

2013 DRAFTING REQUEST

Senate Amendment (SA-SB1)

Received: 2/3/2013 Received By: btradewe
Wanted: Today Same as LRB: a0094
For: Thomas Tiffany (608) 266-2509 By/Representing: Larry Konopacki (Leg Council)
May Contact: Drafter: btradewe
Subject: Environment - mining Addl. Drafters: mglass
rkite

Extra Copies:

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

Pre Topic:

No specific pre topic given

Topic:

Various changes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	btradewe 2/3/2013			_____			
/1	mglass 2/4/2013	wjackson 2/3/2013	jfrantze 2/3/2013	_____	chanaman 2/3/2013	sbasford 2/3/2013	
/2	mglass	kfollett	rschluet	_____	mbarman	mbarman	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	2/4/2013	2/4/2013	2/4/2013	_____	2/4/2013	2/4/2013	

FE Sent For:

<END>

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12/5
2/4
24/3
PH

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/?	btradewe	11 w/ly 2/3		2/3			

FE Sent For:

<END>

Tradewell, Becky

Subject: FW: combine amendments/create introducable drafts

From: Konopacki, Larry

Sent: Saturday, February 02, 2013 8:16 PM

To: Gibson-Glass, Mary; Tradewell, Becky; Kite, Robin; Kreye, Joseph

Cc: Henning, Anna; Hinz, Daryl; Moran, Sean; Reinhardt, Rob; Emerson, James; Esser, Jennifer

Subject: combine amendments/create introducable drafts

Hi all,

The amendments look good. When the changes sent earlier tonight for the MFL draft are completed, please combine the 10 amendments highlighted below in blue into a single introducable simple amendment. If you have any questions, please call me: 608-358-4500

Thanks,
Larry

Amendments

4. LRB a0045/P3? – MFL (needs revision)
5. LRB a0046/P1 – Waste site slope
6. LRB a0047/P1 – Floodplain zoning
7. LRB a0050/P1 – Utilities
8. LRB a0052/P1 – Subsequent permits
10. LRB a0055/P1 – Judicial review
11. LRB a0057/P1 – Nav. waters measures minimum
19. LRB a0074/P1 – Archaeological sites
22. LRB a0081/P1 – Misc. wetlands, easements, that/than, etc.
23. LRB a0082/P1 – Large Utility projects siting timelines/costs

<u>name</u>	<u>drafter</u>	<u>requester</u>	<u>submit_dt</u>	<u>leg_topic</u>
13a0045/P2	mglass	tiffany	2/01/2013	Bulk sampling and managed forest land
13a0046/P1	btradewe	tiffany	1/28/2013	Final slopes of mining waste site
13a0047/P1	rkite	tiffany	1/28/2013	Floodplain ordinance applicability
13a0050/P1	rkite	tiffany	1/29/2013	Permit procedures for utility facilities constructed for iron mining
13a0052/P1	btradewe	tiffany	2/02/2013	Approvals applied for after the mining permit application is submitted
13a0055/P1	btradewe	Legislative Council - IND	1/31/2013	Venue for judicial review of DNR decisions
13a0057/P1	rkite	Legislative Council - IND	1/30/2013	Measures to offset navigable waters impacts
13a0074/P1	btradewe	tiffany	2/01/2013	EIS to include impacts on archeological sites
13a0081/P1	btradewe	tiffany	--	Wetland minor changes
13a0082/P1	btradewe	tiffany	--	Ensure that utility projects are not considered approvals

SortList:

(Note: pastes nicely into Microsoft Excel, when cell format is set to 'Text')

COMPONENT DRAFT ITEM

a0050/P1 *a0050/P1.1*1. Page 30, line 1: delete the material beginning with that line and ending with page 32, line 20.

a0045/P3 *a0045/P3.1*1. Page 37, line 18: after that line insert:

a0081/P1 *a0081/P1.1*1. Page 47, line 4: delete ", or leased by the generator" and substitute "or leased by the generator or on which the generator holds an easement".

a0082/P1 *a0082/P1.1*1. Page 56, line 9: delete ""Approval" means" and substitute "(a) "Approval" means, except as provided in par. (b),".

a0082/P1 *a0082/P1.2*2. Page 56, line 14: delete "(a)" and substitute "1.".

a0082/P1 *a0082/P1.3*3. Page 56, line 17: delete "(b)" and substitute "2.".

a0082/P1 *a0082/P1.4*4. Page 56, line 18: delete "(c)" and substitute "3.".

a0082/P1 *a0082/P1.5*5. Page 56, line 20: after that line insert:

a0046/P1 *a0046/P1.1*1. Page 119, line 1: delete "no less than 20".

a0046/P1 *a0046/P1.2*2. Page 119, line 2: delete "percent and".

a0074/P1 *a0074/P1.1*1. Page 123, line 16: after that line insert:

a0052/P1 *a0052/P1.1*1. Page 131, line 25: after "approval." insert "The department shall publish the notice on its Internet site not more than 10 days after the application is considered to be complete under sub. (8) (b) 1.".

a0052/P1 *a0052/P1.2*2. Page 133, line 20: after "sub. (2)" insert "or more than 60 days after that day but in time to allow the application to be considered at the public informational hearing for the mining permit under sub. (5)".

a0052/P1 *a0052/P1.3*3. Page 133, line 23: delete the material beginning with that line and ending with page 134, line 4, and substitute:

a0052/P1 *a0052/P1.4*4. Page 134, line 18: after "procedure." insert "(a)".

a0052/P1 *a0052/P1.5*5. Page 134, line 21: after "approval" insert "for which the application is filed before the department issues the decision to grant or deny the application for the mining permit".

a0052/P1 *a0052/P1.6*6. Page 135, line 2: after that line insert:

a0047/P1 *a0047/P1.1*1. Page 135, line 13: delete "regulations that".

a0047/P1 *a0047/P1.2*2. Page 135, line 14: delete lines 14 to 16 and substitute "requirements of any municipal floodplain zoning ordinance applicable to the proposed mining under s. 295.607 (3) to the extent that the ordinance has not been made inapplicable to the proposed mining by a local agreement under s. 295.443 (1m)".

a0052/P1 *a0052/P1.7*7. Page 143, line 17: after that line insert:

a0081/P1 *a0081/P1.2*2. Page 144, line 19: after "general permit" insert "for a mining activity other than bulk sampling".

a0081/P1 *a0081/P1.3*3. Page 150, line 6: after "wetland" insert "or for any other approval for which a wetland impact evaluation for a federal wetland is required".

a0081/P1 *a0081/P1.4*4. Page 150, line 15: after "permit" insert "or other approval".

a0081/P1 *a0081/P1.5*5. Page 150, line 16: after "permit" insert "or other approval".

a0081/P1 *a0081/P1.6*6. Page 150, line 24: substitute "than the number" for "that the number".

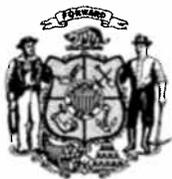
a0052/P1 *a0052/P1.8*8. Page 155, line 8: after that line insert:

a0057/P1 *a0057/P1.1*1. Page 156, line 13: after "acres" insert ", but not less than one acre,".

a0052/P1 *a0052/P1.9*9. Page 197, line 8: after "(9)" insert "(a)".

a0055/P1 *a0055/P1.1*1. Page 198, line 25: delete the material beginning with ", in the" and ending with "located," on page 199, line 1.

a0055/P1 *a0055/P1.2*2. Page 199, line 10: after that line insert:



Today

*
TRK/MSG
all
YMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

**SENATE AMENDMENT ,
TO SENATE BILL 1**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 30, line 1: delete the material beginning with that line and ending with
3 page 32, line 20.

4 **2.** Page 37, line 18: after that line insert:

5 ✓ "SECTION 41m. 77.105 of the statutes is created to read:

6 **77.105 Ferrous mining.** (1) The department may not issue an order of
7 withdrawal under s. 77.10 (1) based on the cutting of timber or other forest crops or
8 other activities on forest cropland if all of the following requirements are met:

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

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

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

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

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

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

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

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

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

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

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

7 **3.** Page 47, line 4: delete “or leased by the generator” and substitute “or leased
8 by the generator or on which the generator holds an easement”. ↓

9 **4.** Page 56, line 9: delete ““Approval” means” and substitute “(a) “Approval”
10 means, except as provided in par. (b),”. ↓

11 **5.** Page 56, line 14: delete “(a)” and substitute “1.”. ✓

12 **6.** Page 56, line 17: delete “(b)” and substitute “2.”. ✓

13 **7.** Page 56, line 18: delete “(c)” and substitute “3.”. ✓

14 **8.** Page 56, line 20: after that line insert:

15 “(b) “Approval” does not include a permit, license, certification, contract, or
16 other authorization related to the construction of any new plant, equipment,
17 property, or facility for the production, transmission, delivery, or furnishing of
18 power.”. ↓

19 **9.** Page 119, line 1: delete “no less than 20”. ✓

20 **10.** Page 119, line 2: delete “percent and”. ✓

21 **11.** Page 123, line 16: after that line insert:

22 “7. Archaeological sites.”. ↓

1 **12.** Page 131, line 25: after “approval.” insert “The department shall publish
2 the notice on its Internet site not more than 10 days after the application is
3 considered to be complete under sub. (8) (b) 1.”. ✓

4 **13.** Page 133, line 20: after “sub. (2)” insert “or more than 60 days after that
5 day but in time to allow the application to be considered at the public informational
6 hearing for the mining permit under sub. (5)”. ✓

7 **14.** Page 133, line 23: delete the material beginning with that line and ending
8 with page 134, line 4, and substitute:

9 “(b) 1. If an applicant files an application for an approval other than a mining
10 permit too late to allow the application to be considered at the public informational
11 hearing for the mining permit under sub. (5) but before the department issues the
12 decision to grant or deny the application for the mining permit, the application for
13 the approval is considered to be complete on the 30th day after the department
14 receives the application, unless, before that day, the department provides the
15 applicant with written notification that the application is not complete, stating the
16 reason for the determination and describing the specific information necessary to
17 make the application complete. If the department provides such a notice, the
18 applicant shall supplement the application by providing the specified information.
19 The application is considered to be complete when the applicant provides the
20 information.

21 2. Except as provided in subd. 3., the department shall approve the application
22 for an approval described in subd. 1., and issue the approval, or deny the application
23 after the separate public informational hearing for the approval required under sub.

1 (5) and no later than 75 days after the application for the approval is considered to
2 be complete under subd. 1.

3 3. Except as provided in par. (c), the department shall approve or deny the
4 application for an approval described in subd. 1. that is an individual permit for
5 which federal law requires the opportunity for public comment or the ability to
6 request a public hearing prior to issuance of the approval after the separate public
7 informational hearing required for the approval under sub. (5) and no later than 180
8 days after the application is considered to be complete under subd. 1.” ✓

9 **15.** Page 134, line 18: after “PROCEDURE.” insert “(a)”. ✓

10 **16.** Page 134, line 21: after ^{deny} “approval” insert “for which the application is filed
11 before the department issues the decision to grant or deny the application for the
12 mining permit”. ✓

13 **17.** Page 135, line 2: after that line insert:

14 “(b) The provisions of ss. 295.58 (5) and (6) and 295.77 concerning review of
15 department decisions and the duration of department decisions apply to any
16 approval for which the application is filed after the department issues the mining
17 permit, notwithstanding any provisions related to those matters in s. 44.40 or
18 169.25, subch. I or VI of ch. 77, ch. 23, 29, 30, 31, 169, 281, 283, 285, 289, or 291, or
19 rules promulgated under those provisions, except as provided in s. 281.343 (7r)”. ✓

20 **18.** Page 135, line 13: delete “regulations that”. ✓

21 **19.** Page 135, line 14: delete lines 14 to 16 and substitute “requirements of any
22 municipal floodplain zoning ordinance applicable to the proposed mining under s.
23 295.607 (3) to the extent that the ordinance has not been made inapplicable to the
24 proposed mining by a local agreement under s. 295.443 (1m)”. ✓

1 **20.** Page 143, line 17: after that line insert:

2 “(1m) APPLICABILITY. Subsections (2) to (11) do not apply to a wetland individual
3 permit or other approval that requires a wetland impact evaluation if the operator
4 files the application for the wetland individual permit or other approval after the
5 department issues the mining permit for the mining operation.”. ✓

6 **21.** Page 144, line 19: after “general permit” insert “for a mining activity other
7 than bulk sampling”. ✓

8 **22.** Page 150, line 6: after “wetland” insert “or for any other approval for which
9 a wetland impact evaluation for a federal wetland is required”. ✓

10 **23.** Page 150, line 15: after “permit” insert “or other approval”. ✓

11 **24.** Page 150, line 16: after “permit” insert “or other approval”. ✓

12 **25.** Page 150, line 24: substitute “than the number” for “that the number”. ✓

13 **26.** Page 155, line 8: after that line insert:

14 “(1m) LIMITATION. This section does not apply to any navigable water activity
15 associated with a mining operation if the application for the approval for the
16 navigable water activity is filed after the department issues a mining permit for the
17 mining operation.”. ✓

18 **27.** Page 156, line 13: after “acres” insert “, but not less than one acre.”. ✓

19 **28.** Page 197, line 8: after “(9)” insert “(a)”. ✓

20 **29.** Page 198, line 25: delete the material beginning with “, in the” and ending
21 with “located,” on page 199, line 1. ✓

22 **30.** Page 199, line 10: after that line insert:



State of Wisconsin
2013 - 2014 LEGISLATURE



RMR

LRBa0085/2

RCT/RNK/MGG:alljf

SENATE AMENDMENT,
TO SENATE BILL 1

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 30, line 1: delete the material beginning with that line and ending with
3 page 32, line 20.

4 **2.** Page 37, line 18: after that line insert:

5 "SECTION 41m. 77.105 of the statutes is created to read:

6 **77.105 Ferrous mining.** (1) The department may not issue an order of
7 withdrawal under s. 77.10 (1) based on the cutting of timber or other forest crops or
8 other activities on forest cropland if all of the following requirements are met:

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

11 (c) (b) A bulk sampling plan has been filed with the department under s. 295.45
12 and all approvals that are required for bulk sampling have been issued by the
13 department.

← INSERT 1-10

1

(d) ~~(e)~~ The revegetation plan that is part of the bulk sampling plan described under

2

par. ~~(b)~~ ^(c) includes forestry practices that will ensure that the timber, forest crops, and

3

other vegetation that will be cut or otherwise affected will be restored to the greatest

4

extent possible.

(d)

5

(2) The requirement under sub. (1) ~~(c)~~ does not apply to forest cropland that is

6

within a mining site described in a preapplication notification under s. 295.465 or in

7

an application for a ferrous mining permit under s. 295.58.

8

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

9

77.883 Ferrous mining. (1) The department may not issue an order of

10

withdrawal under s. 77.88 (1) based on the cutting of timber or other activities on

11

managed forest land if all of the following requirements are met:

12

(a) The cutting or activity is necessary to engage in bulk sampling, as defined

13

in s. 295.41 (7).

14

(c) ~~(b)~~ A bulk sampling plan has been filed with the department under s. 295.45

15

and all approvals that are required for bulk sampling have been issued by the

16

department.

17

(d) ~~(e)~~ The revegetation plan that is part of the bulk sampling plan described under

18

par. ~~(b)~~ ^(c) includes forestry practices that will ensure that the merchantable timber and

19

other vegetation that will be cut or otherwise affected will be restored to the greatest

20

extent possible.

(d)

21

(2) The requirement under sub. (1) ~~(e)~~ does not apply to managed forest land

22

that is within a mining site described in a preapplication notification under s.

23

295.465 or in an application for a mining permit under s. 295.58.

← INSERT
2-13

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

4 **3.** Page 47, line 4: delete “, or leased by the generator” and substitute “or leased
5 by the generator or on which the generator holds an easement”.

6 **4.** Page 56, line 9: delete ““Approval” means” and substitute “(a) “Approval”
7 means, except as provided in par. (b),”.

8 **5.** Page 56, line 14: delete “(a)” and substitute “1.”.

9 **6.** Page 56, line 17: delete “(b)” and substitute “2.”.

10 **7.** Page 56, line 18: delete “(c)” and substitute “3.”.

11 **8.** Page 56, line 20: after that line insert:

12 “(b) “Approval” does not include a permit, license, certification, contract, or
13 other authorization related to the construction of any new plant, equipment,
14 property, or facility for the production, transmission, delivery, or furnishing of
15 power.”.

16 **9.** Page 119, line 1: delete “no less than 20”.

17 **10.** Page 119, line 2: delete “percent and”.

18 **11.** Page 123, line 16: after that line insert:

19 “7. Archaeological sites.”.

20 **12.** Page 131, line 25: after “approval.” insert “The department shall publish
21 the notice on its Internet site not more than 10 days after the application is
22 considered to be complete under sub. (8) (b) 1.”.

1 **13.** Page 133, line 20: after “sub. (2)” insert “or more than 60 days after that
2 day but in time to allow the application to be considered at the public informational
3 hearing for the mining permit under sub. (5)”.

4 **14.** Page 133, line 23: delete the material beginning with that line and ending
5 with page 134, line 4, and substitute:

6 “(b) 1. If an applicant files an application for an approval other than a mining
7 permit too late to allow the application to be considered at the public informational
8 hearing for the mining permit under sub. (5) but before the department issues the
9 decision to grant or deny the application for the mining permit, the application for
10 the approval is considered to be complete on the 30th day after the department
11 receives the application, unless, before that day, the department provides the
12 applicant with written notification that the application is not complete, stating the
13 reason for the determination and describing the specific information necessary to
14 make the application complete. If the department provides such a notice, the
15 applicant shall supplement the application by providing the specified information.
16 The application is considered to be complete when the applicant provides the
17 information.

18 2. Except as provided in subd. 3., the department shall approve the application
19 for an approval described in subd. 1., and issue the approval, or deny the application
20 after the separate public informational hearing for the approval required under sub.
21 (5) and no later than 75 days after the application for the approval is considered to
22 be complete under subd. 1.

23 3. Except as provided in par. (c), the department shall approve or deny the
24 application for an approval described in subd. 1. that is an individual permit for

1 which federal law requires the opportunity for public comment or the ability to
2 request a public hearing prior to issuance of the approval after the separate public
3 informational hearing required for the approval under sub. (5) and no later than 180
4 days after the application is considered to be complete under subd. 1.”.

5 **15.** Page 134, line 18: after “PROCEDURE.” insert “(a)”.

6 **16.** Page 134, line 21: after “any approval” insert “for which the application
7 is filed before the department issues the decision to grant or deny the application for
8 the mining permit”.

9 **17.** Page 135, line 2: after that line insert:

10 “(b) The provisions of ss. 295.58 (5) and (6) and 295.77 concerning review of
11 department decisions and the duration of department decisions apply to any
12 approval for which the application is filed after the department issues the mining
13 permit, notwithstanding any provisions related to those matters in s. 44.40 or
14 169.25, subch. I or VI of ch. 77, ch. 23, 29, 30, 31, 169, 281, 283, 285, 289, or 291, or
15 rules promulgated under those provisions, except as provided in s. 281.343 (7r).”.

16 **18.** Page 135, line 13: delete “regulations that”.

17 **19.** Page 135, line 14: delete lines 14 to 16 and substitute “requirements of any
18 municipal floodplain zoning ordinance applicable to the proposed mining under s.
19 295.607 (3) to the extent that the ordinance has not been made inapplicable to the
20 proposed mining by a local agreement under s. 295.443 (1m).”.

21 **20.** Page 143, line 17: after that line insert:

22 “(1m) APPLICABILITY. Subsections (2) to (11) do not apply to a wetland individual
23 permit or other approval that requires a wetland impact evaluation if the operator

1 files the application for the wetland individual permit or other approval after the
2 department issues the mining permit for the mining operation.”.

3 **21.** Page 144, line 19: after “general permit” insert “for a mining activity other
4 than bulk sampling”.

5 **22.** Page 150, line 6: after “wetland” insert “or for any other approval for which
6 a wetland impact evaluation for a federal wetland is required”.

7 **23.** Page 150, line 15: after “permit” insert “or other approval”.

8 **24.** Page 150, line 16: after “permit” insert “or other approval”.

9 **25.** Page 150, line 24: substitute “than the number” for “that the number”.

10 **26.** Page 155, line 8: after that line insert:

11 **“(1m) LIMITATION.** This section does not apply to any navigable water activity
12 associated with a mining operation if the application for the approval for the
13 navigable water activity is filed after the department issues a mining permit for the
14 mining operation.”.

15 **27.** Page 156, line 13: after “acres” insert “, but not less than one acre,”.

16 **28.** Page 197, line 8: after “(9)” insert “(a)”.

17 **29.** Page 198, line 25: delete the material beginning with “, in the” and ending
18 with “located,” on page 199, line 1.

19 **30.** Page 199, line 10: after that line insert:

20 **“(4) Notwithstanding s. 227.53 (1) (a) 3., any person seeking judicial review of**
21 **the decision on a contested case under sub. (2) or (3) or of any decision of the**
22 **department under this subchapter shall bring the action in the circuit court for the**

1 county in which the majority of the bulk sampling site or mining site is located or in
2 which the majority of the exploration will occur.”.

3 (END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE BILL 1

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 37, line 18: after that line insert:

3 “SECTION 41m. 77.105 of the statutes is created to read:

4 **77.105 Ferrous mining.** (1) Sections 77.06 (1) and (4) and 77.10 (1) do not
5 apply to the cutting of timber or other forest crops or to other activities on forest
6 cropland that are necessary to engage in bulk sampling, as defined in s. 295.41 (7),
7 if all of the following requirements are met:

8 (b) ~~(a)~~ The area that will be affected by the cutting or the activity does not exceed ^{INSERT}
9 5 acres. 1-10

10 (b) A bulk sampling plan has been filed with the department under s. 295.45
11 and all approvals that are required for bulk sampling have been issued by the
12 department.

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

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

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

9 **77.883 Ferrous mining.** (1) Sections 77.86, 77.876, and 77.88 (1) do not apply
 10 to the cutting of merchantable timber or other activities on managed forest land that
 11 are necessary to engage in bulk sampling, as defined in s. 295.41 (7), if all of the
 12 following requirements are met:

13 (b) ~~(a)~~ The area that will be affected by the cutting or the activity does not exceed
 14 5 acres.

INS
2-13

15 (b) A bulk sampling plan has been filed with the department under s. 295.45
 16 and all approvals that are required for bulk sampling have been issued by the
 17 department.

18 (c) The revegetation plan that is part of the bulk sampling plan described under
 19 par. (b) includes forestry practices that will ensure that the merchantable timber and
 20 other vegetation that will be cut or otherwise affected will be restored to the greatest
 21 extent possible.

22 (2) The requirement under sub. (1) (c) does not apply to managed forest land
 23 that is within a mining site described in a preapplication notification under s.
 24 295.465 or in an application for a mining permit under s. 295.58.”.

Gibson-Glass, Mary

From: Konopacki, Larry
Sent: Monday, February 04, 2013 9:30 AM
To: Gibson-Glass, Mary
Cc: Henning, Anna; Tradewell, Becky; Esser, Jennifer
Subject: FW: LRB 13a0085 Topic: Various changes
Attachments: LRB a0085_1

Mary,
LRB 13a0085 and its companion amendment have to be revised to include the 5 acre limits in the MFL and FCL bulk sampling provisions that were in the LRBa0045/P2 version. I apologize for not noticing that these provisions did not make it into the /P3 version.

Thanks,
Larry

From: LRB.Legal
Sent: Sun 2/3/2013 2:08 PM
To: Konopacki, Larry
Subject: LRB 13a0085 Topic: Various changes

Draft Requester: Sen. Thomas Tiffany

The attached proposal has been jacketed for introduction.

<<LRB a0085_1>>