises or place on or at which any prospecting or ~~metallic~~ mining operation or  
10 facility is located or is being constructed or installed at any reasonable time for the  
11 purpose of ascertaining the state of compliance with this chapter and chs. 281, 285,  
12 289 to 292, ~~295~~ and 299, subchs. I and II of ch. 295, and rules adopted pursuant  
13 thereto. No person may refuse entry or access to any such authorized representative  
14 of the department who requests entry for purposes of inspection, and who presents  
15 appropriate credentials, nor may any person obstruct, hamper or interfere with any  
16 such inspection. The department shall furnish to the prospector or operator, as  
17 indicated in the prospecting or mining permit, a written report setting forth all  
18 observations, relevant information and data which relate to compliance status.

19 **SECTION 94.** Chapter 295 (title) of the statutes is amended to read:

20 **CHAPTER 295**

21 **NONMETALLIC MINING RECLAMATION;**

22 **OIL AND GAS;**

23 **FERROUS METALLIC MINING**

24 **SECTION 95.** 295.16 (4) (f) of the statutes is amended to read:



1 Michigan have done, will encourage ferrous mineral mining in Wisconsin and create  
2 jobs and generate resources for the state.

3 (7) That because of the fixed location of ferrous mineral deposits in the state,  
4 it is probable that mining those deposits will result in adverse impacts to wetlands  
5 and that, therefore, the use of wetlands for bulk sampling and mining activities,  
6 including the disposal or storage of mining wastes or materials, or the use of other  
7 lands for mining activities that would have a significant adverse impact on wetlands,  
8 is presumed to be necessary.

9 **295.41 Definitions.** In this subchapter:

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

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

15 (3) (a) “Approval” means, except as provided in par. (b), any permit, license,  
16 certification, contract, or other authorization that the department issues, or any  
17 other action by the department, that is required for exploration, to engage in bulk  
18 sampling at a bulk sampling site, or to construct or operate a mining site, including  
19 any action required for any of the following:

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

23 2. The withdrawal of land entered as forest cropland under s. 77.10.