

1 (a) The application is for a waiver, exemption, or exception to an approval for  
2 a bulk sampling activity or for a determination that the proposed bulk sampling  
3 activity is below the threshold that requires an approval.

4 (b) The application is for a determination of eligibility for coverage under a  
5 general permit or a registration permit.

6 (10) (a) Notwithstanding any inconsistent period in ch. 23, 29, 30,<sup>31,</sup> 169, 281,  
7 283, 285, 289, or 291 or in a rule promulgated under those chapters that is applicable  
8 to an approval identified under sub. (3), the department shall approve or deny any  
9 application for an approval identified under sub. (3) to which sub. (9) does not apply  
10 within 60 days after the date on which the application is considered to be complete  
11 under sub. (4), unless the application is for an individual permit for which federal law  
12 requires the opportunity for public comment or the ability to request a public hearing  
13 prior to issuance of the approval.

14 (b) The department shall publish a class 1 notice, under ch. 985, that describes  
15 the availability of information concerning the activity for which an approval  
16 described in par. (a) is required, its proposed decision, its draft approval, information  
17 or summaries related to the approval, the department's analyses and preliminary  
18 determinations relating to the approval, the preapplication description under s.

19 295.46, any additional information that a law concerning the approval requires to be  
20 made available, and the opportunity to submit written comments within 30 days  
21 after the notice is published.

22 (c) In the notice under par. (b), the department shall also specify the date, time,  
23 and location of the public informational hearing under par. (e). The department shall  
24 send the notice to any person to whom the department is required to give notice of

1 any proposed determination, application, or hearing concerning an approval  
2 described in par. (a) under the laws relating to the issuance of the approval.

3 (d) If there is more than one approval described in par. (a), the department shall  
4 issue one notice and coordinate the public comment period for all of the approvals.  
5 If possible, the department shall coordinate the notice and the public comment  
6 period for an approval that is an individual permit for which federal law requires the  
7 opportunity for public comment or the ability to request a public hearing prior to  
8 issuance of the approval with notice and the public comment period for the approvals  
9 described in par. (a).

10 (e) The department shall hold a public informational hearing within 30 days  
11 after publishing the notice under par. (b). The department shall hold the public  
12 informational hearing in the county where the majority of the proposed bulk  
13 sampling site is located. If there is more than one approval described in par. (a), the  
14 department shall hold a single public informational hearing covering all of the  
15 approvals. If possible, the department shall include consideration of an approval  
16 that is an individual permit for which federal law requires the opportunity for public  
17 comment or the ability to request a public hearing prior to issuance of the approval  
18 in the public informational hearing under this paragraph. The public informational  
19 hearing under this paragraph is not a contested case hearing under ch. 227.

20 **(10g)** (a) If it is not possible to coordinate the public comment period and public  
21 informational hearing for an approval that is an individual permit for which federal  
22 law requires the opportunity for public comment or the ability to request a public  
23 hearing prior to issuance of the approval with the public comment period and public  
24 informational hearing under sub. (10), the department shall issue a separate public

1 notice and hold a separate public informational hearing for the approval in  
2 accordance with the law governing the approval.

3 (b) The department shall approve or deny the application for an approval that  
4 is an individual permit for which federal law requires the opportunity for public  
5 comment or the ability to request a public hearing prior to issuance of the approval  
6 within 180 days after the date on which the application is considered to be complete  
7 under sub. (4).

8 (10r) An approval identified under sub. (3) is issued upon mailing and is final  
9 and effective upon issuance.

10 (11) The department is not required to prepare an environmental impact  
11 statement or an environmental assessment for an approval required for bulk  
12 sampling.

13 SECTION 78. 293.32 of the statutes is amended to read:

14 **293.32 ~~Prospecting and mining~~ Mining fees.** (1) When a person gives  
15 notice under s. 293.31 (1), the person shall pay a fee established by the department  
16 by rule designed to cover the costs incurred by the department in connection with the  
17 proposed ~~prospecting or mining~~ during the year following receipt of the notice, other  
18 than any costs related to the environmental impact statement for the proposed  
19 ~~prospecting or mining~~.

20 (2) The department shall annually compare the fees paid under this section  
21 and under chs. 30, 280 to 292 and 295 to 299 in connection with proposed ~~prospecting~~  
22 ~~or mining~~ for which notice has been given under s. 293.31 (1) with the costs incurred  
23 by the department in connection with that proposed ~~prospecting or mining~~, including  
24 the costs incurred under chs. 30, 280 to 292 and 295 to 299 but excluding costs related  
25 to the environmental impact statement. If the costs incurred exceed the fees paid,

1 the person who notified the department shall pay a fee equal to the amount by which  
2 the costs exceed the fees previously paid.

3 (3) When the department issues or denies a ~~prospecting or~~ mining permit or  
4 when a person who gave notice under s. 293.31 (1) ceases to seek approval of the  
5 proposed ~~prospecting or~~ mining project, the department shall compare the fees paid  
6 under this section and under chs. 30, 280 to 292 and 295 to 299 in connection with  
7 the proposed ~~prospecting or~~ mining with the costs incurred by the department in  
8 connection with the proposed ~~prospecting or~~ mining, including the costs incurred  
9 under chs. 30, 280 to 292 and 295 to 299 but excluding costs related to the  
10 environmental impact statement. If the costs incurred are less than the fees paid,  
11 the department shall pay the person who gave notice the amount by which the fees  
12 exceed the costs. If the costs incurred exceed the fees paid, the person who notified  
13 the department shall pay a final fee equal to the amount by which the costs exceed  
14 the fees previously paid.

History: 1997 a. 169.

X 15 **SECTION 79.** 293.35 of the statutes is repealed.

16 **SECTION 80.** 293.37 (1) (a) of the statutes is amended to read:

17 293.37 (1) (a) No operator may engage in mining or reclamation at any mining  
18 site that is not covered by a mining permit and by written authorization to mine  
19 under s. 293.51 (3). Applications for mining permits shall be made in writing and  
20 in reproducible form to the department upon forms prepared and furnished by it and  
21 in such multiples as required by rule of the department. An application shall be  
22 made, and a mining permit obtained for each separate mining site. ~~No application~~  
23 ~~for surface mining at a site may be entertained by the department if within the~~  
24 ~~previous 5 years the applicant, or a different person who had received a prospecting~~

**SECTION 80**

1 ~~permit for the site had certified under s. 293.35 (1) that he or she would not~~  
2 ~~subsequently make application for a permit to conduct surface mining at the site.~~

*Insert*  
3 ~~History: 1995 a. 227 s. 770, 772, 774, 775, 776, 994; 1997 a. 169.~~

7 **SECTION 81.** 293.37 (2) (c) of the statutes is amended to read:

*30-2*  
4

4 293.37 (2) (c) The name and address of each owner of land within the mining  
5 site and each person known by the applicant to hold any option or lease on land  
6 within the mining site and all ~~prospecting and~~ mining permits in this state held by  
7 the applicant.

8 ~~History: 1995 a. 227 s. 770, 772, 774, 775, 776, 994; 1997 a. 169.~~

8 **SECTION 82.** 293.37 (2) (f) of the statutes is amended to read:

9 293.37 (2) (f) Information relating to whether unsuitability may exist for  
10 surface mining ~~to the extent not fully considered under s. 293.45.~~

11 ~~History: 1995 a. 227 s. 770, 772, 774, 775, 776, 994; 1997 a. 169.~~

*x* 11 **SECTION 83.** 293.39 (3) of the statutes is repealed.

12 **SECTION 84.** 293.43 (1m) ~~(b)~~ of the statutes is amended to read:

*Insert*  
13  
*30-12*  
14

13 293.43 (1m) (b) Except as provided in this paragraph, for all department issued  
14 approvals, licenses and permits relating to ~~prospecting or~~ mining including solid  
15 waste feasibility report approvals and permits related to air and water, to be issued  
16 after April 30, 1980, the notice, hearing and comment provisions, if any, and the time  
17 for issuance of decisions, shall be controlled by this section and ~~ss. 293.45~~ and s.  
18 293.49. If an applicant fails to make application for an approval, license or permit  
19 for an activity incidental to ~~prospecting or~~ mining in time for notice under this section  
20 to be provided, the notice and comment requirements, if any, shall be controlled by  
21 the specific statutory provisions with respect to that application. If notice under  
22 those specific statutory notice requirements can be given for consideration of the  
23 approval, license or permit at the hearing under this section, the application shall  
24 be considered at that hearing; otherwise, the specific statutory hearing provisions,

1 if any, with respect to that application shall control. The substantive requirements  
2 for the issuance of any approval, permit or license incidental to ~~prospecting or~~ mining  
3 are not affected by the fact that a hearing on the approval, permit or license is  
4 conducted as part of a hearing under this section.

*INSO*  
*31-16*  
History: 1977 s. 421; 1979 c. 221, 355; 1985 a. 60; 1991 a. 259; 1995 a. 227 ss. 759, 760, 762, 994; Stats. 1995 s. 293.43.

~~SECTION 85.~~ 293.45 of the statutes is repealed.

X 6 **SECTION 86.** 293.47 of the statutes is repealed.

X 7 **SECTION 87.** 293.49 (1) (a) 3. of the statutes is amended to read:

8 293.49 (1) (a) 3. In the case of a surface mine, the site is not unsuitable for  
9 mining. ~~The preliminary determination that a site was not unsuitable for mining~~  
10 ~~under s. 293.45 may not be conclusive in the determination of the site's suitability~~  
11 ~~for mining under this section. However, at the hearing held under this section and~~  
12 ~~s. 293.43, testimony and evidence submitted at the prospecting permit proceeding~~  
13 ~~relevant to the issue of suitability of the proposed mining site for surface mining may~~  
14 ~~be adopted, subject to the opportunity for cross-examination and rebuttal, if not~~  
15 ~~unduly repetitious.~~

History: 1995 a. 227 s. 771, 773, 777, 778, 779, 994; 1997 a. 171.

X 16 **SECTION 88.** 293.49 (4) of the statutes is repealed.

*INSO*  
*31-16*  
17 **SECTION 89.** 293.51 (1) of the statutes is amended to read:

18 293.51 (1) Upon notification that an application for a ~~prospecting or~~ mining  
19 permit has been approved by the department but prior to commencing ~~prospecting~~  
20 ~~or~~ mining, the operator shall file with the department a bond conditioned on faithful  
21 performance of all of the requirements of this chapter and all rules adopted by the  
22 department under this chapter. The bond shall be furnished by a surety company  
23 licensed to do business in this state. In lieu of a bond, the operator may deposit cash,  
24 certificates of deposit or government securities with the department. Interest

## SECTION 89

1 received on certificates of deposit and government securities shall be paid to the  
2 operator. The amount of the bond or other security required shall be equal to the  
3 estimated cost to the state of fulfilling the reclamation plan, in relation to that  
4 portion of the site that will be disturbed by the end of the following year. The  
5 estimated cost of reclamation of each ~~prospecting or~~ mining site shall be determined  
6 by the department on the basis of relevant factors including, but not limited to,  
7 expected changes in the price index, topography of the site, methods being employed,  
8 depth and composition of overburden and depth of mineral deposit being mined.

9 History: 1973 c. 318; 1977 c. 421; 1979 c. 102 s. 236 (3); 1979 c. 176; 1995 a. 227 ss. 784, 994; Stats. 1995 s. 293.51.

**SECTION 90.** 293.53 (1) of the statutes is repealed.

10 **SECTION 91.** 293.53 (2) of the statutes is renumbered 293.53 and 293.53 (2), as  
11 renumbered, is amended to read:

12 <sup>(NO B)</sup>  
13 **293.53** (2) Annually, the department shall review the mining and reclamation  
14 plans and bonds, using the procedure specified under sub. (1) to ascertain adequacy,  
15 compliance with state or federal laws enacted after the issuance of the permit, and  
16 technological currency. If the department after review determines that a plan should  
17 be modified or the bond amount changed, it shall notify the permit holder of the  
18 necessary modifications or changes. If the permit holder does not request a hearing  
within 30 days, the modifications or changes shall be considered accepted.

19 History: 1995 a. 227 s. 767; 1995 a. 227 ss. 791, 994.

**SECTION 92.** 293.57 (2) of the statutes is amended to read:

20 293.57 (2) The successor operator discloses whether it has forfeited any  
21 performance security because of noncompliance with any ~~prospecting~~ bulk sampling  
22 or mining laws within the previous 20 years, posts any bond required under s. 293.51

1 and assumes all responsibilities of all applicable permits, licenses and approvals  
2 granted to the predecessor operator.

History: 1995 a. 227 s. 786.

3 **SECTION 93.** 293.63 (5) of the statutes is repealed.

4 **SECTION 94.** 293.65 (1) of the statutes is amended to read:

5 293.65 (1) SCOPE. This section governs the withdrawal of groundwaters or  
6 surface waters by persons engaged in ~~prospecting~~ bulk sampling or mining.  
7 Discharges of waters are subject to ch. 283, construction of necessary dams or other  
8 structures is subject to chs. 30 and 31 and construction of wells is subject to ch. 280,  
9 to the extent applicable.

History: 1977 c. 420; 1979 c. 221; 1981 c. 86 ss. 38 to 54, 64; Stats. 1981 s. 144.855; 1985 a. 60 s. 24; 1987 a. 374; 1993 a. 16; 1995 a. 227 s. 783; Stats. 1995 s. 293.65; 2003 a. 310; 2007 a. 227.

10 **SECTION 95.** 293.65 (2) (a) of the statutes is amended to read:

11 293.65 (2) (a) Any person intending to withdraw surface waters for ~~prospecting~~  
12 bulk sampling or mining shall apply to the department for a permit. The forms and  
13 procedures used under s. 30.18 apply to the extent practicable.

History: 1977 c. 420; 1979 c. 221; 1981 c. 86 ss. 38 to 54, 64; Stats. 1981 s. 144.855; 1985 a. 60 s. 24; 1987 a. 374; 1993 a. 16; 1995 a. 227 s. 783; Stats. 1995 s. 293.65; 2003 a. 310; 2007 a. 227.

14 **SECTION 96.** 293.65 (3) (b) of the statutes is amended to read:

15 293.65 (3) (b) The department may not issue an approval under s. 281.34 if the  
16 withdrawal of groundwater for ~~prospecting~~ bulk sampling or mining purposes or the  
17 dewatering of mines will result in the unreasonable detriment of public or private  
18 water supplies or the unreasonable detriment of public rights in the waters of the  
19 state. No withdrawal of groundwater or dewatering of mines may be made to the  
20 unreasonable detriment of public or private water supplies or the unreasonable  
21 detriment of public rights in the waters of the state.

History: 1977 c. 420; 1979 c. 221; 1981 c. 86 ss. 38 to 54, 64; Stats. 1981 s. 144.855; 1985 a. 60 s. 24; 1987 a. 374; 1993 a. 16; 1995 a. 227 s. 783; Stats. 1995 s. 293.65; 2003 a. 310; 2007 a. 227.

22 **SECTION 97.** 293.65 (4) (b) of the statutes is amended to read:

1           293.65 (4) (b) A person claiming damage to the quantity or quality of his or her  
2 private water supply caused by ~~prospecting~~ bulk sampling or mining may file a  
3 complaint with the department and, if there is a need for an immediate alternative  
4 source of water, with the town, village or city where the private water supply is  
5 located. The department shall conduct an investigation and if the department  
6 concludes that there is reason to believe that the ~~prospecting~~ bulk sampling or  
7 mining is interrelated to the condition giving rise to the complaint, it shall schedule  
8 a hearing.

History: 1977 c. 420; 1979 c. 221; 1981 c. 86 ss. 38 to 54, 64; Stats. 1981 s. 144.855; 1985 a. 60 s. 24; 1987 a. 374; 1993 a. 16; 1995 a. 227 s. 783; Stats. 1995 s. 293.65; 2003 a. 310; 2007 a. 227.

9           **SECTION 98.** 293.65 (4) (d) of the statutes is amended to read:

10           293.65 (4) (d) If the department concludes after the hearing that ~~prospecting~~  
11 bulk sampling or mining is the principal cause of the damage to the private water  
12 supply, it shall issue an order to the operator requiring the provision of water to the  
13 person found to be damaged in a like quantity and quality to that previously obtained  
14 by the person and for a period of time that the water supply, if undamaged, would be  
15 expected to provide a beneficial use, requiring reimbursement to the town, village or  
16 city for the cost of supplying water under par. (c), if any, and requiring the payment  
17 of compensation for any damages unreasonably inflicted on the person as a result of  
18 damage to his or her water supply. The department shall order the payment of full  
19 compensatory damages up to \$75,000 per claimant. The department shall issue its  
20 written findings and order within 60 days after the close of the hearing. Any  
21 judgment awarded in a subsequent action for damages to a private water supply  
22 caused by ~~prospecting~~ bulk sampling or mining shall be reduced by any award of  
23 compensatory damages previously made under this subsection for the same injury  
24 and paid by the operator. The dollar amount under this paragraph shall be changed

1 annually according to the method under s. 70.375 (6). Pending the final decision on  
2 any appeal from an order issued under this paragraph, the operator shall provide  
3 water as ordered by the department. The existence of the relief under this section  
4 is not a bar to any other statutory or common law remedy for damages.

History: 1977 c. 420; 1979 c. 221; 1981 c. 86 ss. 38 to 54, 64; Stats. 1981 s. 144.855; 1985 a. 60 s. 24; 1987 a. 374; 1993 a. 16; 1995 a. 227 s. 783; Stats. 1995 s. 293.65; 2003 a. 310; 2007 a. 227.

5 **SECTION 99.** 293.65 (4) (e) of the statutes is amended to read:

6 293.65 (4) (e) If the department concludes after the hearing that ~~prospecting~~  
7 bulk sampling or mining is not the cause of any damage, reimbursement to the town,  
8 village or city for the costs of supplying water under par. (c), if any, is the  
9 responsibility of the person who filed the complaint.

History: 1977 c. 420; 1979 c. 221; 1981 c. 86 ss. 38 to 54, 64; Stats. 1981 s. 144.855; 1985 a. 60 s. 24; 1987 a. 374; 1993 a. 16; 1995 a. 227 s. 783; Stats. 1995 s. 293.65; 2003 a. 310; 2007 a. 227.

10 **SECTION 100.** 293.65 (4) (f) of the statutes is amended to read:

11 293.65 (4) (f) Failure of an operator to comply with an order under par. (d) is  
12 grounds for suspension or revocation of a ~~prospecting~~ or mining permit.

History: 1977 c. 420; 1979 c. 221; 1981 c. 86 ss. 38 to 54, 64; Stats. 1981 s. 144.855; 1985 a. 60 s. 24; 1987 a. 374; 1993 a. 16; 1995 a. 227 s. 783; Stats. 1995 s. 293.65; 2003 a. 310; 2007 a. 227.

13 **SECTION 101.** 293.65 (5) (a) of the statutes is amended to read:

14 293.65 (5) (a) Costs incurred by a town, village or city in monitoring the effects  
15 of ~~prospecting~~ bulk sampling or mining on surface water and groundwater resources,  
16 in providing water to persons claiming damage to private water supplies under sub.  
17 (4) (c), or in retaining legal counsel or technical consultants to represent and assist  
18 the town, village or city appearing at the hearing under sub. (4) (b) are reimbursable  
19 through the investment and local impact fund under s. 15.435.

History: 1977 c. 420; 1979 c. 221; 1981 c. 86 ss. 38 to 54, 64; Stats. 1981 s. 144.855; 1985 a. 60 s. 24; 1987 a. 374; 1993 a. 16; 1995 a. 227 s. 783; Stats. 1995 s. 293.65; 2003 a. 310; 2007 a. 227.

20 **SECTION 102.** 293.81 of the statutes is amended to read:

21 **293.81 Exploring, ~~prospecting~~ and mining without authorization.** Any  
22 person who engages in exploration without a license shall forfeit not less than \$100

1 nor more than \$1,000 for each parcel as defined under s. 293.21 (1) (b) on which  
2 unlicensed exploration took place. Any person who authorizes or engages in  
3 ~~prospecting without a prospecting permit~~ bulk sampling without filing a bulk  
4 sampling plan or any operator who authorizes or engages in mining without a mining  
5 permit and written authorization to mine under s. 293.51 (3) shall forfeit all profits  
6 obtained from such illegal activities and not more than \$10,000 for each day during  
7 which the mine was in operation. The operator shall be liable to the department for  
8 the full cost of reclaiming the affected area of land and any damages caused by the  
9 mining operation. Each day's violation of this section shall be deemed a separate  
10 offense. If the violator is a corporation, limited liability company, partnership or  
11 association, any officer, director, member, manager or partner who knowingly  
12 authorizes, supervises or contracts for exploration, ~~prospecting~~ bulk sampling, or  
13 mining shall also be subject to the penalties of this section.

14 History: 1973 c. 318; 1977 c. 421; 1993 a. 112; 1995 a. 227 s. 789; Stats. 1995 s. 293.81.

14 **SECTION 103.** 293.83 (2) of the statutes is amended to read:

15 293.83 (2) If reclamation of a mining site is not proceeding in accordance with  
16 the reclamation plan and the operator has not commenced to rectify deficiencies  
17 within the time specified in the order, or if the reclamation is not properly completed  
18 in conformance with the reclamation plan within one year after completion or  
19 abandonment of mining on any segment of the mining site, or if the exploration  
20 license or ~~prospecting or~~ mining permit is revoked under s. 293.87 (2) and (3),  
21 excepting acts of God, such as adverse weather affecting grading, planting and  
22 growing conditions, the department, with the staff, equipment and material under  
23 its control, or by contract with others, shall take such actions as are necessary for the  
24 reclamation of mined areas. The operator shall be liable for the cost to the state of

1 reclamation conducted under this section. Any operator who is exempted from filing  
2 a bond or depositing cash, certificates of deposits or government securities by s.  
3 293.51 (6) shall not be liable for an amount greater than an amount specified by the  
4 department. The specified amount shall be equal to and determined in the same  
5 manner as the amount of the bond or other security otherwise required under s.  
6 293.51 (1), assuming the operator had not been exempt from such filing or depositing.

7 **History:** 1973 c. 318; 1977 c. 421; 1981 c. 86; 1995 a. 227 s. 793; Stats. 1995 s. 293.83; 1997 a. 193, 252.

7 **SECTION 104.** 293.83 (3) of the statutes is amended to read:

8 293.83 (3) All other ~~prospecting and~~ mining permits held by an operator who  
9 refuses to reclaim a mining site in compliance with the reclamation plan after the  
10 completion of mining or after the cancellation of a mining permit shall be canceled.  
11 The department may not issue any ~~prospecting or~~ mining permits for that site or any  
12 other site in this state to an operator who refused to reclaim a mining site in  
13 compliance with the reclamation plan.

14 **History:** 1973 c. 318; 1977 c. 421; 1981 c. 86; 1995 a. 227 s. 793; Stats. 1995 s. 293.83; 1997 a. 193, 252.

14 **SECTION 105.** 293.85 (1) of the statutes is repealed.

15 **SECTION 106.** 293.85 (3) of the statutes is amended to read:

16 293.85 (3) A mining ~~or prospecting~~ permit, if the permit holder intentionally  
17 made a false statement in the permit application or intentionally omitted  
18 information from the permit application which was material to permit issuance.

19 **History:** 1995 a. 227 s. 750, 994.

19 **SECTION 107.** 293.86 of the statutes is amended to read:

20 **293.86 Visitorial powers of department.** Any duly authorized officer,  
21 employee or representative of the department may enter and inspect any property,  
22 premises or place on or at which any ~~prospecting~~ bulk sampling or metallic mining  
23 operation or facility is located or is being constructed or installed at any reasonable  
24 time for the purpose of ascertaining the state of compliance with this chapter and chs.

## SECTION 107

1 281, 285, 289 to 292, 295 and 299 and rules adopted pursuant thereto. No person may  
2 refuse entry or access to any such authorized representative of the department who  
3 requests entry for purposes of inspection, and who presents appropriate credentials,  
4 nor may any person obstruct, hamper or interfere with any such inspection. The  
5 department shall furnish to the ~~prospector~~ person conducting the bulk sampling or  
6 the operator, as indicated in the ~~prospecting~~ bulk sampling plan or the mining  
7 permit, a written report setting forth all observations, relevant information and data  
8 which relate to compliance status.

History: 1995 a. 227 s. 404.

9 **SECTION 108.** 293.87 (2) of the statutes is amended to read:

10 293.87 (2) Any person who makes or causes to be made in an application or  
11 report required by this chapter a statement known to the person to be false or  
12 misleading in any material respect or who refuses to file an annual report under s.  
13 293.53 ~~(2)~~ <sup>(1)</sup> ~~(a)~~ for who refuses to submit information required by the ~~prospecting or~~  
14 mining permit may be fined not less than \$1,000 nor more than \$5,000. If the false  
15 or misleading statement is material to the issuance of the permit, the permit may be  
16 revoked. If any violation under this subsection is repeated the permit may be  
17 revoked.

History: 1973 c. 318; 1977 c. 421; 1995 a. 227 s. 796, 994; Stats. 1995 s. 293.87; 2001 a. 109; 2003 a. 309.

18 **SECTION 109.** 293.87 (3) of the statutes is amended to read:

19 293.87 (3) Any person holding a ~~prospecting or~~ mining permit who violates this  
20 chapter or any order issued or rule adopted under this chapter shall forfeit not less  
21 than \$10 nor more than \$10,000 for each violation. Each day of violation is a separate  
22 offense. If the violations continue after an order to cease has been issued, the permit  
23 shall be revoked.

History: 1973 c. 318; 1977 c. 421; 1995 a. 227 s. 796, 994; Stats. 1995 s. 293.87; 2001 a. 109; 2003 a. 309.

X 24 **SECTION 110.** 293.91 of the statutes is repealed.

1 SECTION 111. 706.01 (9) of the statutes is amended to read:

2 706.01 (9) "Mining company" means any person or agent of a person who has  
3 a ~~prospecting or~~ mining permit under s. ~~293.45 or~~ 293.49 or has filed a bulk sampling  
4 plan under s. 293.315.

History: 1971 c. 41; 1977 c. 253; 1983 a. 189, 455; 1993 a. 486; 1995 a. 227; 1999 a. 85; 2005 a. 41; 421

*Insert  
39-4*

**SECTION 112. Initial applicability.**

6 (1) EXPLORATION MINING LEASES. The treatment of sections 107.20 (1) and 107.25  
7 (1) (c) of the statutes first applies to exploration mining leases entered into on the  
8 effective date of this subsection.

(END)

*Note*

INS 5-5

Section #. 70.395 (2) (g) (intro.) of the statutes is amended to read:

by the investment and local impact fund

70.395 (2) (g) (intro.) The board may distribute the revenues received under sub. (1e) or proceeds thereof in accordance with par. (h) for the following purposes, as the board determines necessary:

**History:** 1977 c. 31, 185, 423; 1979 c. 34 s. 2102 (46) (c); 1979 c. 63; 1979 c. 175 s. 53; 1981 c. 86 ss. 27 to 36, 71; 1981 c. 374 s. 150; 1983 a. 27 ss. 1184u to 1185r, 2202 (38) and (45); 1983 a. 410 ss. 22, 2202 (38); 1985 a. 29 ss. 1214s to 1214z, 3200 (46) (a); 1985 a. 332 s. 253; 1987 a. 399; 1989 a. 31; 1991 a. 39, 259; 1995 a. 27, 227; 1997 a. 27; 1999 a. 32.

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LRB-0821/P1ins  
RCT:.....

SAV

1           **Insert 17-12**

2           **SECTION 1.** 293.15 (3) of the statutes is amended to read:

3           293.15 (3) Issue orders directing particular ~~prospectors or operators~~ to comply  
4 with the provisions and purposes of this chapter.

5 History: 1995 a. 227 s. 748, 749, 754, 994; 2007 a. 20 s. 9121 (6) (a).

5           **Insert 30-2**

6           **SECTION 2.** 293.37 (2) (b) of the statutes is amended to read:

7           293.37 (2) (b) In addition to the information and maps otherwise required by  
8 this subsection, a detailed reclamation plan showing the manner, location and time  
9 for reclamation, including ongoing reclamation during mining, of the proposed  
10 mining site. The reclamation plan shall be accompanied by a map subject to the  
11 requirements in par. (a) which shall show the specific reclamation proposal for each  
12 area of the site. The reclamation plan shall conform to any applicable comprehensive  
13 plan created under sub. (4) (b), and to any applicable minimum standard created  
14 under ~~ss. s. 293.13 (2) and 293.35 (2) and (3).~~

15 History: 1995 a. 227 s. 770, 772, 774, 775, 776, 994; 1997 a. 169.

15           **Insert 30-12**

16           **SECTION 3.** 293.43 (1) of the statutes is amended to read:

17           293.43 (1) **APPLICABILITY.** This section, and ch. 227 where it is not inconsistent,  
18 shall govern all hearings on applications for ~~prospecting or mining~~ permits.

19 History: 1977 c. 421; 1979 c. 221, 355; 1985 a. 60; 1991 a. 259; 1995 a. 227 ss. 759, 760, 762, 994; Stats. 1995 s. 293.43.

19           **SECTION 4.** 293.43 (1m) <sup>(a) and (b)</sup> of the statutes ~~(S)~~ <sup>are</sup> amended to read:

20           293.43 (1m) **SCOPE.** <sup>are</sup> (a) The hearing on the ~~prospecting or mining~~ permit shall  
21 cover the application and any statements prepared under s. 1.11 and, to the fullest  
22 extent possible, all other applications for approvals, licenses and permits issued by

1 the department. The department shall inform the applicant as to the timely  
2 application date for all approvals, licenses and permits issued by the department, so  
3 as to facilitate the consideration of all other matters at the hearing on the ~~prospecting~~  
4 ~~or~~ mining permits.

History: 1977 c. 421; 1979 c. 221, 355; 1985 a. 60; 1991 a. 259; 1995 a. 227 ss. 759, 760, 762, 994; Stats. 1995 s. 293.43.

5 **Insert 31-4**

6 **SECTION 5.** 293.43 (2) of the statutes is amended to read:

7 293.43 (2) LOCATION. The hearing shall be held in the county where the  
8 ~~prospecting or~~ mining site, or the largest portion of the ~~prospecting or~~ mining site,  
9 is located, but may subsequently be adjourned to other locations.

History: 1977 c. 421; 1979 c. 221, 355; 1985 a. 60; 1991 a. 259; 1995 a. 227 ss. 759, 760, 762, 994; Stats. 1995 s. 293.43.

10 **SECTION 6.** 293.43 (3) (b) 1. and 2. of the statutes are amended to read:

11 293.43 (3) (b) 1. Mailing a copy of the notice to all known departments and  
12 agencies required to grant any permit necessary for the proposed operation, to any  
13 regional planning commission within which the affected area lies, to the governing  
14 bodies of all towns, villages, cities and counties within which any part of the proposed  
15 ~~prospecting or~~ mining site lies, to the governing bodies of any towns, villages or cities  
16 contiguous to any town, village or city within which any part of the proposed  
17 ~~prospecting or~~ mining site lies and to any interested persons who have requested  
18 such notification.

History: 1977 c. 421; 1979 c. 221, 355; 1985 a. 60; 1991 a. 259; 1995 a. 227 ss. 759, 760, 762, 994; Stats. 1995 s. 293.43.

19 2. Publication of a class 2 notice, under ch. 985, utilizing a display advertising  
20 format, in the weekly newspaper published in the closest geographic proximity to the  
21 proposed ~~prospecting or~~ mining site, in the newspaper having the largest circulation  
22 in the county within which the proposed site lies and in those newspapers published  
23 in counties contiguous to the county within which the proposed site lies which have

1 a substantial circulation in the area of, or adjacent to, the proposed ~~prospecting or~~  
2 mining site.

3 **History:** 1977 c. 421; 1979 c. 221, 355; 1985 a. 60; 1991 a. 259; 1995 a. 227 ss. 759, 760, 762, 994; Stats. 1995 s. 293.43.

3 **Insert 31-16**

4 **SECTION 7.** 293.49 (6) of the statutes is amended to read:

5 293.49 (6) Except as otherwise provided in ss. 293.53 ~~(2)~~, 293.55 to 293.59,  
6 293.63, 293.81 and 293.83, mining permits shall be valid for the life of the project  
7 unless canceled under s. 293.83 (1) or (3) or 293.85 or revoked under s. 293.87 (2) or  
8 (3).

9 **History:** 1995 a. 227 s. 771, 773, 777, 778, 779, 994; 1997 a. 171.

9 **Insert 39-4**

10 **SECTION 8.** 710.02 (2) (d) of the statutes is amended to read:

11 710.02 (2) (d) An exploration mining lease as defined in s. 107.001 ~~(1)~~ (1j) and  
12 land used for mining and associated activities.

**History:** 1983 a. 335; 1987 a. 186; 1989 a. 31; 1993 a. 112.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0821/P1dn  
RCT/JK/MPG/.....

gjs

- Late -

This is a preliminary draft of the proposal concerning metallic mining. We produced this preliminary draft, which does not include all of the items in the request, in order to provide language for review while we continue to work on the rest of the items.

This draft includes the following:

1. The gross tonnage tax for iron ore. See s. 70.375 (2) (a), (5) (intro.), and (7). ✓
2. The increases in the notice of intent fees and the authority for the Investment and Local Impact Board to provide grants for economic impact studies. See s. 70.395 (2) (dc) 1., 2., and 3. and (L) ✓
3. The changes in the distribution of the taxes on metallic mining and the creation of WEDC grants and loans. See ss. 70.395 (1e) and 238.14. ✓
4. The exemption from the recycling fee. See s. 289.645 (4) (g). ✓
5. The requirement to provide the notice of intent at least 12 months before submitting an application for a metallic mining permit. See s. 293.31 (1).
6. The elimination of prospecting permits, the creation of the requirement for bulk sampling plans, and the modification of other statutes that mention prospecting. See the creation of s. 293.315, the treatment of the other provisions in ch. 293, and the treatment of statutes outside of ch. 293 that are not listed above. ✓

In treating the provisions outside of ch. 293 that mention prospecting, our goal was to change current law as little as possible.

This draft should be reviewed carefully to ensure that it accomplishes the changes in the law that are wanted. In particular, please look carefully at the section on bulk sampling, s. 293.315. For example, that section requires revegetation of bulk sampling sites. Current law requires reclamation of prospecting sites. Reclamation includes revegetation and a number of other actions. See current ss. 293.01 (23) and 293.13 (2) (c). ✓

Please contact Joe Kreye with any questions or redraft instructions on the tax-related provisions and me with any other questions or redraft instructions.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: becky.tradewell@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0821/P1dn  
RCT:cjs:cs

December 21, 2012

This is a preliminary draft of the proposal concerning metallic mining. We produced this preliminary draft, which does not include all of the items in the request, in order to provide language for review while we continue to work on the rest of the items.

This draft includes the following:

1. The gross tonnage tax for iron ore. See s. 70.375 (2) (a), (5) (intro.), and (7).
2. The increases in the notice of intent fees and the authority for the Investment and Local Impact Board to provide grants for economic impact studies. See s. 70.395 (2) (dc) 1., 2., and 3. and (L)
3. The changes in the distribution of the taxes on metallic mining and the creation of WEDC grants and loans. See ss. 70.395 (1e) and 238.14.
4. The exemption from the recycling fee. See s. 289.645 (4) (g).
5. The requirement to provide the notice of intent at least 12 months before submitting an application for a metallic mining permit. See s. 293.31 (1).
6. The elimination of prospecting permits, the creation of the requirement for bulk sampling plans, and the modification of other statutes that mention prospecting. See the creation of s. 293.315, the treatment of the other provisions in ch. 293, and the treatment of statutes outside of ch. 293 that are not listed above.

In treating the provisions outside of ch. 293 that mention prospecting, our goal was to change current law as little as possible.

This draft should be reviewed carefully to ensure that it accomplishes the changes in the law that are wanted. In particular, please look carefully at the section on bulk sampling, s. 293.315. For example, that section requires revegetation of bulk sampling sites. Current law requires reclamation of prospecting sites. Reclamation includes revegetation and a number of other actions. See current ss. 293.01 (23) and 293.13 (2) (c).

Please contact Joe Kreye with any questions or redraft instructions on the tax-related provisions and me with any other questions or redraft instructions.

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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0821/P2dn

RCT./:....

gjs

*- date -*

This version of the mining draft adds provisions to address several more items in the request. The provisions that were in the /P1 version are unchanged. This draft adds the following:

1. The amendment of s. 289.05, intended to carry out the instruction on waste characterization.

Please review this language to ensure that it complies with the intent of the instruction. You may wish to add to the draft provisions to speed up the process of promulgating the required rules by providing exemptions from some of the statutory steps in the rule-making process. Please let me know if you would like to discuss options for this.

2. The creation of s. 293.313, intended to carry out the instructions on establishing expectations for all parties and on collaboration.

I am uncertain whether the intent is to have DNR seek a memorandum of understanding with federal agencies about each particular mine or about processing mining applications generally. This draft provides for the former. However, I'm not sure when the requirement to try to enter into an MOU should kick in. Sampling methodology would probably not be an issue after the mining permit application is received. Is after the receipt of a notice of intent too early? Should it be when a person files a bulk sampling plan? Should the subject of the MOU be broader than concerns related to processing a mining permit application? Please review s. 293.313 (4) and let me know whether it should be changed.

3. The creation of ss. 293.37 (2) (gm) and 293.53 (2m) and the amendment of s. 293.51 (3), intended to carry out the instruction on the irrevocable trust.

Please note that the statute on proof of financial responsibility for long term care of a waste facility, s. 289.41, allows a company that satisfies specified criteria to establish proof of financial responsibility based on its net worth, rather than using a standard method, such as posting a bond. If a mining company met the net worth criteria, it is not clear to me how the amount of the irrevocable trust would be determined.

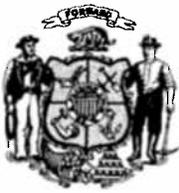
4. The creation of s. 293.64, intended to carry out the instructions on the planning horizon for water quality modeling and the mandatory intervention boundary.

5. The nonstatutory provision, intended to carry out the instruction on the applicability of groundwater standards to saline aquifers. /

I am continuing to work on the timeline and contested case provisions.

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.wisconsin.gov](mailto:becky.tradewell@legis.wisconsin.gov)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0821/Pz 2  
RCT&JK:cjs:es  
stays VMT

Fri. 1/4, if possible

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SA ✓

Note

please regenerate

1 **AN ACT to repeal** 107.15 (2) (e), 107.30 (15), 107.30 (16), 293.01 (18), 293.01 (19),  
2 293.01 (20), 293.01 (21), 293.01 (22), 293.35, 293.39 (3), 293.45, 293.47, 293.49  
3 (4), 293.53 (1), 293.63 (5), 293.85 (1) and 293.91; **to renumber** 107.001 (1) and  
4 107.30 (1); **to renumber and amend** 293.53 (2); **to amend** 20.370 (2) (gh),  
5 70.375 (2) (a), 70.375 (5) (intro.), 70.395 (1e), 70.395 (2) (dc) 1., 70.395 (2) (dc)  
6 2., 70.395 (2) (dc) 3., 70.395 (2) (g) (intro.), 107.001 (3), 107.15 (4) (d) (intro.), 1.  
7 and 5., 107.15 (4) (f), 107.20 (1), 107.25 (1) (c), 107.30 (7), 107.30 (9), 107.30 (12),  
8 107.32, 107.34, 283.84 (3m), 289.01 (4), 289.01 (22) (a), 289.28 (2) (a), 289.29 (5),  
9 289.33 (12) (d), 289.62 (2) (g) (intro.), 289.62 (2) (g) 7., 289.63 (3) (b), 289.63 (4),  
10 289.67 (1) (d), 293.01 (2), 293.01 (9), 293.01 (13), 293.01 (23), 293.01 (24), 293.01  
11 (25), 293.01 (28) (intro.), 293.01 (28) (b) 6., 293.11, 293.13 (1) (b), 293.13 (2) (a),  
12 293.13 (2) (b) (intro.), 293.13 (2) (b) 4., 293.13 (2) (b) 7., 293.13 (2) (b) 10., 293.13  
13 (2) (c) (intro.), 293.13 (2) (c) 3., 293.13 (2) (c) 7., 293.13 (2) (d) (intro.), 293.15 (3),  
14 293.15 (6), 293.15 (8), 293.15 (11), 293.15 (13), subchapter IV (title) of chapter  
15 293 [precedes s. 293.31], 293.31 (1), 293.31 (3), 293.31 (4), 293.31 (6), 293.32,

1 293.37 (1) (a), 293.37 (2) (b), 293.37 (2) (c), 293.37 (2) (f), 293.43 (1), 293.43 (1m)  
2 (a) and (b), 293.43 (2), 293.43 (3) (b) 1. and 2., 293.49 (1) (a) 3., 293.49 (6), 293.51  
3 (1), 293.57 (2), 293.65 (1), 293.65 (2) (a), 293.65 (3) (b), 293.65 (4) (b), 293.65 (4)  
4 (d), 293.65 (4) (e), 293.65 (4) (f), 293.65 (5) (a), 293.81, 293.83 (2), 293.83 (3),  
5 293.85 (3), 293.86, 293.87 (2), 293.87 (3), 706.01 (9) and 710.02 (2) (d); and **to**  
6 **create** 20.192 (1) (g), 70.375 (7), 70.395 (2) (L), 107.001 (1c), 107.30 (1c), 238.14,  
7 289.645 (4) (g), 293.01 (2m), 293.01 (2p) and 293.315 of the statutes; **relating**  
8 **to:** regulation of metallic mining, an occupation tax on iron mining, and making  
9 an appropriation.

---

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. A complete analysis will be provided in a later version of this draft.

**OCCUPATION TAX ON MINING**

Under current law, the state imposes a net proceeds occupation tax on the mining of metallic minerals in this state. The tax is based, generally, on a percentage of net income from the sale of ore or minerals after certain mining processes have been applied to the ore or minerals. The tax rates are annually adjusted to reflect the change in gross national product. Gross national product, generally, measures the output generated by U.S. enterprises, regardless of whether those enterprises are located in this country.

Under this bill, instead of paying a net proceeds occupation tax based on net income, a person who is mining ferrous minerals in this state would pay a tax equal to \$2.412 for each 2,240 pounds of ferrous minerals extracted from mines in this state, based on a three-year average. The tax rate would be annually adjusted to reflect the change in the gross domestic product.

Under current law, a person who intends to apply for a mining permit must make three payments of \$50,000 each to the investment and local impact fund. Under the bill, a person who intends to apply for a mining permit must instead make three payments of \$100,000 each to the investment and local impact fund.

Under current law, the revenue collected from the net proceeds occupation tax is deposited into the investment and local impact fund. The fund is managed by the local impact fund board (the board). The revenue is then, generally, distributed to the counties and municipalities in which metallic minerals are being mined. The bill allows the board to provide grants to units of local government to prepare economic impact studies related to sites at or near the units of local government on which

exploration or bulk sampling is being conducted for the potential mining of ferrous minerals.

Under the bill, 70 percent of the revenue collected from the tax on extracting ferrous metallic minerals in this state, as created in the bill, is deposited into the investment and local impact fund and 30 percent of the revenue is used for a regional Wisconsin diversification program that the bill requires the Wisconsin Economic Development Corporation (WEDC) to establish. The bill authorizes WEDC to use the moneys it receives for the regional Wisconsin diversification program for the purpose of making business diversification grants or loans in coordination with appropriate units of local government to businesses that are located in close proximity to, but no more than 100 miles from, the site of a mine for ferrous metallic minerals. The bill also authorizes WEDC to use those moneys for the purpose of catastrophe abatement or response, as determined by WEDC.

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.** 20.192 (1) (g) of the statutes is created to read:

2           20.192 (1) (g) *Regional Wisconsin diversification program.* All moneys received  
3 under s. 70.395 (1e) for grants, loans, and disbursements under s. 238.14.

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

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

9           **SECTION 3.** 70.375 (2) (a) of the statutes is amended to read:

10           70.375 (2) (a) ~~In~~ Except as provided in sub. (7), with respect to mines not in  
11 operation on November 28, 1981, there is imposed upon persons engaged in mining  
12 metalliferous minerals in this state a net proceeds occupation tax effective on the  
13 date on which extraction begins to compensate the state and municipalities for the  
14 loss of valuable, irreplaceable metalliferous minerals. The amount of the tax shall

1 be determined by applying the rates established under sub. (5) to the net proceeds  
2 of each mine. The net proceeds of each mine for each year are the difference between  
3 the gross proceeds and the deductions allowed under sub. (4) for the year.

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

5 70.375 (5) RATES. (intro.) The Except as provided in sub. (7), the tax to be  
6 assessed, levied and collected upon persons engaging in mining metalliferous  
7 minerals in this state shall be computed at the following rates:

8 **SECTION 5.** 70.375 (7) of the statutes is created to read:

9 70.375 (7) PER TON RATE. (a) Notwithstanding subs. (2) and (5), for mines in  
10 operation after December 31, 2012, the tax assessed, levied, and collected from a  
11 person engaged in mining ferrous minerals in this state is an amount equal to \$2.412  
12 for each 2,240 pounds of ferrous minerals extracted by the person from mines in this  
13 state, based on the average annual amount extracted during the current year and  
14 the previous 2 years, not including any year in which the person is not extracting  
15 ferrous minerals from mines in this state.

16 (b) Beginning in 2014, and in each year thereafter, the department shall change  
17 the dollar amount rate under par. (a) to reflect the percentage change in the gross  
18 domestic product implicit price deflator from the 4th quarter of the 2nd preceding  
19 year to the 4th quarter of the preceding year, as determined by the federal  
20 department of commerce.

21 **SECTION 6.** 70.395 (1e) of the statutes is amended to read:

22 70.395 (1e) DISTRIBUTION. Fifteen days after the collection of the tax under ss.  
23 70.38 to 70.39, the department of administration, upon certification of the  
24 department of revenue, shall transfer the amount collected in respect to mines not  
25 in operation on November 28, 1981, to the investment and local impact fund, except

1 that the department of administration shall transfer 70 percent of the amount  
2 collected from each person under s. 70.375 (7) to the investment and local impact  
3 fund and 30 percent of the amount collected from each person under s. 70.375 (7) to  
4 the appropriation under s. 20.192 (1) (g) for the regional Wisconsin diversification  
5 program under s. 238.14.

6 **SECTION 7.** 70.395 (2) (dc) 1. of the statutes is amended to read:

7 70.395 (2) (dc) 1. Each person intending to submit an application for a mining  
8 permit shall pay ~~\$50,000~~ \$100,000 to the department of revenue for deposit in the  
9 investment and local impact fund at the time that the person notifies the department  
10 of natural resources under s. 293.31 (1) of that intent.

11 **SECTION 8.** 70.395 (2) (dc) 2. of the statutes is amended to read:

12 70.395 (2) (dc) 2. A person making a payment under subd. 1. shall pay an  
13 additional ~~\$50,000~~ \$100,000 upon notification by the board that the board has  
14 distributed 50% of the payment under subd. 1.

15 **SECTION 9.** 70.395 (2) (dc) 3. of the statutes is amended to read:

16 70.395 (2) (dc) 3. A person making a payment under subd. 2. shall pay an  
17 additional ~~\$50,000~~ \$100,000 upon notification by the board that the board has  
18 distributed all of the payment under subd. 1. and 50% of the payment under subd.  
19 2.

20 **SECTION 10.** 70.395 (2) (g) (intro.) of the statutes is amended to read:

21 70.395 (2) (g) (intro.) The board may distribute the revenues received by the  
22 investment and local impact fund under sub. (1e) or proceeds thereof in accordance  
23 with par. (h) for the following purposes, as the board determines necessary:

24 **SECTION 11.** 70.395 (2) (L) of the statutes is created to read:

1           70.395 (2) (L) Notwithstanding any other provision under this subsection, the  
2 board may provide grants to local governmental units, as defined in s. 238.133 (1) (b),  
3 to prepare economic impact studies related to sites at or near the local governmental  
4 units on which exploration or bulk sampling is being conducted for the potential  
5 mining of ferrous minerals or the subject of a preapplication process for a permit to  
6 mine ferrous minerals.

7           **SECTION 12.** 107.001 (1) of the statutes is renumbered 107.001 (1j).

8           **SECTION 13.** 107.001 (1c) of the statutes is created to read:

9           107.001 (1c) “Bulk sampling” has the meaning given in s. 293.01 (2m).

10          **SECTION 14.** 107.001 (3) of the statutes is amended to read:

11          107.001 (3) “Mining company” means any person or agent of a person who has  
12 a ~~prospecting or~~ mining permit under s. ~~293.45 or 293.49~~ or who has filed a bulk  
13 sampling plan under s. 293.315.

14          **SECTION 15.** 107.15 (2) (e) of the statutes is repealed.

15          **SECTION 16.** 107.15 (4) (d) (intro.), 1. and 5. of the statutes are amended to read:

16          107.15 (4) (d) (intro.) No later than upon the termination of mining or the  
17 abandonment of a site subsequent to ~~prospecting~~ bulk sampling, or 10 years from the  
18 date core samples or drill cuttings were originally obtained, the licensee shall submit  
19 to the state geologist, if not previously submitted, the following noninterpretive  
20 geologic information and samples:

21           1. The name and address of the person conducting exploration and, if the  
22 person is a corporation or limited liability company, the names and addresses of the  
23 parent and any subsidiaries or domestic affiliates of the corporation or limited  
24 liability company engaged in exploration, ~~prospecting~~ bulk sampling or mining in  
25 this state;

1           5. Geologic maps of a lithologic nature of a scale smaller than one inch equals  
2           200 feet normally prepared as a permanent record of an exploration, ~~prospecting~~  
3           bulk sampling or mining operation;

4           **SECTION 17.** 107.15 (4) (f) of the statutes is amended to read:

5           107.15 (4) (f) Exploration data and samples submitted under par. (a) or (b), or  
6           both, shall be kept confidential until December 31 of the 3rd year following the date  
7           of submission. The confidentiality of the data and samples obtained during  
8           ~~prospecting~~ bulk sampling or mining shall extend to the time of the abandonment  
9           of a site subsequent to ~~prospecting~~ bulk sampling, the termination of mining if  
10          mining occurs, or 10 years after the core samples or drill cuttings were obtained,  
11          whichever is earliest.

12          **SECTION 18.** 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 minerals shall be limited to a term not exceeding 10 years  
16          from the date on which the exploration mining lease is recorded in the office of the  
17          register of deeds of the county where the property is located, except that any  
18          provision of an exploration mining lease entered into after April 25, 1978, granting  
19          an option or right to determine the quality and quantity of metalliferous minerals  
20          under a prospecting permit issued under s. 293.45, 2011 stats., or a bulk sampling  
21          plan under s. 293.315 shall be limited to a term not exceeding 10 years from the date  
22          that the lessee applies for a prospecting permit under s. 293.35, 2011 stats., or files  
23          a bulk sampling plan under s. 293.315, if the lessee applies for the prospecting permit  
24          or files the bulk sampling plan within 10 years from the date on which the

1 exploration mining lease is recorded in the office of the register of deeds of the county  
2 where the property is located.

3 **SECTION 19.** 107.25 (1) (c) of the statutes is amended to read:

4 107.25 (1) (c) The lessor may cancel an exploration mining lease if 10 years  
5 have elapsed from the date on which the lease was recorded in the office of the  
6 register of deeds of the county where the property is located and the lessee has not  
7 filed a bulk sampling plan under s. 293.315 or formally applied, under s. 293.35, 2011  
8 stats., for a prospecting permit or under s. 293.37, for either a permit to prospect or  
9 a permit to mine. In the event that the lessee files a bulk sampling plan under s.  
10 293.315 or formally applies for a prospecting permit under s. 293.35, 2011 stats., or  
11 a mining permit under s. 293.37 within the 10-year period, but does not receive a  
12 mining permit under s. 293.49 within the 10-year period following the date of filing  
13 the bulk sampling plan under s. 293.315 or application for the prospecting permit or  
14 mining permit, the lessor's right to cancel is revived.

15 **SECTION 20.** 107.30 (1) of the statutes is renumbered 107.30 (1m).

16 **SECTION 21.** 107.30 (1c) of the statutes is created to read:

17 107.30 (1c) "Bulk sampling" has the meaning given in s. 293.01 (2m).

18 **SECTION 22.** 107.30 (7) of the statutes is amended to read:

19 107.30 (7) "Mine excavations" means either shaft or pit excavations from which  
20 minerals have been extracted in ~~prospecting~~ bulk sampling or mining.

21 **SECTION 23.** 107.30 (9) of the statutes is amended to read:

22 107.30 (9) "Mining company" means any person who, either directly or through  
23 subsidiaries, affiliates, contractors or other business arrangements, engages in  
24 ~~prospecting~~ bulk sampling, mining, refining or smelting.

25 **SECTION 24.** 107.30 (12) of the statutes is amended to read:

1           107.30 (12) "Mining waste" means wastes directly resulting from or displaced  
2           by ~~prospecting~~ bulk sampling or mining and from the cleaning, preparation,  
3           separation or purification of minerals or metals during ~~prospecting~~ bulk sampling,  
4           mining, concentrating, refining or smelting operations and includes but is not  
5           limited to concentrator tailings, refinery and smelter residue, refining and smelting  
6           process emissions, mining overburden and waste treatment sludges, materials in  
7           process and salvageable by-products.

8           **SECTION 25.** 107.30 (15) of the statutes is repealed.

9           **SECTION 26.** 107.30 (16) of the statutes is repealed.

10          **SECTION 27.** 107.32 of the statutes is amended to read:

11          **107.32 Liability of mining companies.** A mining company is liable for  
12          damages for mining-related injuries resulting from its ~~prospecting~~ bulk sampling,  
13          mining, refining or smelting in this state if, and to the degree that, the elements of  
14          liability are established in accordance with law, regardless of any change in the  
15          nature of the ownership of the interests in the ~~prospecting~~ bulk sampling or mining  
16          site, refinery or smelter held by the mining company and regardless of any  
17          reorganization, merger, consolidation or liquidation affecting the mining company.

18          **SECTION 28.** 107.34 of the statutes is amended to read:

19          **107.34 Application to sites where activities have ceased.** This  
20          subchapter does not apply to any ~~prospecting~~ bulk sampling or mining site on which  
21          ~~prospecting~~ bulk sampling or mining has ceased prior to May 22, 1980 unless  
22          ~~prospecting~~ bulk sampling or mining activities are commenced at the site after May  
23          22, 1980, in which case any mining-related injury is within the scope of this  
24          subchapter.

25          **SECTION 29.** 238.14 of the statutes is created to read:

1           **238.14 Regional Wisconsin diversification program.** The corporation  
2 may use moneys appropriated under s. 20.192 (1) (g) only as follows:

3           (1) The corporation may make a grant or loan of those moneys to a business that  
4 is located within 100 miles from the site of a mine for ferrous metallic minerals in  
5 this state, and the corporation shall give preference for that grant or loan to a  
6 business that is located in close proximity to the site of the mine. In making a grant  
7 or loan under this subsection, the corporation shall coordinate with an appropriate  
8 local governmental unit, as defined in s. 238.133 (1) (b), to make that grant or loan  
9 on a competitive basis for the purpose of business diversification.

10           (2) The corporation may disburse those moneys for the purpose of catastrophe  
11 abatement or response related to a mine for ferrous metallic minerals, as determined  
12 by the corporation.

13           **SECTION 30.** 283.84 (3m) of the statutes is amended to read:

14           283.84 (3m) A person engaged in mining, as defined in s. 293.01 (9),  
15 ~~prospecting~~ bulk sampling, as defined in s. 293.01 ~~(18)~~ (2m), or nonmetallic mining,  
16 as defined in s. 295.11 (3), may not enter into an agreement under sub. (1).

17           **SECTION 31.** 289.01 (4) of the statutes is amended to read:

18           289.01 (4) “Approved mining facility” means an approved facility which is part  
19 of a mining site, as defined under s. 293.01 (12), used for the disposal of waste  
20 resulting from mining, as defined under s. 293.01 (9), or ~~prospecting~~ bulk sampling,  
21 as defined under s. 293.01 ~~(18)~~ (2m).

22           **SECTION 32.** 289.01 (22) (a) of the statutes is amended to read:

23           289.01 (22) (a) A solid waste disposal facility designed exclusively for the  
24 disposal of waste generated by a pulp mill, paper mill, foundry, ~~prospecting~~ bulk

1 sampling or mining operation, electric or process steam generating facility or  
 2 demolition activity.

3 **SECTION 33.** 289.28 (2) (a) of the statutes is amended to read:

4 289.28 (2) (a) Any facility which is part of a ~~prospecting~~ bulk sampling  
 5 operation for which a plan has been filed under s. 293.315 or a mining operation with  
 6 a permit under s. ~~293.45~~ or 293.49.

7 **SECTION 34.** 289.29 (5) of the statutes is amended to read:

8 289.29 (5) ISSUANCE OF FINAL DETERMINATION OF FEASIBILITY IN CERTAIN  
 9 SITUATIONS INVOLVING UTILITIES AND MINING. If a determination of feasibility is  
 10 identified in the listing specified in s. 196.491 (3) (a) 3. a., the issuance of a final  
 11 determination of feasibility is subject to the time limit under s. 196.491 (3) (a) 3. b.  
 12 If a determination of feasibility is required under s. 293.315 or 293.43, the issuance  
 13 of a final determination of feasibility is subject to the time limits under s. ~~293.45~~ (2)  
 14 293.315 or 293.49, whichever is applicable.

15 **SECTION 35.** 289.33 (12) (d) of the statutes is amended to read:

16 289.33 (12) (d) *Nonapplicability to mining waste facilities.* This section does  
 17 not apply to any waste facility which is part of a ~~prospecting~~ bulk sampling operation  
 18 for which a plan has been filed under s. 293.315 or a mining operation with a permit  
 19 under s. ~~293.45~~ or 293.49.

20 **SECTION 36.** 289.62 (2) (g) (intro.) of the statutes is amended to read:

21 289.62 (2) (g) (intro.) *Tonnage fee; mining waste.* Notwithstanding pars. (a) to  
 22 (c), with respect to ~~prospecting~~ bulk sampling or mining waste, the tonnage fee  
 23 imposed under sub. (1) (a) is:

24 **SECTION 37.** 289.62 (2) (g) 7. of the statutes is amended to read:

1           289.62 (2) (g) 7. For any ~~prospecting~~ bulk sampling or mining waste not  
2 specified under subds. 1. to 6., 0.5 cent per ton.

3           **SECTION 38.** 289.63 (3) (b) of the statutes is amended to read:

4           289.63 (3) (b) The well compensation fee imposed under sub. (1) for solid waste  
5 or hazardous waste, excluding ~~prospecting~~ bulk sampling or mining waste, is 4 cents  
6 per ton.

7           **SECTION 39.** 289.63 (4) of the statutes is amended to read:

8           289.63 (4) AMOUNT OF GROUNDWATER FEE; PROSPECTING BULK SAMPLING OR MINING  
9 WASTE. The groundwater fee imposed under sub. (1) is one cent per ton for ~~prospecting~~  
10 bulk sampling or mining waste, including tailing solids, sludge or waste rock.

11          **SECTION 40.** 289.645 (4) (g) of the statutes is created to read:

12          289.645 (4) (g) The recycling fee does not apply to bulk sampling or mining  
13 waste.

14          **SECTION 41.** 289.67 (1) (d) of the statutes is amended to read:

15          289.67 (1) (d) *Amount of environmental repair fee; ~~prospecting~~ bulk sampling*  
16 *or mining waste.* The environmental repair fee imposed under par. (a) is one cent per  
17 ton for ~~prospecting~~ bulk sampling or mining waste, including tailing solids, sludge  
18 or waste rock.

19          **SECTION 42.** 293.01 (2) of the statutes is amended to read:

20          293.01 (2) “Applicant” means a person who has submitted a bulk sampling plan  
21 or applied for a ~~prospecting permit~~ or a mining permit.

22          **SECTION 43.** 293.01 (2m) of the statutes is created to read:

23          293.01 (2m) “Bulk sampling” means excavating in a potential mining site by  
24 removing less than 10,000 tons of material for the purposes of obtaining site-specific  
25 data to assess the quality and quantity of the metallic mineral deposits and of

1 collecting data from and analyzing the excavated materials in order to prepare the  
2 application for a mining permit or for any other approval, as defined in s. 293.315 (1).

3 **SECTION 44.** 293.01 (2p) of the statutes is created to read:

4 293.01 (2p) “Bulk sampling plan” means a plan filed under s. 293.315 (1m).

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

6 293.01 (9) “Mining” or “mining operation” means all or part of the process  
7 involved in the mining of metallic minerals, other than for exploration or ~~prospecting~~  
8 bulk sampling, including commercial extraction, agglomeration, beneficiation,  
9 construction of roads, removal of overburden and the production of refuse.

10 **SECTION 46.** 293.01 (13) of the statutes is amended to read:

11 293.01 (13) “Operator” means any person who is engaged in, or who has applied  
12 for or holds a permit to engage in, ~~prospecting or~~ mining, whether individually,  
13 jointly or through subsidiaries, agents, employees or contractors.

14 **SECTION 47.** 293.01 (18) of the statutes is repealed.

15 **SECTION 48.** 293.01 (19) of the statutes is repealed.

16 **SECTION 49.** 293.01 (20) of the statutes is repealed.

17 **SECTION 50.** 293.01 (21) of the statutes is repealed.

18 **SECTION 51.** 293.01 (22) of the statutes is repealed.

19 **SECTION 52.** 293.01 (23) of the statutes is amended to read:

20 293.01 (23) “Reclamation” means the process by which an area physically or  
21 environmentally affected by ~~prospecting or~~ mining is rehabilitated to either its  
22 original state or, if this is shown to be physically or economically impracticable or  
23 environmentally or socially undesirable, to a state that provides long-term  
24 environmental stability. Reclamation shall provide the greatest feasible protection

1 to the environment and shall include, but is not limited to, the criteria for  
2 reclamation set forth in s. 293.13 (2) (c).

3 **SECTION 53.** 293.01 (24) of the statutes is amended to read:

4 293.01 (24) "Reclamation plan" means the proposal for the reclamation of the  
5 ~~prospecting or~~ mining site which must be approved by the department under s.  
6 ~~293.45 or~~ 293.49 prior to the issuance of the ~~prospecting or~~ mining permit.

7 **SECTION 54.** 293.01 (25) of the statutes is amended to read:

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

13 **SECTION 55.** 293.01 (28) (intro.) of the statutes is amended to read:

14 293.01 (28) (intro.) "Unsuitability" means that the land proposed for  
15 ~~prospecting or~~ surface mining is not suitable for such activity because the  
16 ~~prospecting or~~ surface mining activity itself may reasonably be expected to destroy  
17 or irreparably damage either of the following:

18 **SECTION 56.** 293.01 (28) (b) 6. of the statutes is amended to read:

19 293.01 (28) (b) 6. Other lands of a type designated as unique or unsuitable for  
20 ~~prospecting or~~ surface mining.

21 **SECTION 57.** 293.11 of the statutes is amended to read:

22 **293.11 Mine effect responsibility.** The department shall serve as the central  
23 unit of state government to ensure that the air, lands, waters, plants, fish and  
24 wildlife affected by ~~prospecting~~ bulk sampling or mining in this state will receive the  
25 greatest practicable degree of protection and reclamation. The administration of

1 occupational health and safety laws and rules that apply to mining shall remain  
2 exclusively the responsibility of the department of safety and professional services.  
3 The powers and duties of the geological and natural history survey under s. 36.25 (6)  
4 shall remain exclusively the responsibility of the geological and natural history  
5 survey. Nothing in this section prevents the department of safety and professional  
6 services and the geological and natural history survey from cooperating with the  
7 department in the exercise of their respective powers and duties.

8 **SECTION 58.** 293.13 (1) (b) of the statutes is amended to read:

9 293.13 (1) (b) Establish by rule after consulting with the metallic mining  
10 council minimum qualifications for applicants for ~~prospecting and~~ mining permits.  
11 Such minimum qualifications shall ensure that each operator in the state is  
12 competent to conduct mining and reclamation ~~and each prospector in the state is~~  
13 ~~competent to conduct prospecting~~ in a fashion consistent with the purposes of this  
14 chapter. The department shall also consider such other relevant factors bearing  
15 upon minimum qualifications, including but not limited to, any past forfeitures of  
16 bonds posted pursuant to mining activities in any state.

17 **SECTION 59.** 293.13 (2) (a) of the statutes is amended to read:

18 293.13 (2) (a) The department by rule after consulting with the metallic mining  
19 council shall adopt minimum standards for exploration, ~~prospecting~~, mining and  
20 reclamation to ensure that such activities in this state will be conducted in a manner  
21 consistent with the purposes and intent of this chapter. The minimum standards  
22 may classify exploration, ~~prospecting~~ and mining activities according to type of  
23 minerals involved and stage of progression in the operation.

24 **SECTION 60.** 293.13 (2) (b) (intro.) of the statutes is amended to read:

1           293.13 (2) (b) (intro.) Minimum standards for exploration, ~~prospecting~~ and  
2 mining shall include the following:

3           **SECTION 61.** 293.13 (2) (b) 4. of the statutes is amended to read:

4           293.13 (2) (b) 4. Adequate diversion and drainage of water from the  
5 exploration, ~~prospecting~~ or mining site.

6           **SECTION 62.** 293.13 (2) (b) 7. of the statutes is amended to read:

7           293.13 (2) (b) 7. Removal and stockpiling, or other measures to protect topsoils  
8 prior to exploration, ~~prospecting~~, or mining.

9           **SECTION 63.** 293.13 (2) (b) 10. of the statutes is amended to read:

10          293.13 (2) (b) 10. Adequate screening of the ~~prospecting~~ or mining site.

11          **SECTION 64.** 293.13 (2) (c) (intro.) of the statutes is amended to read:

12          293.13 (2) (c) (intro.) Minimum standards for reclamation of exploration sites,  
13 where appropriate, and for ~~prospecting~~ and mining sites shall conform to s. 293.01  
14 (23) and include provision for the following:

15          **SECTION 65.** 293.13 (2) (c) 3. of the statutes is amended to read:

16          293.13 (2) (c) 3. Management, impoundment or treatment of all underground  
17 or surface runoff waters from open pits or underground ~~prospecting~~ or mining sites  
18 so as to prevent soil erosion, flooding, damage to agricultural lands or livestock, wild  
19 animals, pollution of surface or subsurface waters or damage to public health or  
20 safety.

21          **SECTION 66.** 293.13 (2) (c) 7. of the statutes is amended to read:

22          293.13 (2) (c) 7. Revegetation to stabilize disturbed soils and prevent air and  
23 water pollution, with the objective of reestablishing a variety of populations of plants  
24 and animals indigenous to the area immediately prior to exploration, ~~prospecting~~ or  
25 mining.

1           **SECTION 67.** 293.13 (2) (d) (intro.) of the statutes is amended to read:

2           293.13 (2) (d) (intro.) The minimum standards adopted under this subsection  
3 shall also provide that if any of the following situations may reasonably be expected  
4 to occur during or subsequent to ~~prospecting or mining~~, the ~~prospecting or mining~~  
5 permit shall be denied:

6           **SECTION 68.** 293.15 (3) of the statutes is amended to read:

7           293.15 (3) Issue orders directing particular ~~prospectors or operators~~ to comply  
8 with the provisions and purposes of this chapter.

9           **SECTION 69.** 293.15 (6) of the statutes is amended to read:

10          293.15 (6) Issue ~~prospecting and~~ mining permits.

11          **SECTION 70.** 293.15 (8) of the statutes is amended to read:

12          293.15 (8) Promulgate rules regulating the production, storage and disposal  
13 of radioactive waste from exploration, ~~prospecting~~ bulk sampling or mining after  
14 seeking comments from the department of health services. At a minimum, rules  
15 promulgated under this subsection shall achieve the margin of safety provided in  
16 applicable federal statutes and regulations. If the department promulgates rules  
17 under this subsection, the department shall investigate the need for standards more  
18 restrictive than the applicable federal statutes and regulations.

19          **SECTION 71.** 293.15 (11) of the statutes is amended to read:

20          293.15 (11) Notwithstanding chs. 289 and 291, promulgate rules establishing  
21 groundwater quality standards or groundwater quantity standards, or both, for any  
22 ~~prospecting~~ bulk sampling or mining activity, including standards for any mining  
23 waste site.

24          **SECTION 72.** 293.15 (13) of the statutes is amended to read:



1 Such exclusion shall not relate to general environmental information such as soil  
2 characteristics, hydrologic conditions and air and water data contained in  
3 publications, maps, documents, studies, reports and similar sources, whether public  
4 or private, not prepared by or for the applicant. Such exclusion shall likewise not  
5 relate to data which is otherwise admissible that is collected prior to notification  
6 under this subsection for purposes of evaluating another site or sites and which is  
7 not collected with intent to evade the provisions of this section.

8 **SECTION 75.** 293.31 (3) of the statutes is amended to read:

9 293.31 (3) The department shall also receive and consider any comments from  
10 interested persons received within 45 days after public notice is given under sub. (2)  
11 as to the information which they believe should be requested from the person giving  
12 notice of intent to apply for a ~~prospecting or~~ mining permit and the information  
13 which they believe the department should seek through independent studies.

14 **SECTION 76.** 293.31 (4) of the statutes is amended to read:

15 293.31 (4) After the receipt and consideration of comments from interested  
16 persons, the department shall inform the person giving notice of intent to apply for  
17 a ~~prospecting or~~ mining permit of the type and quantity of information that it then  
18 believes to be needed to support an application, and where applicable, the  
19 methodology to be used in gathering information. The department shall specifically  
20 inform the person giving notice of intent to apply for a ~~prospecting or~~ mining permit  
21 of the type and quantity of information on the characteristics of groundwater  
22 resources in the area in which ~~prospecting or~~ mining is anticipated to occur which  
23 the department believes is needed to support an application. The department shall  
24 also begin informing the person giving notice of intent to apply for a ~~prospecting or~~  
25 mining permit as to the timely application date for approvals, licenses and permits,

1 so as to facilitate the consideration of all other matters at the hearing on the  
2 ~~prospecting or~~ mining permit.

3 SECTION 77. 293.31 (6) of the statutes is amended to read:

4 293.31 (6) All information gathered by a person giving notice under sub. (1)  
5 shall be submitted to the department as soon as it is in final form. The department  
6 may at any time after consultation with the person giving notice of intent to apply  
7 for a ~~prospecting or~~ mining permit revise or modify its requirements regarding  
information which must be gathered and submitted.

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SECTION 78. 293.315 of the statutes is created to read:

10 293.315 Bulk sampling plan. (1) In this section, "approval" means any  
11 permit, license, or other authorization that the department issues, or any other  
12 action by the department, that is required to engage in bulk sampling at a bulk  
13 sampling site.

14 (1m) Before beginning bulk sampling a person shall file a bulk sampling plan  
15 with the department. The collection of data under a bulk sampling plan may include  
16 sampling and analysis related to geophysical, geochemical, groundwater, and  
17 surface water conditions, as well as any other data or studies necessary to prepare  
18 an application for a mining permit or for any other approval required for the proposed  
19 mining.

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

21 (a) A description and map of the bulk sampling site, including the number of  
22 acres in the site, the number of acres of land that will be disturbed, if any, associated  
23 with each bulk sampling location, and the locations and types of sampling or studies  
24 to be conducted at each bulk sampling location.

25 (b) A description of the methods to be used for the bulk sampling.

1 (c) A site-specific plan for controlling surface erosion that conforms to  
2 requirements under ss. 281.33 (3) and 283.33 and that identifies how impacts to  
3 plant and wildlife habitats will be avoided or minimized to the extent practicable.

4 (d) A revegetation plan for each area where bulk sampling will be performed  
5 that describes how adverse impacts to the environment will be avoided or minimized  
6 to the extent practicable and how the site will be revegetated and stabilized and that  
7 identifies how adverse impacts to plant and wildlife habitats will be avoided or  
8 minimized to the extent practicable.

9 (e) The estimated time for completing the bulk sampling and revegetation of  
10 the bulk sampling locations.

11 (f) A description of any known adverse environmental impacts that are likely  
12 to be caused by the bulk sampling and how those impacts will be avoided or  
13 minimized to the extent practicable.

14 (g) A description of any adverse effects, as defined in s. 44.31 (1), that the bulk  
15 sampling might have on any historic property, as defined in s. 44.31 (3), that is a  
16 listed property, as defined in s. 44.31 (4), that is on the Wisconsin inventory of historic  
17 places, as defined in s. 44.31 (12), or that is on the list of locally designated historic  
18 places under s. 44.45; or any scenic or recreational areas; and plans to avoid or  
19 minimize those adverse effects to the extent practicable.

20 **(2m)** The department shall protect as confidential any information, other than  
21 effluent data, contained in a bulk sampling plan and in any application for an  
22 approval that is required before the bulk sampling may be implemented, upon a  
23 showing that the information is entitled to protection as a trade secret, as defined in  
24 s. 134.90 (1) (c), and any information relating to the location, quality, or quantity of  
25 a mineral deposit, to production or sales figures, or to processes or production unique

1 to the applicant or that would tend to adversely affect the competitive position of the  
2 applicant if made public.

3 (3) Within 14 days of receipt of a bulk sampling plan, the department shall  
4 identify for the applicant, in writing, all approvals that are required before the bulk  
5 sampling may be implemented, any waivers, exemptions, or exceptions to those  
6 approvals that are potentially available, and any information that the department  
7 needs to issue the approvals or to issue a decision on any waiver, exemption, or  
8 exception. If no approvals are required, the department shall notify the applicant  
9 that no approvals are required and that the applicant may proceed with the bulk  
10 sampling.

11 (3e) If a storm water discharge permit under s. 283.33 (1) (a) or a water quality  
12 certification under rules promulgated under subch. II of ch. 281 to implement 33  
13 USC 1341 (a) is required before bulk sampling may be implemented, the person filing  
14 the bulk sampling plan may apply for and be issued the permit or certification.

15 (3m) The department shall act on any required construction site erosion  
16 control and storm water management approval, notwithstanding any authorization  
17 by the department of a local program to administer construction site erosion control  
18 and storm water management requirements.

19 (3s) An applicant shall submit all of the following at the same time:

20 (a) Applications for individual approvals identified under sub. (3).

21 (b) Applications for coverage under general permits or registration permits  
22 identified under sub. (3).

23 (c) Applications for waivers, exemptions, or exceptions identified under sub.  
24 (3).

25 (d) A bond, as provided in sub. (5).

1           (4) (a) Notwithstanding any provision in ch. 23, 29, 30, 31, 169, 281, 283, 285,  
2           289, or 291 or in a rule promulgated under those chapters that is applicable to an  
3           approval identified under sub. (3), the application for any approval, for a waiver,  
4           exemption, or exception to an approval, or for a determination that the proposed bulk  
5           sampling activity is below the threshold that requires an approval, is considered to  
6           be complete on the 30th day after the department receives the application, unless,  
7           before that day, the department provides the applicant with written notification that  
8           the application is not complete, stating the reason for the determination and  
9           describing the specific information necessary to make the application complete.

10           (b) If the department provides a notice under par. (a), the applicant shall  
11           supplement the application by providing the specified information. The application  
12           is complete when the applicant provides the information.

13           (c) If the department determines that the issuance of an approval is contingent  
14           upon the issuance of a permit under s. 29.604 (6m), and if the application for the  
15           permit under s. 29.604 (6m) is filed with the approval application, the department  
16           may not determine that the approval application is incomplete on the basis that the  
17           department has not yet issued the permit under s. 29.604 (6m).

18           (5) (a) A person who intends to engage in bulk sampling shall submit with the  
19           bulk sampling plan a bond in the amount of \$5,000 that is conditioned on faithful  
20           performance of the requirements of this section, that is issued by a surety company  
21           licensed to do business in this state, and that provides that the bond may not be  
22           canceled by the surety, except after not less than 90 days' notice to the department  
23           in writing by registered or certified mail.

24           (b) If the surety for a bond submitted under par. (a) issues a cancellation notice,  
25           the person who filed the bulk sampling plan shall deliver a replacement bond at least

1 30 days before the expiration of the 90-day notice period. If the person fails to submit  
2 a replacement bond, the person may not engage in bulk sampling until the person  
3 submits a replacement bond.

4 (c) If the license of the surety company for a bond submitted under par. (a) is  
5 revoked or suspended, the person who filed the bulk sampling plan, within 30 days  
6 after receiving written notice from the department, shall deliver a replacement bond.  
7 If the person fails to submit a replacement bond, the person may not engage in bulk  
8 sampling until the person submits a replacement bond.

9 (d) The department may require that the amount of the bond submitted under  
10 this subsection be increased at any time, if the department determines that it is  
11 unlikely that the bond would be adequate to fund the cost to this state of completing  
12 the revegetation plan.

13 (e) The department shall release a bond submitted under this subsection one  
14 year after the time for completing the bulk sampling and the revegetation set forth  
15 in the bulk sampling plan if the department determines that the person who engaged  
16 in bulk sampling has complied with this section.

17 (7) Notwithstanding any provision in ch. 23, 29, 30, 31, 169, 281, 283, 285, 289,  
18 or 291 or a rule promulgated under those chapters applicable to an approval  
19 identified under sub. (3), all of the following apply:

20 (a) When considering an application for an approval identified under sub. (3),  
21 the department shall recognize the fixed location of the mineral deposits, the water  
22 needs inherent in mining, and the need for mining waste sites and processing  
23 facilities, including wastewater and sludge storage or treatment lagoons, to be  
24 contiguous to the location of the mineral deposits.

1 (b) When issuing an approval, the department shall require the bulk sampling  
2 activity for which the approval is issued to be conducted at locations that result in  
3 the fewest overall adverse environmental impacts, to the extent practicable.

4 (8) In determining whether to approve or deny an application for an approval  
5 identified under sub. (3), the department shall consider the site-specific erosion  
6 control plan and the revegetation plan.

7 (9) Notwithstanding any inconsistent period in ch. 23, 29, 30, 31, 169, 281, 283,  
8 285, 289, or 291 or in a rule promulgated under those chapters that is applicable to  
9 an approval identified under sub. (3), the department shall approve or deny an  
10 application within 30 days after the day on which the application is considered to be  
11 complete under sub. (4) if any of the following apply:

12 (a) The application is for a waiver, exemption, or exception to an approval for  
13 a bulk sampling activity or for a determination that the proposed bulk sampling  
14 activity is below the threshold that requires an approval.

15 (b) The application is for a determination of eligibility for coverage under a  
16 general permit or a registration permit.

17 (10) (a) Notwithstanding any inconsistent period in ch. 23, 29, 30, 31, 169, 281,  
18 283, 285, 289, or 291 or in a rule promulgated under those chapters that is applicable  
19 to an approval identified under sub. (3), the department shall approve or deny any  
20 application for an approval identified under sub. (3) to which sub. (9) does not apply  
21 within 60 days after the date on which the application is considered to be complete  
22 under sub. (4), unless the application is for an individual permit for which federal law  
23 requires the opportunity for public comment or the ability to request a public hearing  
24 prior to issuance of the approval.

1 (b) The department shall publish a class 1 notice, under ch. 985, that describes  
2 the availability of information concerning the activity for which an approval  
3 described in par. (a) is required, its proposed decision, its draft approval, information  
4 or summaries related to the approval, the department's analyses and preliminary  
5 determinations relating to the approval, any additional information that a law  
6 concerning the approval requires to be made available, and the opportunity to  
7 submit written comments within 30 days after the notice is published.

8 (c) In the notice under par. (b), the department shall also specify the date, time,  
9 and location of the public informational hearing under par. (e). The department shall  
10 send the notice to any person to whom the department is required to give notice of  
11 any proposed determination, application, or hearing concerning an approval  
12 described in par. (a) under the laws relating to the issuance of the approval.

13 (d) If there is more than one approval described in par. (a), the department shall  
14 issue one notice and coordinate the public comment period for all of the approvals.  
15 If possible, the department shall coordinate the notice and the public comment  
16 period for an approval that is an individual permit for which federal law requires the  
17 opportunity for public comment or the ability to request a public hearing prior to  
18 issuance of the approval with notice and the public comment period for the approvals  
19 described in par. (a).

20 (e) The department shall hold a public informational hearing within 30 days  
21 after publishing the notice under par. (b). The department shall hold the public  
22 informational hearing in the county where the majority of the proposed bulk  
23 sampling site is located. If there is more than one approval described in par. (a), the  
24 department shall hold a single public informational hearing covering all of the  
25 approvals. If possible, the department shall include consideration of an approval

1 that is an individual permit for which federal law requires the opportunity for public  
2 comment or the ability to request a public hearing prior to issuance of the approval  
3 in the public informational hearing under this paragraph. The public informational  
4 hearing under this paragraph is not a contested case hearing under ch. 227.

5 (10g) (a) If it is not possible to coordinate the public comment period and public  
6 informational hearing for an approval that is an individual permit for which federal  
7 law requires the opportunity for public comment or the ability to request a public  
8 hearing prior to issuance of the approval with the public comment period and public  
9 informational hearing under sub. (10), the department shall issue a separate public  
10 notice and hold a separate public informational hearing for the approval in  
11 accordance with the law governing the approval.

12 (b) The department shall approve or deny the application for an approval that  
13 is an individual permit for which federal law requires the opportunity for public  
14 comment or the ability to request a public hearing prior to issuance of the approval  
15 within 180 days after the date on which the application is considered to be complete  
16 under sub. (4).

17 (10r) An approval identified under sub. (3) is issued upon mailing and is final  
18 and effective upon issuance.

19 (11) The department is not required to prepare an environmental impact  
20 statement or an environmental assessment for an approval required for bulk  
21 sampling.

22 **SECTION 79.** 293.32 of the statutes is amended to read:

23 **293.32 ~~Prospecting and mining~~ Mining fees.** (1) When a person gives  
24 notice under s. 293.31 (1), the person shall pay a fee established by the department  
25 by rule designed to cover the costs incurred by the department in connection with the

1 proposed ~~prospecting or~~ mining during the year following receipt of the notice, other  
2 than any costs related to the environmental impact statement for the proposed  
3 ~~prospecting or~~ mining.

4 (2) The department shall annually compare the fees paid under this section  
5 and under chs. 30, 280 to 292 and 295 to 299 in connection with proposed ~~prospecting~~  
6 ~~or~~ mining for which notice has been given under s. 293.31 (1) with the costs incurred  
7 by the department in connection with that proposed ~~prospecting or~~ mining, including  
8 the costs incurred under chs. 30, 280 to 292 and 295 to 299 but excluding costs related  
9 to the environmental impact statement. If the costs incurred exceed the fees paid,  
10 the person who notified the department shall pay a fee equal to the amount by which  
11 the costs exceed the fees previously paid.

12 (3) When the department issues or denies a ~~prospecting or~~ mining permit or  
13 when a person who gave notice under s. 293.31 (1) ceases to seek approval of the  
14 proposed ~~prospecting or~~ mining project, the department shall compare the fees paid  
15 under this section and under chs. 30, 280 to 292 and 295 to 299 in connection with  
16 the proposed ~~prospecting or~~ mining with the costs incurred by the department in  
17 connection with the proposed ~~prospecting or~~ mining, including the costs incurred  
18 under chs. 30, 280 to 292 and 295 to 299 but excluding costs related to the  
19 environmental impact statement. If the costs incurred are less than the fees paid,  
20 the department shall pay the person who gave notice the amount by which the fees  
21 exceed the costs. If the costs incurred exceed the fees paid, the person who notified  
22 the department shall pay a final fee equal to the amount by which the costs exceed  
23 the fees previously paid.

24 **SECTION 80.** 293.35 of the statutes is repealed.

25 **SECTION 81.** 293.37 (1) (a) of the statutes is amended to read: